ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. liii.

An Act for more effectually repairing and maintaining the Road from *Whitby* to *Middleton*, in the County of *York*. [28th *May* 1827.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from the West End of* Baxtergate *in the Town of* Whitby, *to the South End of* Locton Lane *in the Parish of* Middleton, *in the County of* York: And whereas an Act was passed 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 passed in the Fourth Year of the Reign of His present Majesty, for repairing and widening the Road from the West End of* Baxtergate *in the Parish of* Whitby, *to the South End of* Locton Lane *in the Parish of* Middleton, *in the County of* York: And whereas an Act was passed in the Forty-seventh Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and enlarging the Powers of Two Acts of the Fourth and Twenty-fifth Years of His present Majesty, for repairing and widening the Road from* Whitby *to* Middleton, *in the County of* York: And whereas great Progress hath been made in the Execution of the said Acts, and considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be taken on the said Road, which Money cannot be paid off, nor can the said Road be effectually amended, improved, or kept in repair, unless the Term and Powers of the said Acts are further continued, and some of the Powers and Provisions thereof altered, amended, and enlarged: And

4 G. 3. c. 69.

25 G. 3. c. 111.

47 G. 3. Sess. 2. c. 90.

And whereas an Act was passed in the Third Year of the Reign of
3 G. 4. c. 126. 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 Act was passed in the Fourth
4 G. 4. c. 95. Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of His present
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:* 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 repealed, and this Act to be executed in lieu thereof.

by the Authority of the same, That the said recited Acts passed in the Fourth, Twenty-fifth, and Forty-seventh Years of the Reign of His said late Majesty, shall be and the same are hereby repealed, and instead thereof this Act shall commence and take effect and be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, altering, improving, and keeping in repair the said Road from the West End of *Baxtergate* in the Town of *Whitby*, to the South End of *Locton Lane* in the Parish of *Middleton*, in the County of *York*.

Powers of recited Acts 3, 4, and 5 G. 4. 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 of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act; and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His 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), 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.

New Term and Tolls liable to the former Debts.

III. 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 to be collected on the said Road, 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 or become due and owing on the Credit or Security of the Tolls granted by this Act.

Persons owing Money to the Trustees.

IV. And be it further enacted, That 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 recited Acts hereby repealed into Execution, 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 be in full Force.

V. And be it further 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 recited Acts hereby repealed 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 the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on Account and for the Benefit 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 recited Act.

Books used under former Act 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 Act, 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 Act had not been repealed.

Books relative to former Acts to be delivered to Trustees under this Act.

VII. 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 Road by this Act directed to be amended, widened, improved, and kept in repair, or who have or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said 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 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.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the North Riding of the said County of *York*, together with Lord Viscount *Normanby*, the Honourable General *Phipps*, *John Boulby*, *John Benson*, *William Benson*, *John Barry*, *John Campion Coates*, *Robert Campion*, *Abel Chapman*, *William Chapman*, *Edward Chapman*, *Robert Clark*, *Harrison Chilton*, *Samuel Campion*, *Wakefield Simpson Chapman*, *William Darley*, *Thomas Fishborn*, *John Holt* the elder, *John Holt* the younger, *William Langborne*,

Langborne, *Richard Moorsom* the elder, *Richard Moorsom* the younger, *Christopher Richardson*, *Jonathan Sanders*, *William Skinner*, *Edmund Turton*, *James Wilson*, *Henry Walker* Yeoman, and their Successors, being duly qualified in manner directed by 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, widening, repairing, and keeping in repair the said Road, and for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act, and also such of the Powers and Provisions of the said recited Act of the Fourth Year of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.

Power to appoint additional Trustees.

IX. 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 of the Purpose thereof Fourteen Days Notice shall be given, as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of 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 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.

X. And be it further enacted, That the said Trustees for executing this Act shall hold their First Meeting at the Office of the said Trustees in *Whitby*, or at some other convenient Place in the said Town, on the First Day of *May* 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 recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution, and shall then and there afterwards adjourn to and meet at such Time or Times, and at such Place or Places in the Neighbourhood of the said Road, as the said Trustees shall think proper.

Former Officers to continue.

XI. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said former Acts hereby as aforesaid repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced, or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

XII. Pro-

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 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, 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 or Treasurers shall hold or accept any Place or Office of Trust or 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, or Wager of Law, nor more than One Imparlance, shall be allowed.

Power to continue and erect Toll Gates.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to continue or to remove all or any of the Toll Gates or Turnpikes now standing in, upon, or across the said Road or on the Sides thereof; and also from Time to Time to erect and set up any Toll Gate or Side Gate in, upon, or across the said Road, or any Part thereof, or upon the Sides thereof; and also to continue or erect proper Toll Houses, with sufficient Outhouses and Conveniences thereto, at or near each and every such Toll Gate or Turnpike, and to inclose on the Sides of the said Road suitable Gardens, not exceeding One Eighth Part of a Statute Acre each, for the Use and Convenience of the Occupiers of the said Toll Houses respectively; and from Time to Time to take down and remove, or alter or discontinue the aforesaid Toll Gates or Turnpikes, as the said Trustees shall from Time to Time think proper and expedient: Provided always, that Notice of such Intention of removing any Toll Gate or Turnpike or of erecting any additional Toll Gate or Turnpike, shall be given by affixing the same on all the Toll Gates or Turnpikes standing on the said Road, Fourteen Days at least previously to the Meeting

for removing or erecting such Toll Gate or Turnpike shall take place.

Power to take Tolls.

XIV. And be it further enacted, That the respective Tolls following shall (subject to the Provisions, Restrictions, and Exemptions in this Act, and in the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, contained), be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate now set up and continued, or which shall hereafter be set up, upon, across, and by the Side of the Road by this Act directed to be amended, widened, improved, and kept in repair, by each and every such Person and Persons as the said Trustees shall from Time to Time by virtue of this Act continue or appoint to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say),

For every Horse or other Beast drawing any Coach, Chariot, Barouche, Chaise, Hearse, Curricle, Gig, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, the Sum of One Shilling:

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

For every Score of Oxen, Cows, or Neat Cattle, the Sum of One Shilling; and so in proportion for any greater or less Quantity:

For every Score of Calves, Hogs, Sheep, or Lambs, the Sum of Six-pence; and so in proportion for any greater or less Quantity.

Tolls to be paid only Once a Day.

XV. And be it further enacted, That in case Toll shall have been paid for or in respect of any Horse, Beast, Cattle, or Carriage, for passing through any of the Turnpikes, Toll Gates, or Side Gates erected and continued or hereafter to be erected upon, across, or on the Sides of the Road by this Act directed to be amended, widened, improved, and kept in repair, 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 Gate, Toll Gate, or Side Gate the same Day, before Twelve of the Clock at Night on the same Day; but that every Person, on producing a Note or Ticket denoting the Payment of such Toll, shall (except in the Cases hereinafter mentioned) be permitted to pass through such Turnpike, Toll Gate, or Side Gate, with such Horse, Beast, Cattle, or Carriage, Toll-free, which Note or Ticket (such Ticket to name and specify the Gate freed by such Payment) the Collectors of the Tolls are hereby respectively required to give *gratis*, on Receipt of the Toll.

No more than Two full Tolls to be taken for passing on the same Day.

XVI. Provided also, and be it enacted, That no more than Two full Tolls shall be demanded and taken (except in the Cases hereinafter mentioned) for passing on the same Day along the whole Line of the said Road by this Act directed to be improved and kept in repair.

XVII. Pro-

Horses drawing different Carriages to pay each Time of passing.

XVII. 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 Turnpikes, Toll Gates, or Side Gates, returning the same Day through the same Turnpikes, Toll Gates, or Side Gates, drawing any other or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass Toll-free through the same Turnpikes, Toll Gates, or Side Gates the same Day; any thing herein contained to the contrary thereof in anywise notwithstanding.

Stage Coaches to pay each Time of passing.

XVIII. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, or Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, the Tolls hereby made payable shall be paid for every Time of passing and repassing along the said Road, in like Manner as if no Toll had been before paid thereat.

Post Chaises, &c. on every new Hiring.

XIX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Road, as often as a fresh Hiring thereof shall take place.

Tolls vested in Trustees.

XX. And be it further enacted, That all and every the Tolls by this Act authorized to be taken shall be vested in the said Trustees; and the same and every Part thereof shall be levied, collected, paid, applied, disposed of, and assigned in the Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act.

Application of Tolls and Money borrowed.

XXI. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby as aforesaid 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 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 Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively; secondly, in paying and discharging all the Interest which shall from Time to Time be due to any Mortgagee or Mortgagees of the Tolls or Duties payable upon the Road by this Act directed to be amended, widened, improved, and kept in repair; thirdly, in defraying the Expences of amending, widening, improving, repairing, and preserving the Road by this Act directed to be amended, widened, improved, and kept in repair, and of erecting, altering,

altering, and repairing Turnpikes, Toll Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the same Road, or otherwise in executing the other Purposes of this Act, and in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed or secured by virtue of the said recited Acts hereby repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

No Priority of Mortgages.

XXII. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Acts, or any of them, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or of advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assignees, as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall (in proportion to the Sum or Sums therein mentioned) be Creditors under this Act, and in equal Degree one with another, without any Preference or Priority.

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

XXIII. 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 Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth,
1 G. 4. c. 35. intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, be paid under the Direction and with the Approbation of the said Court, to be signified by an Order to be 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 of such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where

such

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 the 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.*

XXIV. 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 Body Politic, Corporate, or Collegiate, 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 all such 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, to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends and Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When under 20*l.*

XXV. Provided also, and be it further enacted, That when 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 Person or Persons who

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.

XXVI. And be it further enacted, That in case the 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 and may be lawful for the said Trustees to order the said Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall and is hereby empowered, in a summary Way of Proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

XXVII. Provided also, and be it further enacted, That where any Question shall arise touching the Title of any 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, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands,

Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

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

Public Act.

XXIX. 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 Act.

XXX. And be it further enacted, That this Act shall commence and take effect upon the Thirtieth Day of *April* One thousand eight hundred and twenty-seven, and shall thenceforth continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1827.