ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. lii.

An Act for more effectually repairing the Road from *Speenhamland* in the County of *Berks*, to *Marlborough* in the County of *Wilts*, so far as relates to the *Marlborough* District of the said Road. [28th *May* 1827.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to continue the Term and to vary and enlarge the Powers of Two Acts, of the Twelfth Year of the Reign of King* George *the First and the Eighteenth Year of the Reign of His late Majesty, for repairing the Highways from* Speenhamland *in the County of* Berks, *to* Marlborough *in the County of* Wilts, *and for repairing several other Roads therein mentioned;* whereby it is enacted, that for the more effectually repairing and widening, altering and keeping in repair the said Roads, the same should be divided into Two separate Districts, and that the Road leading from the East End of *Froxfield Bridge* in the County of *Wilts*, over the said Bridge, to the Turnpike Road at the West End of the Town of *Marlborough*, leading to *Sheppard's Shord* in the County of *Wilts*, should be and be called "The *Marlborough* District of the said Roads:" And whereas another Act was passed in the Thirty-third Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering and enlarging the* 10G.3.c.100. 33G.3.c.138.

the Powers of an Act made in the Tenth Year of the Reign of His said late Majesty, for repairing the Highways from Speenhamland *in the County of* Berks, *to* Marlborough *in the County of* Wilts, *and several other Roads therein mentioned*: And whereas another Act was passed
54G.3.c.210. in the Fifty-fourth Year of the Reign of His said late Majesty, intituled *An Act to enlarge the Term and Powers of Two Acts passed in the Tenth and Thirty-third Years of His present Majesty, for repairing the Highways from* Speenhamland *in the County of* Berks, *to* Marlborough *in the County of* Wilts, *and several other Roads therein men-*
56G.3.c.80. *tioned*: And whereas another Act was passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and alter and enlarge the Powers of several Acts of His present Majesty's Reign, for repairing the Highways from* Speenhamland *in the County of* Berks, *to* Marlborough *in the County of* Wilts, *and other Roads therein mentioned, so far as relates to the* Speenhamland *District of the said Roads*: And whereas several Sums of Money have been borrowed on the Credit of the Tolls by the said recited Acts granted or authorized to be collected upon the *Marlborough* District of the said Roads, which Money still remains due, and the same cannot be repaid, nor can the Roads within the said District be kept in sufficient Repair, unless further Powers and Provisions be granted in lieu of those contained in the said recited Acts, so far as relates to the said *Marlborough* District of the said Road: And whereas an Act was passed in the Third Year of the Reign of His present
3G.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 of
4G.4.c.95. the Reign of His said 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
5G.4.c.69. His said 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, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Three several first-recited Acts, and the several Clauses, Powers, Exemptions, Penalties, Forfeitures, Provisions, Matters, and Things therein contained, shall, so far as they relate, apply to, or affect the said *Marlborough* District of the said Road, from and after the First Day of *June* One thousand eight hundred and twenty-seven, be and the same are hereby repealed.

The Three first-recited Acts repealed as to the Marlborough District.

This Act to take effect for repairing the Marlborough District.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect and be put in Execution for repairing, maintaining, widening, diverting, improving, and keeping in repair the said Road from *Speenhamland* in the County of *Berks*, to *Marlborough* in the County of *Wilts*, usually called or known by the Name of "The *Marlborough* District."

III. And

Powers of the General Turnpike Acts 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, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed), and also the said recited Acts passed in the Fourth and Fifth Years 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 provided for,) shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been respectively repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to the former Debts, &c.

IV. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized by the said first-recited Acts to be taken or received, and of all the Interest due and to grow due thereon, on the said *Marlborough* District of Road, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or had become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said first-recited Acts into Execution on the said *Marlborough* District of Road, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Bonds, &c. to remain in force.

V. And be it enacted, That all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said first-recited Acts into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions of such Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trusts created by this Act; and all Contracts or Agreements, duly made or entered into by the said Trustees or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said first-recited Acts.

Books used under former Acts to be Evidence under this Act.

VI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first-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-recited Acts had not been repealed.

VII. And

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Wilts* for the Time being, together with the Right Honourable *George William Frederick Bruce* commonly called Earl *Bruce*, the Reverend *Bartholomew Buckerfield* Clerk, the Reverend *George Pocock Buxton* Clerk, *John Brown*, *Stephen Brown*, *John Brinsden*, *John Crook*, *John Withers Clark*, *Robert Dixon*, *John Eyre*, *John Gardner*, the Reverend *Maurice Hiller Goodman* Clerk, *John Goodman* junior, *Thomas Gundry*, *John Gosling*, *John Halcomb*, *William Halcomb*, *Thomas Halcomb*, the Reverend *Richard Heighway* Clerk, *William Foach Hillier*, *John Iveson*, the Reverend *James Townsend Lawes* Clerk, *Thomas Lavington*, the Reverend *Edward Graves Meyrick* D.D., the Reverend *Arthur Meyrick* Clerk, *Thomas Merriman*, *Thelwall Maurice*, *Benjamin Merriman*, *George May*, *Thomas Baverstock Merriman*, *William Clark Merriman*, *James Russell*, *John Russell*, *Henry John Smith*, the Reverend *Thomas Stone* D.D., *William Somerset*, the Reverend *Robert Hardy Tucker* Clerk, *John Ward*, *Thomas Rawdon Ward*, the Reverend *John Ward* Clerk, *Richard Welford*, *Richard Griffiths Welford*, *William White*, *John Wentworth*, and their Successors, being duly qualified in manner directed by the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for making, amending, widening, improving, and keeping in repair the said *Marlborough* District of Road, described in the said first-recited Acts, and also for carrying the said last-recited Acts and this Act into Execution, so far as relates to the said District.

Power to appoint additional Trustees.

VIII. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose, (of which Meeting and 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 fit 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 such Trustees (being duly qualified) so elected and appointed 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 nominated and appointed in and by this Act.

First Meeting of Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the Town Hall in the Town of *Marlborough* aforesaid, or at some other convenient Place in the said Town, on the First Day of *June* One thousand eight hundred and twenty-seven, or as soon after as conveniently may be, and shall then and there proceed to put the said Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution.

Former Officers to continue until removed by Trustees.

X. And be it further enacted, That the Clerk, Surveyor, and other Officers, except the Treasurer, who have been appointed under and employed in the Execution of the said recited Acts hereby repealed, shall

shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced or removed by the said Trustees, or become incapable of executing them, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects, as if they had been severally appointed under or by virtue of this Act and the said Acts of the Third and Fourth Years of the Reign of His present Majesty.

Treasurer and Clerk not to be the same Person.

XI. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of the said Acts or of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk 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 of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of the Clerk, or in any Manner officiate for the Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

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

XII. And be it further enacted, That all Persons who are or have been employed, or who have received any Money on account of the Road by the said first-recited Acts authorized to be made and kept in repair, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said District of Road, 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 are required to pay or account for the same.

Power to continue or erect Turnpikes.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees to continue or remove the several Turnpikes, Toll Gates, and Toll Houses within the said *Marlborough* District, erected by the said Trustees acting under the said Acts hereby repealed,

and from Time to Time to erect any other Turnpikes, Toll Gates, or Bars, if they shall think fit, upon, across, or by the Side of any of the Roads by this Act authorized to be made, improved, and kept in repair.

Power to remove Turnpikes.

XIV. Provided always, 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 Special Meeting to be holden for that Purpose, of which public Notice, specifying the Time and Place for holding such Meeting, and the Purpose thereof, shall have been given Three Times in some Newspaper or Newspapers published or circulated in the County of *Wilts*, and also by affixing a Copy of such Notice on all the Turnpikes, Toll Gates, and Side Gates which shall be then continued or erected and standing by virtue of this Act, at least Fourteen Days previously to such Meeting, to order and direct any of such Turnpikes, Toll Gates, or Side Gates to be removed, and placed elsewhere upon, across, or by the Side of any such Roads as aforesaid, in such Situations as to them the said Trustees may appear fit and eligible, subject to the Provisoes and Restrictions herein contained.

Tolls.

XV. And be it further enacted, That from and after the First Day of *June* One thousand eight hundred and twenty-seven, the respective Tolls or Duties following shall be demanded and taken before any Horse, Beast, or other Cattle, or any Carriage, shall be permitted to pass through any Turnpike or Gate erected or to be erected by virtue of the said recited Acts or this Act upon or across the said Roads included in the said *Marlborough* District; (that is to say,)

For every Horse, Mule, or Ass drawing any Coach, Chariot, Landau, Barouche, Chaise, Calash, Curricle, Hearse, Gig, Chair, or other such like Carriage, if the Number shall not exceed Two, the Sum of Four-pence Halfpenny each; and if the Number shall exceed Two, the Sum of Four-pence each:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or such like Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or more, the Sum of Four-pence:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or such like Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Four and a Half Inches and less than Six Inches at the Bottom or Sole thereof, the Sum of Five-pence:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Sole thereof, the Sum of Sixpence:

For every empty Carriage with Four Wheels fastened to or behind any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of Six-pence; and for every empty Carriage with Two Wheels so fastened, the Sum of Three-pence; and if loaded, Double such last-mentioned Sums:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and so in proportion for every greater or less Number: And

For every Drove of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Ten-pence *per* Score; and so in proportion for every greater or less Number:

Tolls vested in Trustees.

Which said several and respective Tolls hereby granted shall be and the same are hereby vested in the said several and respective Trustees for executing this Act; and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, lessened, varied, and disposed of in such and the same Manner, and by such and the same Ways and Means, and with such Exemptions, Powers, Provisions, Remedies, and Restrictions, as are contained in the said recited Acts and this Act.

Tolls to be paid only once a Day.

XVI. And be it further enacted, That in case Toll shall have been paid for or in respect of any Horse, Beast, or Cattle, for passing through any of the Turnpikes, Toll Gates, or Side Gates now erected or hereafter to be erected or continued by virtue of this Act, no Toll shall be demanded or taken for or in respect of such Horse, Beast, Cattle, or Carriage, for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Gate the same Day before Twelve of the Clock at Night; but that every Person, on producing a Note or Ticket denoting the Payment of Toll, shall (except in the Cases herein-after mentioned) be permitted to pass through such Turnpike, Toll Gate, or Side Gate, with such Horse, Beast, or Cattle, Toll-free.

One Toll for the whole District on the same Day.

XVII. And be it further enacted, That no more than One full Toll shall be demanded or taken (except in the Case herein-after mentioned) for passing on the same Day through all the Turnpikes or Toll Gates on the Roads by this Act authorized to be made, improved, and kept in repair.

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

XVIII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast drawing any Stage Coach, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, for each Time of passing or repassing along the said Road.

Post Chaises with each fresh Hiring.

XIX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast let out to Hire, and drawing any Post Chaise or other Carriage, for each Time of passing or repassing along the said Road, whenever any fresh Hiring thereof shall take place.

Application of Tolls and Money borrowed.

XX. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said first-recited Acts hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be

be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; secondly, in paying and discharging the Interest now or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls or Duties heretofore payable on the said District of Road, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties hereafter to become payable on the said District of Road; thirdly, in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said District of Road, and of erecting and providing, altering and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings upon, across, and by the Sides of the same Roads, and otherwise in executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby as aforesaid repealed, and also the several Principal Sums of Money which may hereafter be borrowed and secured by virtue of this Act, and all other Debts and Sums of Money now owing and which may hereafter become due and owing by or on account of the said District of Road.

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

XXI. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, 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 Monies 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, in- 1 G. 4. c. 35.
tituled *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

with 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.

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

XXII. 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, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, 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 Appointment 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.

Application where less than 20*l.*

XXIII. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid as herein-before 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 Corporation or Person or Persons

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 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 Titles, or Persons entitled not being found.

XXIV. And be it further enacted, That in case the Corporation or Person or Persons to whom any 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 there 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 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 thereto, 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.

XXV. 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 Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or of 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 Lands, Tenements, and Hereditaments, according to such Possession, until the contrary shall be shown 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 apparent 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.

XXVI. 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 to the said Trustees, who shall from Time to Time pay such Sum and Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXVII. 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.

XXVIII. And be it further enacted, That this Act shall commence upon the First Day of *June* One thousand eight hundred and twenty-seven, 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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