ANNO SEXTO

GEORGII IV. REGIS.

Cap. cl.

An Act for repairing the Road from the City of *York* to the Top of *Oswaldkirk Bank* in the County of *York*. [10th *June* 1825.]

WHEREAS an Act was passed in the Eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from the City of* York *to the Top of* Oswaldkirk Bank, *and from the said Road in* Sutton Field, *through* Craike, *towards* Oulston, *to the Extent of the Lordship of* Craike *in the County of* York: And whereas an Act was passed in the Twenty-ninth Year of the Reign of His said late Majesty, for continuing the Term and altering and enlarging the Powers of so much of the said Act as relate to the Road from the City of *York* to the Top of *Oswaldkirk Bank*, and for discharging the Trustees from the Care of the Road from the said Road in *Sutton Field*, through *Craike*, towards *Oulston*, to the Extent of the Lordship of *Craike* in the County of *York*: And whereas an Act was passed in the Forty-fourth Year of His said late Majesty, for continuing the Term and altering and enlarging the Powers of so much of the said Two Acts as relate to the Road from the City of *York* to the Top of *Oswaldkirk Bank* in the County of *York*: And whereas the Trustees appointed in and by virtue of the said recited Acts have proceeded to put the same in Execution, and have borrowed on the Credit of the Tolls thereby granted considerable Sums of Money, which still remain due, and cannot be repaid, nor can the said Road be effectually amended, improved, and kept in repair, unless the Term and Powers of the and

8 G. 3. c. 54.

29 G. 3. c. 109.

44 G. 3. c. 68.

said Acts are enlarged, and some of the said Tolls are increased: And whereas an Act was passed in the Third Year of the Reign
3 G. 4. c. 126. 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 Act was passed in the Fourth Year of the Reign of His said present Majesty,
4 G. 4. c. 95. 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 said present Majesty,
5 G. 4. c. 69. intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas it is expedient that the said Three several recited Acts of the Eighth, Twenty-ninth, and Forty-fourth Years of the Reign of His said late Majesty should be repealed, and that other Provisions should be made instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of *October* next after the passing of this Act, the said Three several recited Acts, passed in the Eighth, Twenty-ninth, and Forty-fourth Years of the Reign of His said late Majesty, 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 amending, widening, improving, and keeping in repair the present Road leading from the City of *York* to the Top of *Oswaldkirk Bank* in the County of *York*.

Recited Acts of 8, 29, and 44 G. 3. repealed.

This Act and Tolls liable to Debts, &c. contracted under former Acts.

II. And be it further enacted, That this Act, and the Tolls hereby granted or authorized to be taken, 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 by the said first Three recited Acts to be taken on the same 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 and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected on the same Road; and all and every Person and Persons owing any Sum or Sums of Money on account of the same Road to the Trustees 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.

Conveyances, &c. under former Acts to continue in force.

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

Notices made, entered into, or given by the Trustees for executing the said Three first recited Acts, with or to any Person or Persons, for any Purpose relating to the said Road, or to the Execution of the said Act relative to the said Road, shall remain in full Force and Effect, and be observed and kept by the Trustees herein-after appointed or directed to be appointed for amending and improving the said Road, 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, notwithstanding the Repeal of the said Three first recited Acts.

Books of Proceedings kept under former Acts to be Evidence, and open to the Inspection of the Trustees and Creditors.

IV. Provided also, and be it further enacted, That all Books kept for registering Mortgages and Assignments, and all Entries therein, and all Books of Proceedings of the Trustees acting in Execution of the said recited Acts, kept according to the Directions or Provisions of the said first Three recited Acts, or of any Act then in force, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and also all Books of Accounts of Receipts and Disbursements made under the said first Three recited Acts, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the Clerk for the Time being to the Trustees for executing this Act, and shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Penalty for Refusal of Inspection.

Old Officers to continue.

V. 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 and by virtue of the said former Acts, shall hold and enjoy such their several and respective Offices and Employments until 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.

Transferring Powers of 3, 4, & 5 G. 4. to this Act.

VI. 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

except such Part or 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, and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Trustees appointed.

VII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the North Riding of the County of *York* for the Time being, together with Sir *Thomas Frankland* Baronet, Sir *Bellingham Reginald Graham* Baronet, Sir *William Strickland* Baronet, *Benjamin Agar*, *Robert Allen*, *Hewley John Baines*, *Thomas Edward Winn Belasyse*, *Richard Bethell*, *Stamp Brooksbank*, *Robert Chaloner*, *Francis Cholmeley*, *Harry Croft*, *William Croft*, *Joshua Crompton*, *Gilbert Crompton*, *Robert Denison*, *George Woodcock Dowker*, *Charles Duncombe*, *Thomas Duncombe*, *Slingsby Duncombe*, *William Duncombe*, *Charles Gregory Fairfax*, *Charles Gregory Fairfax* the younger, *Thomas Fairfax*, *William Garforth*, *William Hotham*, *John Kendall*, *Samuel William Nicoll*, *Thomas Price*, *William Lodge Rocliffe* Doctor of Physic, *James Shepherd*, *Thomas Smith*, *Edward Swainston Strangsways*, *George Lowther Thompson*, *John Wharton*, *John Whytehead*, *William Worsley*, *Henry Chaloner* Clerk, *Thomas Hutton Croft* Clerk, *Thomas Comber* Clerk, *Henry Comber* Clerk, *William Dealtry* Clerk, *William Henry Dixon* Clerk, *Henry Duncombe* Clerk, *Powell Colchester Guise* Clerk, *William Keary* Clerk, *Thomas Lumley* Clerk, *Edmund Paley* Clerk, *Thomas Newton* Clerk, the Honourable and Reverend *Edward Pellew* Clerk, *William Leonard Pickard* Clerk, *Richard Prowde* Clerk, *Thomas Cutler Rudston Read* Clerk, *Francis Simpson* Clerk, *Sydney Smith* Clerk, *Robert Swann* Clerk, *Thomas Young* Clerk, and their Successors, being duly qualified according to the Provisions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, improving, and maintaining in repair the said Road.

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, being duly qualified according to the Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, (not exceeding Two 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

elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

IX. And be it further enacted, That the said Trustees shall hold their First Meeting for executing this Act at the *White Bear Inn* in *Stillington* in the County of *York*, or some other convenient Place in *Stillington* aforesaid, upon the Twenty-sixth Day of *October* 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 thereafter adjourn to and meet at such Times as they shall think proper, at some convenient House or Place in the said Town of *Stillington*, or at some Place upon the said Road within Five Miles of the said Town.

Clerk not to act as Treasurer, and vice versâ.

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 who 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 the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, 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 the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, 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 the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, 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 the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, 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 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 acting by virtue of this Act, for the due and faithful Execution of his or their Office.

Power to erect Toll Gates, 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 or any of the Toll Gates or Turnpikes, and any Toll Houses or Weighing Machines now standing and being in, upon, or across the said Road, or

or on the Sides thereof, and also to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across or on the Sides of the said Road, 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 Road suitable Garden Spots for the same respectively, not exceeding One-eighth Part of a Statute Acre each, as they respectively shall think necessary; and from Time to Time to take down and remove, order, or 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 by them appointed or continued Collector or Collectors, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars, or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road, or any Part 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, Barouche, Chariot, Chaise, Chaise Marine, Chair, Curricle, Phaeton, Calash, Sociable, Car, Gig, Caravan, Van, Hearse, or Litter, not exceeding the Sum of Eight-pence:

For every Horse or other Beast drawing any Waggon, Wain, or other such Four-wheeled Carriage, or any Cart, or other such Two-wheeled Carriage, with Wheels of the Breadth of Six Inches or upwards, not exceeding the Sum of Five-pence:

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

For every Drove of Oxen or Neat Cattle, not exceeding the Sum of Ten-pence *per* Score; and so in proportion for any less Number: And,

For every Drove of Calves, Swine, Sheep, or Lambs, not exceeding the Sum of Five-pence *per* Score; and so in proportion for any less Number:

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 whatsoever, shall be entitled or 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 in case the Toll herein-before authorized to be taken shall have been paid for the

passing of any Horse, Beast, or Cattle through any One of such Toll Gates or Turnpikes or Side Gates on the said Road, 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 said Toll Gate, Turnpike, or Side Gate, and also through such other Gate and Gates (if any) upon, across, or on the Sides of the said Road, as the Ticket for such Payment shall free, 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.

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

XV. Provided also, and be it further enacted, That the several Tolls hereby made payable on the aforesaid Road 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 Road.

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

XVI. Provided also, and be it further enacted, That the several Tolls hereby made payable on the said Road for or in respect of all 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 Road, whenever any new Hiring thereof shall have taken place.

Number of Tolls limited.

XVII. Provided always, and be it further enacted, That no more than Three full Tolls in the whole shall be demanded or taken from any Person or Persons for or in respect of the same Horses, Beasts, or Cattle passing and repassing the same Day through all the several Toll Gates or Turnpikes now standing or to be erected on the said Road by virtue of this Act.

Leases, &c. under former Act to remain in force.

XVIII. And be it further enacted, That all and every Lease and Leases or Letting of the Tolls arising on the said Roads, granted and made or agreed upon by the Trustees for executing the said Three first recited Acts, and the several Covenants thereof, shall, notwithstanding the Repeal of the said Acts, remain and continue in full Force and Effect until the Expiration of the Term or Terms thereby respectively granted or agreed for, or until any legal Determination of any such Lease or Letting, and the same, and the respective Grantees, shall be subject to the Powers and Provisions of this Act, in the same Manner as if such Leases or Lease or Letting had been granted, made, or agreed upon by the Trustees for executing this Act, and as if the Trustees granting, making, or agreeing upon the same had been Trustees for executing this Act.

Power to borrow Money at lower Interest to discharge Securities at higher.

XIX. Provided always nevertheless, and be it further enacted, That in case the said Trustees can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Mortgages, Assignments, or Securities which shall then be in force shall bear, it shall be lawful for the said Trustees from Time to Time to borrow and take up such Sum and Sums of Money at such lower Rate of Interest, and therewith to pay off and discharge any of the Mortgages,

Mortgages, Assignments, or Securities bearing a higher Rate of Interest as aforesaid.

Application of Tolls and Monies.

XX. And be it further enacted, That all the Monies collected or received, or to be borrowed, under or by virtue of this Act, shall be applied by the said Trustees in manner following; (that is to say), in the first Place in paying and discharging all the Costs, Charges, and Expences of obtaining and passing this Act, or in anywise relating thereto; and in the next Place in the Payment of the Salaries of the Clerks, Treasurers, Surveyors, and other Officers; and in the next Place in keeping down the Interest on the Principal Monies which by the said Three first recited Acts already have been, or which by virtue of and under the Powers of this Act may be advanced or borrowed on the Credit thereof, and also in repairing, altering, widening, and amending the said Road, and in defraying the necessary Expences attending the Execution of this Act; and lastly, in repaying the Principal Monies already advanced or borrowed, or hereafter to be advanced or borrowed, for the Purposes of the said Three first recited Acts or this Act.

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 Road, 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, 1 G. 4. c. 35. 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 for the Time being 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

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

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

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

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 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.

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.

Ditches, Drains, Bridges, &c. by whom to be made and cleansed.

XXVII. And be it further enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for keeping the said Road dry, and conveying the Water from the same, shall be made by the said Trustees, or their Surveyor or other Officer, on the Sides of the said Road, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Road, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House), at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or the Surveyor or other Officer, where any Carriage-ways or Footways lead into or out of or across the said Road, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels,

nels, or Plats, when made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired, and maintained by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass in or under the said Road, shall be scoured, cleansed, and kept open, repaired, and maintained by the said Trustees, subject to the Provisions of the said recited Act of the Third Year of the Reign of His present Majesty.

Public Act.

XXVIII. 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.

XXIX. And be it further enacted, That this Act shall commence upon the Twenty-sixth Day of *October* next after the passing of this Act, and shall continue and be in force for 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. 1825.