ANNO QUINTO

GEORGII IV. REGIS.

Cap. lxxxiii.

An Act for amending the Roads leading from *Brickworth Pond*, in the Parish of *Whiteparish* in the County of *Wilts*, through *Romsey* in the County of *Southampton*, to the County of the Town of *Southampton*. [28th *May* 1824.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the Roads leading from a Pond belonging to* Henry Eyre *Esquire, in the Parish of* Whiteparish *in the County of* Wilts, *to the Top of* Dunwood Hill, *and from thence over* Great Bridge *and* Middle Bridge *through* Romsey Infra *to* Hundred Bridge *in the County of* Southampton, *and from thence to the County of the Town of* Southampton: And whereas another Act was passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to continue the Term and alter the Powers of an Act made in the Twenty-ninth Year of the Reign of His late Majesty King* George *the Second, intituled 'An Act for repairing and widening the Roads leading from a Pond belonging to* Henry Eyre *Esquire, in the Parish of* Whiteparish *in the County of* Wilts, *to the Top of* Dunwood Hill, *and from thence over* Great Bridge *and* Middle Bridge *through* Romsey Infra, *to* Hundred Bridge *in the County of* Southampton, *and from thence to the County of the Town of* Southampton: And whereas another Act was passed in the Forty-third Year of the Reign of His said late Majesty, intituled *An Act for*

29 G. 2. c. 45.

22 G. 3. c. 110.

43 G. 3. c. 72.

for continuing the Term and altering the Powers of Two Acts made in the Twenty-ninth Year of the Reign of His late Majesty King George *the Second, and in the Twenty-second Year of the Reign of His present Majesty, for repairing and widening the Roads leading from a Pond late belonging to* Henry Eyre *Esquire, in the Parish of* Whiteparish *in the County of* Wilts, *to the Top of* Dunwood Hill, *and from thence over* Great Bridge *and* Middle Bridge *through* Romsey Infra *to* Hundred Bridge *in the County of* Southampton, *and from thence to the County of the Town of* Southampton: And whereas the Trustees acting in Execution of the said recited Acts have borrowed a considerable Sum of Money on the Credit of the Tolls by the said Acts authorized to be collected upon the said Roads, and which Money still remains due and owing, and cannot be paid off, nor can the said Roads be sufficiently amended and kept in Repair, unless the Term and Powers of the said Acts are enlarged: And whereas an Act was passed in the Third Year of the Reign of His present Majesty,

3 G. 4. c. 126. 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 the Reign of His

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 it is expedient that the said First Three recited Acts should be repealed, and further Provisions made for the Repair of the said Roads: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by

Recited Acts of 29 G. 2. and 22 & 43 G. 3. repealed, and this Act to take effect.

the Authority of the same, That from and after the passing of this Act, the said recited Acts of the Twenty-ninth Year of the Reign of King *George* the Second, and of the Twenty-second and Forty-third Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed; and 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 amending and maintaining in Repair the Roads herein-after described;

Description of Roads.

(that is to say,) the Road leading from a certain Pond in the Parish of *Whiteparish* in the County of *Wilts*, called *Brickworth Pond*, through Part of the said Parish of *Whiteparish*, and the Parishes of *Sherfield English* and *East Wellow*, and Part of a certain extra-parochial Place called *Dunwood*, in the County of *Southampton*, to the Top of a Hill called *Dunwood Hill*, and from thence through Part of the Parishes of *Mitchelmersh* and *Romsey Extra* in the said County of *Southampton*, over a certain Bridge there called *Great Bridge*, through Part of the Parish of *Romsey Infra* in the said County of *Southampton*, and certain Streets in the Town of *Romsey* in the same County, called respectively *Cherville Street*, *The Horse Fair*, *Church Street*, and the *Market Place*, to a certain Bridge in *Romsey* aforesaid, called *Hundred Bridge*, and the Road leading from the Top of *Dunwood Hill* aforesaid, through Part of the said Parish of *Romsey Extra*, over a certain Bridge there called *Middle Bridge*, and through certain Streets in the said Town called *Middle Bridge Street*, *Bell Street*, and the *Market Place*, to the said Bridge called *Hundred Bridge*, and the Road from the said last-mentioned Bridge through Part of a Street called *The Hundred*, and other

Parts

Parts of the said Parish of *Romsey Extra*, and through Parts of the Parishes of *Nursling* and *Milbrook* in the said County of *Southampton*, to a Bridge called *Acorn Bridge*, or *Four Posts Bridge*, over a Stream or Rivulet, being the Boundary between the said Parish of *Milbrook* and the Town and County of the Town of *Southampton*; and that the said Roads shall be called "The *Whiteparish*, *Romsey*, and *Southampton* Turnpike Roads."

Term and Tolls made liable to Debts under former Acts.

II. And be it further enacted, That this Act, and the Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the same Roads, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act or of the Tolls hereby authorized to be collected; and all and every Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said First Three recited Acts, shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for executing this Act; and all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by, or entered into by any Person or Persons to or with the Trustees for executing the said First Three recited Acts, shall remain in full force and effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the Trustees for executing the said First Three recited Acts, with or to any Person or Persons, for any Purpose relating to the said Roads, or to the Execution of the said Acts or any of them, shall remain in full force and effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; and the several Tolls due and payable under the said First Three recited Acts shall and may be collected and received, and all Powers and Authorities vested in the Trustees acting under the said First Three recited Acts shall and may be executed by the said Trustees until the First Meeting of the Trustees appointed by this Act, notwithstanding the Repeal of the said First Three recited Acts.

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

Securities and Transfers to be delivered to Clerk to the Trustees within 12 Months.

III. Provided always, and be it further enacted, That all and every Person and Persons having or claiming to have any Security or Securities whatsoever, upon the Tolls by the said First Three recited Acts, or any or either of them, authorized to be levied or taken on the said Roads, shall within Twelve Months from the passing of this Act deliver or cause to be delivered to the Clerk to the Trustees acting in Execution of this Act, all and every such Security or Securities, and all Assignments, Transfers, or other Dispositions thereof, or true Copies of such Security or Securities, Assignments, Transfers, or other Dispositions; and that the Clerk to the said Trustees shall cause fair and true Copies of all such Securities, Assignments, Transfers, and other Dispositions to be made and entered in a Book or Books to be kept by the said Trustees for the Purpose of entering Copies of all such Conveyances, Leases, Mortgages, Securities, Bonds, Covenants, Agreements, Contracts, and Bargains, as shall

Copies of Securities, &c. to be made by Clerk in a Book.

shall or may be made or entered into by, with, or to the said Trustees pursuant and according to the Directions of the said Act passed in the Third Year of the Reign of His present Majesty, without Fee or Reward; and that in case the Original or Originals of any such Security or Securities, Assignments, Transfers, and other Dispositions, shall be delivered to the said Clerk to the said Trustees, then such Clerk shall cause Copies thereof to be made and entered in the said Book or Books, and the said Originals to be returned to the Person or Persons delivering the same, or some other Person to be nominated by him, her, or them, within Fourteen Days next after the Delivery of such Originals to such Clerk; but in case Copies only of such Security or Securities, Assignments, Transfers, or other Dispositions, shall be delivered to such Clerk, then and in such Case the Original or Originals thereof shall be produced to such Clerk, to enable him to examine and compare the Copies so to be made and entered in such Book or Books with such Original or Originals.

Securities so entered may be transferred.

IV. And be it further enacted, That all and every such Security and Securities, Copies whereof shall be so made and entered in such Book or Books as aforesaid, shall and may be assigned or transferred from Time to Time in such and the same Manner and Form, and according to the Directions prescribed and enacted by the said recited Act passed in the Third Year of the Reign of His present Majesty.

Powers of recited Acts of 3 & 4 G. 4. extended to this Act.

V. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof 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), 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.

Appointment of Trustees.

VI. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Southampton* and *Wilts*, together with *James Aldridge*, *William Atkins*, the Right Honourable *William Sturges Bourne*, *Edward Pery Buckley*, *Robert Bristow*, *John Blundell*, *Thomas Bolton*, *William Brookman*, *Henry Combe Compton*, *Edward Cheyney*, *Thomas Coleman*, *Thomas Comley*, *William Charles Daman*, *William Daman*, *George Doswell*, *George Eyre*, *Philip Emmott*, *James Edwards*, *William Elderfield*, *John Fleming*, *John Fifield*, *Job Fifield*, *William Footner*, *William Andrews Footner*, *Nat Fletcher* Clerk, *Job Fifield* junior, *William Goffe*, *Thomas Godwin*, *Josiah George*, *Henry Richard Graveley*, Sir *Thomas Freeman Heathcote* Baronet, *Samuel Heathcote* Clerk, *Thomas Hobbs*, *Philip Hibbs*, *Charles John Hall*, *Henry Hattatt*, *Thomas Hall*, *Thomas Hopgood*, *James Judd*, *Joseph Jackson*, *Edward Jones* junior, *Richard King*, *Alexander*

ander King, *John Lukin* Clerk, *William Henry Lintott*, *John Ingram Lockhart*, *William Lintott*, *George Lawrence*, Sir *Charles Mill* Baronet, *Charles William Michel*, *Charles Morris*, the Right Honourable *Henry John* Viscount *Palmerston*, *William Joseph George Phillips* Clerk, *Thomas Penton* Clerk, the Right Honourable Sir *George Henry Rose*, *Richard Randall*, *William Randall*, Sir *Charles Rich* Baronet, *Charles Henry Rich*, *Hans Sloane Stanley*, *William Sloane Stanley*, *John Smith*, *Benjamin Sharp*, *Thomas Sharp*, *Daniel Sharp*, *Oliver D'Oyley St. John* Clerk, *John Smith* Clerk, *Samuel Sharp*, *James Chaldecot Sharp*, *William Sharp*, *William Seward Trodd*, *Henry Thomas Timson*, *Joseph Tomkins*, *William Undy*, *John Wane* Clerk, *Henry Wheable*, *Joseph White*, *Godwin Withers*, *Henry Woodcock* Doctor in Divinity, *William Young* senior, *William Young* junior, and *John Young*, and their Successors, being duly qualified according to the Directions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending and maintaining the said Roads, and for otherwise putting this Act in Execution.

Power to appoint additional Trustees.

VII. 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.

First Meeting of Trustees.

VIII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Town Hall, or some other convenient Place in the said Town of *Romsey*, on the Second *Monday* 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 within the said Town, as they shall think proper.

Old Officers to continue until new ones elected.

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

Clerk not to act as Treasurer, and vice versa.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk or his Partner or Partners, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer or his Partner or Partners, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities 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 any Person in the Service or Employ of any such Clerk or his Partner or Partners, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer or his Partner or Partners, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office 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, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Treasurer, &c. to give Security.

XI. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers and Clerk acting by virtue of this Act, for the due and faithful Execution of his or their Office or Offices.

Power to erect Toll Gates, Turnpikes, Side Bars, Weighing Machines, &c.

XII. 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 and 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, in, or across the said Roads, or any Part thereof, or upon or across the Entrance to any public Road, Lane, or Way leading into the same, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Roads, suitable Garden Spots for the same respectively, not exceeding One-eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove or to alter and discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

Power to take Tolls.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several

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

Tolls.

For every Horse or other Beast, drawing any Coach, Stage Coach, Berlin, Landau, Landaulet, Barouche, Chariot, Chaise, Chaise Marine, Calash, Curricle, Phaeton, Sociable, Gig, Chair, Car, Caravan, Van, Hearse, or Litter, or other such like Carriage, the Sum of Three-pence:

For every Horse or other Beast, drawing any Waggon, Wain, Frame, Cart, or other such like Carriage, the Sum of Three-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, a Sum not exceeding One Penny:

For every Ox, Cow, or Neat Cattle, the Sum of One Halfpenny:

For every Calf, Hog, Sheep or Lamb, the Sum of One Farthing.

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

Tolls to be paid but Once a Day.

XIV. Provided always, 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, Beast, or Cattle, through any one of such Toll Gates or Turnpikes or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through all other Toll Gates, Turnpikes, and Side Gates upon the Line of the said Roads, at any Time or Times during the same Day, (to be computed as aforesaid), any thing in this Act contained to the contrary thereof in anywise notwithstanding.

No Toll to be taken within Three Miles of Bar Gate except as after mentioned.

XV. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to erect any Turnpike, Toll Gate, or Bar, or take or levy, or cause to be taken or levied, any Toll whatever, within Three Miles of *Bar Gate*, in the said Town and County of the Town of *Southampton*, except as herein-after mentioned.

Regulations with respect to any Gate erected within the Distance of Three Miles from Bar Gate.

XVI. And be it further enacted, That if any Gate or Turnpike shall be erected across or by the Side of the said Road, under the Authorities of this Act, at the Distance of One Mile and a Quarter, and within the Distance of Three Miles from *Bar Gate* aforesaid, it shall not be lawful for the said Trustees to take, levy, or collect, or cause to be taken, levied, or collected, at such Gate or Turnpike, any Toll whatever, except on such and the same Days only, and during such and the same Term in each Year, as Tolls are allowed to be, and shall be actually collected at a certain Gate or Turnpike erected within Eight hundred Yards of the said *Bar Gate*,

Gate, and continued by virtue of an Act passed in the last Session of Par-
4 G. 4. c. 15. liament, intituled *An Act for repairing and improving the Roads from the Town of* Stockbridge *to the City of* Winchester, *and from the said City of* Winchester *to the Top of* Stephen's-Castle-Down, *near the Town of* Bishop's Waltham, *in the County of* Southampton; *and from the said City of* Winchester *through* Otterborne *to* Bar Gate *in the Town and County of the Town of* Southampton, *and certain Roads adjoining thereto*; and that in case any such Gate or Turnpike as aforesaid shall be erected under the Authority of this Act, all Persons, Cattle, and Carriages passing through the said Gate, within Eight hundred Yards of *Bar Gate*, and having paid Toll thereat, and bringing and showing a Ticket of the Day denoting such Payment, shall not be liable to pay Toll at any such Gate or Turnpike so to be erected as last mentioned under the Authority of this Act; provided nevertheless, that nothing herein contained shall extend or be construed to extend to exempt any Person or Persons, Cattle or Carriage, which shall have passed through the said Gate or Turnpike within Eight hundred Yards of *Bar Gate*, from the Payment of the Tolls hereby imposed at any other Gate or Turnpike erected or continued, or to be erected under the Authority of this Act, except such Gate to be erected at the Distance of One Mile and a Quarter, and within the Distance of Three Miles from *Bar Gate* aforesaid, as herein-before mentioned.

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

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

Post Chaises to be subject again to Toll on every new Hiring.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads or any of them, whenever any new Hiring thereof shall be made.

Application of the Tolls and Money to be borrowed.

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

XX. And

Persons, &c. before liable to Repairs, to continue so.

XX. And be it further enacted, That all and every Person and Persons, Counties, Towns, Parishes, Townships, Hamlets, Vilages, and Places, and the Inhabitants thereof respectively, and Bodies Politic, Corporate and Collegiate, and the Members thereof, who heretofore hath or have used, or of Right ought to repair any Part of the said Roads, or any Bridge, Watercourse, Drain, or Sewer in or upon the same, or to pay any Sum or Sums of Money for or towards the Repairs thereof, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever, shall, notwithstanding this Act, be subject and liable to such Repairs, or to the Payment of such Sums of Money, in the same Manner as he, she, or they, and every of them would have been in case this Act had not been passed.

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

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

1 G. 4. c. 35.

shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled.

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

XXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Trustees, or any Three or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option, and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under 20*l.*

XXIII. 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, her, or their

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

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Exchequer on Motion or Petition.

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

In case of disputed Titles.

XXV. 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 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

rities 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 the Trustees.

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

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 passing thereof, and continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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