ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. xxvi.

An Act for repairing the Roads from *Warwick* to *Paddle Brook* in the Parish of *Stretton-on-the-Fosse*, and from *Warwick* to *Stratford-upon-Avon*, in the Counties of *Warwick* and *Worcester*.

[12th *April* 1827.]

WHEREAS an Act was passed in the Twentieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing the Roads from* Warwick *to* Paddle Brook, *and from* Warwick *to* Stratford-upon-Avon, *in the Counties of* Warwick *and* Worcester, *and for repealing the Laws now in force relating to the said Roads:* And whereas another Act was passed in the Forty-sixth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act passed in the Twentieth Year of His present Majesty, for more effectually repairing the Roads from* Warwick *to* Paddle Brook, *and from* Warwick *to* Stratford-upon-Avon, *in the Counties of* Warwick *and* Worcester, *and for repealing the Laws then in force relating to the said Roads:* And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another

20 G. 3. c. 71.

46 G. 3. c. 47.

3 G. 4. c. 126.

another Act was passed in the Fourth Year of the Reign of His said
4 G. 4. c. 95. present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, inti-
5 G. 4. c. 69. tuled *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 the Trustees appointed in and by virtue of the said Acts passed in the Twentieth and Forty-sixth Years of the Reign of His late Majesty King *George* the Third have proceeded to put the same into Execution, and considerable Sums of Money have been borrowed on the Credit of the Tolls granted by the said Acts or One of them, Part of which Monies still remains due and owing, and the same cannot be repaid, nor can the said Roads be effectually amended and kept in repair, unless the Terms and Powers of the said Acts are enlarged, and the Tolls increased or altered: And whereas it would facilitate the Execution of the Purposes aforesaid if the said recited Acts of the Twentieth and Forty-sixth Years of the Reign of His said late Majesty King *George* the Third were repealed, and other Powers and Provisions granted in lieu thereof, but the same cannot be effected without the Aid and Authority of Parliament: 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

Recited Acts of 20 and 46 G. 3. repealed, and this Act to take effect.

by the Authority of the same, That from and after the First Day of *November* next after the passing of this Act, the said recited Acts passed in the Twentieth 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, and null and void to all Intents and Purposes whatsoever; and instead thereof this Act shall from thenceforth commence and take effect, and be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually improving, widening, and keeping in repair the Roads herein-after mentioned; that is to say, the present Turnpike Roads from a Place called *West Street Bridge*, near the Town of *Warwick* in the County of *Warwick*, to a Place called *Paddle Brook* in the Parish of *Stretton-on-the-Fosse* in the same County, and from the said Place called *West Street Bridge*, near the Town of *Warwick*, to the Town of *Stratford-upon-Avon*, and terminating there at the Turnpike Road leading from *Birmingham* to *Oxford*.

Powers of General Turnpike Acts extended to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His 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 passed in the Fourth Year of the Reign of His present Majesty, and also save and except such Parts

thereof as are expressly varied, altered, or otherwise provided for by this Act, 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 by this Act), and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Powers and Provisions 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.

Books relating to former Acts to be Evidence.

III. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees acting in the Execution of the said former Acts hereby repealed, and provided and kept by them, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Arrears of Tolls, &c. vested in Trustees under this Act.

IV. And be it further enacted, That all Arrears of Tolls and Rents and other Monies due to, and all other Property Real or Personal, and all Choses in and Rights of Action either at Law or in Equity, vested in the Trustees acting in the Execution of the said former Acts or either of them, shall immediately on the Commencement of this Act be vested in the Trustees acting in the Execution of this Act; and such Trustees shall be and they are hereby authorized and empowered to receive and take Possession of the same, and for that Purpose to cause to be commenced and prosecuted any Action or Suit at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act; and all the Costs and Expences incurred by the Trustee or Trustees, or Person or Persons in whose Name or Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act; and the Monies when recovered shall be paid over to the Treasurer of the said Trustees, and be applied towards the Purposes of this Act.

New Term and Tolls made liable to Debts under former Acts.

V. 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 said 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 Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said recited Acts hereby repealed shall be liable to the Payment thereof

to

to the Trustees herein-after appointed or directed to be appointed for executing this Act.

Bonds, Contracts, &c. to be in force.

VI. 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 recited Acts hereby repealed, or either of them, 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 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 recited Acts hereby repealed, or either of them, with or to any Person or Persons for any Purpose relating to the said Roads, or to the Execution of the said Acts or either 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 and Stipulations thereof.

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Warwick* and *Worcester* respectively, together with *Arthur Annesley* Clerk, *Walter Henry Bracebridge*, *Francis Canning*, *John Clavering* Clerk, *Bernard Dewes*, *Court Dewes*, *John Drinkwater*, *Henry Elliott*, *William Harding*, *Edward Townsend Higgins*, *Thomas Hunt*, *William Little*, *George Lloyd*, *William Longford* Clerk, *George Lucy*, *John Lucy* Clerk, *Richard Malins*, *Francis Mills* Clerk, *John Mills*, Sir *John Mordaunt* Baronet, *John Peglar* Clerk, *William Squire Rufford* Clerk, *Evelyn John Shirley*, *Thomas George Skipwith*, *Thomas Lambert Snow* Clerk, *John Staunton*, *Joseph Townsend*, *John Hathaway Turbitt*, *James Roberts West*, *Thomas Woods Weston*, *John Whitehead*, *John Henry Williams* Clerk, and their Successors, being duly qualified according to the Provisions and Directions contained in 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 the Trustees for carrying this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty into Execution.

Power to appoint additional Trustees.

VIII. 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 (not exceeding Five 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, and being duly qualified, 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.

IX. And

First Meeting of Trustees.

IX. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *King's Head* at *Wellesbourne* in the County of *Warwick*, or some other convenient Place on or near the said Roads, on the First Day of *November* next 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 upon or near the said Roads, as they shall think proper.

Appointment of Officers.

X. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death, Resignation, or Removal of any such Officer or Officers may appoint another or others in his or their Stead; and every such Appointment shall be entered in the Book of the Proceedings of the said Trustees; and the said Trustees shall and may and they are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers as shall be appointed or continued by virtue of this Act, for their Services in or about the carrying of this Act into Execution, as they the said Trustees shall think reasonable.

Old Officers to continue until removed by Trustees.

XI. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, or Surveyor, and other Officer, other than and except the Treasurer, appointed under or by virtue of the said Acts hereby repealed 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 or 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 who has been or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service

or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit 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, and not more than One Imparlance, shall be allowed.

Power to erect Toll Gates, &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 and Weighing Machines now standing or being in or 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 or across the said Roads or any Part thereof, or upon 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 enclose 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 or 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 be lawful for the said Trustees, or such Person or Persons as shall be by them appointed, to demand, receive, and take, during the Continuance of this Act, at the Turnpikes or Toll Gates and Side Bars now erected, and to be continued or hereafter to be erected by virtue of this Act, the several Tolls and Duties herein-after mentioned; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Chaise, Hearse, Curricle, or other such Carriage, the Sum of Three-pence:

For every Horse or Mule not drawing, the Sum of One Penny:

For every Ass not drawing, the Sum of One Halfpenny:

For every Score of Neat Cattle, the Sum of Ten-pence, and so in proportion for a greater or less Number:

For every Score of Sheep or Swine, the Sum of Five-pence, and so in proportion for a greater or less Number, but no fractional Part of One Halfpenny shall be taken for such Sheep or Swine:

For every Horse or other Beast (except Oxen and Asses) drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or more at the Bottom or Soles thereof, the Sum of Four-pence:

For every Horse or other Beast (except Oxen and Asses) drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Four Inches and a Half, and less than Six Inches, at the Bottom or Soles thereof, the Sum of Five-pence:

For every Horse or other Beast (except Oxen and Asses) drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, the Sum of Sixpence:

And for every Ox or Ass drawing any Carriage, the Sum of Three-pence.

Tolls to be paid but Once a Day.

XV. Provided also, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse or Horses, Cattle, Beast, Carriage or Carriages, through any such Turnpike, Toll Gate, Side Gate, or Bar, continued or erected by virtue of this Act, the same Horse or Horses, Cattle, Beast, Carriage or Carriages, shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass and repass Toll-free (except as herein-after particularly mentioned) through the same Toll Gate, Turnpike, Side Gate, or Bar, and also through such other Gate or Gates (if any) as the Ticket for such Payment (such Ticket to be made out according to the Regulations and Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty) shall free, at any Time during the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); any thing herein contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls.

XVI. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages, in any One Day, to be computed as aforesaid, for passing and repassing Once through all or any of the said Toll Gates or Toll Bars erected or continued, or to be erected on or across or by the Sides of any Part of the Road between *West Street Bridge*, near the Town of *Warwick* aforesaid, and the North End of a Lane called *Thornton Lane*; and no more than One full Toll in any One Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing or repassing with the same Horses or other Beasts, Cattle, or Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued, or to be erected on or across or by the Sides of any Part

of

of the said Road between the North End of *Thornton Lane* aforesaid and the Turnpike Road leading from *Stratford-upon-Avon* to *Shipston-upon-Stour*; and no more than One full Toll in any One Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing or repassing with the same Horses or other Beasts, Cattle, or Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued, or to be erected on or across or by the Sides of any Part of the said Road between the Turnpike Road leading from *Stratford-upon-Avon* to *Shipston-upon-Stour*, and the said Place called *Paddle Brook* aforesaid, in the Parish of *Stretton-on-the-Fosse* aforesaid; and no more than One full Toll in any One Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing or repassing with the same Horses or other Beasts, Cattle, or Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued, or to be erected on, across, or by the Sides of any Part of the said Road between *West Street Bridge*, near the Town of *Warwick* aforesaid, and the Town of *Stratford-upon-Avon* aforesaid.

Lamps to be lighted at Toll Gates.

XVII. And be it further enacted, That it shall and may be lawful for the Trustees from Time to Time to order and direct such and so many Lamps to be placed and erected on each and every of the Toll Gates or Toll Bars to be continued or erected by virtue of this Act, or by the Sides thereof, as they shall think proper, and also to order and direct at what Times of the Year and during what Hours such Lamps, or any of them, shall be kept lighted; and all and every Toll Collectors and Collector, whether appointed by the Trustees, or by any Person or Persons to whom such Tolls may be let, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping of such Lamps lighted, shall forfeit and pay any Sum not exceeding Forty Shillings for any such Neglect or Omission.

Horses, &c. drawing different Waggons, &c. to pay each Time of passing.

XVIII. Provided also, and be it further enacted, That the said Tolls shall be payable at the said Turnpikes, Toll Gates, and Side Gates already erected on the said Roads and hereafter to be erected, in respect of Horses, Asses, or other Beasts of Draught drawing any Waggon, Wain, Cart, or such like Carriage, for every Time during the same Day that any such Horse, Ass, or other Beast of Draught shall pass through the said Turnpikes, Toll Gates, or Side Gates, drawing any Waggon, Wain, Cart, or such like Carriage other than that which such Horse, Ass, or other Beast of Draught was employed in drawing on any former Occasion during the same Day on which Toll shall have been paid.

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

XIX. Provided always, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach, Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, the Tolls hereby made payable shall be paid for

for every Time of passing or repassing along the said Road; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads on the same Day, as often as a fresh Hiring thereof shall take place.

Post Chaises, &c. on every new Hiring.

XX. Provided always, and be it further enacted, That nothing in the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty or in this Act contained shall extend or be construed to extend to exempt any Waggon, Wain, Cart, or other Carriage laden with Dung, Compost, or Manure, for manuring Land, or any Horse or other Beast drawing the same, from the Tolls made payable by this Act in respect of Horses or other Beasts drawing any Waggon, Wain, Cart, or other such Carriage, except only between the First Day of *May* and the First Day of *November* in each Year, and at such other Times (if any) during Frost as the said Trustees, or any Three or more of them, either at a Meeting or otherwise, shall by Writing under their Hands order or direct.

Respecting Carriages laden with Manure.

XXI. And be it further enacted, That out of the Monies already received by virtue of the said recited Acts hereby repealed, 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 of this Act, with Interest for the same, and the Remainder of all such Monies shall (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Milestones, or Posts and Fences, and for Books and 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 upon the Principal Monies advanced or borrowed or now due and owing on the Credit of the said recited Acts hereby repealed; 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 in execution, and then in repaying the Principal Monies already borrowed on the Credit of the said recited Acts, and lastly in repaying the Principal Monies to be borrowed on the Credit of this Act.

Application of the Tolls and Money to be borrowed.

XXII. And be it further enacted, That there shall be no Preference given to the Persons advancing any Part or Parts of the gross Sums which shall be borrowed by virtue of this Act, or which have been borrowed by virtue of the said recited Acts or either of them, in respect to the Priority in advancing his, her, or their Part or Parts thereof, but that all such Lenders and Proprietors of Mortgages under this Act, or Mortgages under the said recited Acts or either of them, so far as the said several Sums shall extend, shall be and are hereby

No Preference to Creditors.

hereby declared to be Creditors on the said Tolls in equal Degree one with another.

Penalty for Nuisances.

XXIII. And be it further enacted, That if any Person or Persons using or occupying a Brick Kiln or Brick Kilns situate near to the said Roads or any Part thereof, shall make or permit or suffer the Fires of such Brick Kiln or Brick Kilns to be made on the Sides nearest to the said Roads, or in such other Manner as shall cause the Light thereof to shine into or upon the said Roads; or if any Person or Persons shall hang out any Linen or other Clothes on any of the Toll Gates, or on any Bank, Rail, or Fence adjoining the said Roads; every Person offending in any of the said Cases shall pay a Sum not exceeding Forty Shillings for every such Offence; and such Penalty shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means and in the like Manner as any Penalty or Forfeiture for any other Nuisance committed in or upon any Turnpike Road may by Law be levied or recovered; and one Moiety of such Penalty shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the said Trustees, and applied and disposed of for the Purposes of this Act.

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

XXIV. And be it further enacted, That if any Money shall be 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, 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, 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 an Order of 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 any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or

1 G. 4. c. 35.

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, 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 Purchase shall 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.

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

XXV. 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 hereinbefore directed; or otherwise the same may be paid, at the like Option and with the like Approbation, of 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

paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as 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.

When under 20*l.*

XXVI. 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 this Act, 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 or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use of such Person or Persons respectively entitled thereto.

In case of not making out a good Title, or if Persons cannot be found.

XXVII. 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 so to be purchased, taken, or used under or by virtue of the Powers 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, Controul, 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 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

any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles to Money.

XXVIII. 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 in pursuance of this Act for the Purposes 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 any 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.

XXIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority 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 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 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.

XXX. 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 Duration of this Act.

XXXI. And be it further enacted, That this Act shall commence and have Continuance upon and from the First Day of *November* next after the passing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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