ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

****

Cap. 68.

An Act to continue the Term, and alter and enlarge the Powers of ſo much of Two Acts, paſſed in the Eighth and Twenty-ninth Years of His preſent Majeſty, as relates to the Road from the City of *York* to the Top of *Oſwaldkirk Bank* in the County of *York*. [29th *June* 1804.]

WHEREAS an Act was paſſed in the Eighth Year of the Reign of His preſent 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 Majeſty, for continuing the Term, and altering and enlarging the Powers of ſo much of the ſaid Act as relates 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 the Truſtees appointed in or by virtue of the ſaid Acts have made great Progreſs in repairing the ſaid Road from the ſaid City of *York* to the Top of *Oſwaldkirk Bank*, and have for that Purpoſe borrowed ſeveral conſiderable Sums of Money upon the Credit of the Tolls by the ſaid Acts granted, which

8 G. 3.

29 G. 3.

Money ſtill remains due and owing, together with a conſiderable Arrear of Intereſt, and cannot be paid off, nor can the ſaid Road leading from the ſaid City of *York* to the Top of *Oſwaldkirk Bank* be effectually amended, widened, improved, and kept in Repair, unleſs the Term of the ſaid Acts, ſo far as the ſame relates to the ſaid laſt mentioned Road, is further continued, and ſome of the Powers and Proviſions thereof altered, amended, and enlarged; and it is neceſſary that the Tolls granted by the ſaid laſt mentioned Act ſhould be increaſed: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Acts, paſſed in the Eighth and Twenty-ninth Years of the Reign of His ſaid preſent Majeſty King *George* the Third, ſo far as the ſame relate to the ſaid Road from the ſaid City of *York* to the Top of *Oſwaldkirk Bank* aforeſaid, and all the Powers, Proviſions, Matters, and Things therein contained, (except ſuch as relate to Exemptions from Stamp Duties, and ſuch as are hereby varied, altered, or repealed,) ſhall be and continue in full Force, and ſhall be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Amendments, Alterations, and Additions herein contained, and which ſhall commence and take Effect upon the paſſing of this Act; and this Act, and the additional Term hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all the reſpective Sums of Money now due and owing on the Credit or on Account of the ſaid reſpective Acts, and alſo of ſuch other Sum and Sums of Money as ſhall or may be borrowed for the Purpoſes of the ſaid Acts or of this Act, and of all Intereſt now due and to grow due for the ſame reſpectively.

Acts further continued.

Truſtees

II. And be it further enacted, That *Charles Duncombe* the younger, *William Duncombe*, *George Woodcock Dowker*, *Richard Bethell*, *James Shepherd*, *Henry Robert Whytehead* Clerk, *Nathaniel Bryan Hodgſon*, the Honourable *Edward Rice* Clerk, Vicar of *Sutton upon the Foreſt*, *John Watſon Bowman* the younger, *Thomas Richmond Smith*, *Samuel William Nicoll*, the Reverend *George Markham* Dean of *York*, *Thomas Hartley* the younger, *Hewley John Baynes*, the Honourable *Lawrence Dundas*, *Benjamin Agar*, *John Bell*, *Thomas Cutler Rudſtone Read*, and *John Wharton*, ſhall be and are hereby added to and joined with the Truſtees for putting the ſaid Acts and this Act in Execution; and the Truſtees hereby nominated and appointed, and their Succeſſors, being qualified according to the Directions of the ſaid laſt mentioned Act, together with the Truſtees appointed by or in purſuance of the ſaid Acts, or either of them, ſhall be and are hereby authorized and empowered to put the ſaid Acts and this Act in Execution.

Regulation as to the Election of Officers under the Truſtees.

III. Provided always, and be it further enacted, That no Perſon or Perſons whomſoever, already nominated, elected, or appointed, or who ſhall be nominated, elected, or appointed a Truſtee or Truſtees for the Execution of the ſaid Acts and this Act, in or by virtue of the ſaid Acts or either of them, ſhall be qualified to vote in the Election of any Perſon to any Office or Place of Truſt held under the ſaid Truſtees, unleſs ſuch Perſon or Perſons ſhall have attended and been preſent at ſome publick Meeting

Meeting of the ſaid Truſtees, and have acted thereat as ſuch Truſtee or Truſtees, or ſhall have attended at the Time and Place appointed for a Meeting of the ſaid Truſtees, for the Purpoſe of acting thereat, within the Space of Twelve Calendar Months next preceding the Vacancy by reaſon whereof ſuch Election is to be made.

Former Tolls to be repealed, and now ones granted.

IV. And whereas the Tolls granted by the ſaid laſt mentioned Act, paſſed in the Twenty-ninth Year of the Reign of His ſaid preſent Majeſty, have been found inſufficient, be it therefore further enacted, That the Tolls by the ſaid laſt mentioned Act granted, and alſo all the Regulations, Reſtrictions, and Reductions, by the ſaid Act made and allowed reſpecting ſuch Tolls, ſhall, from and after the Firſt Day of *Auguſt* next, (except as is herein-after excepted,) be and the ſame are hereby repealed; and that inſtead thereof, the ſeveral Tolls following ſhall be demanded and taken upon the ſaid Road from the City of *York* to the Top of *Oſwaldkirk Bank*; (that is to ſay,)

Tolls.

For every Coach, Chariot, Landau, Berlin, Hearſe, Chaiſe, or Calaſh, drawn by Six Horſes or other Beaſts of Draught, the Sum of Six Shillings; and drawn by Four Horſes or other Beaſts of Draught, the Sum of Four Shillings and Sixpence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of Three Shillings:

For every Chaiſe or Chair drawn by One Horſe or other Beaſt of Draught, the Sum of One Shilling and Sixpence:

For every Waggon, Wain, Cart, or other ſuch Carriage, drawn by Four or more Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings and Three-pence; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horſe or other Beaſt of Draught, the Sum of One Shilling:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, for paſſing through all the Turnpike Gates upon the ſaid Road between *York* and the Top of *Oſwaldkirk Bank*, the Sum of Sixpence, and no more:

For every Drove of Oxen or Neat Cattle, the Sum of Two Shillings *per* Score, and ſo in Proportion for any leſs Number:

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of One Shilling *per* Score, and ſo in Proportion for any leſs Number:

Which ſaid reſpective Tolls ſhall be and the ſame are hereby veſted in the ſaid Truſtees; and the ſame and every Part thereof ſhall and may be demanded, levied, recovered, applied, and diſpoſed of, in the ſame Manner, and to and for the ſame Uſes, Intents, and Purpoſes, as in and by the ſaid Acts are mentioned and declared with reſpect to the Tolls thereby granted.

V. And whereas in and by the ſaid laſt mentioned Act of the Twenty-ninth Year of His preſent Majeſty's Reign, it is enacted and declared, that no greater or further Tolls ſhall be demanded or taken at the Turnpike Gate now erected near the City of *York*, on a Place called *Bootham Stray*, or at any Turnpike Gate which may be erected neareſt to the ſaid City, than the reſpective Tolls which the ſaid Truſtees before the paſſing of the ſaid Act were entitled to receive; and it is enacted and declared, that

that no more than One Half of the Tolls which ſhall be collected for Carriages, and for Oxen and other Neat Cattle, Calves, Hogs, Sheep, and Lambs, at the Turnpike Gate then erected near the City of *York*, on a Place called *Bootham Stray*, or at any Turnpike Gate which may be erected in lieu thereof next to the ſaid City, ſhall be demanded or taken for or in reſpect of any Carriages, or of any Oxen or other Neat Cattle, Calves, Hogs, Sheep, or Lambs, paſſing through any other Turnpike Gate erected or to be erected by virtue of the ſaid recited Acts; and that no more than One-ſixth Part of the Tolls therein-before granted for or in reſpect of any Horſes, Mares, Geldings, Mules, or Aſſes, laden or unladen, and not drawing, ſhall be demanded or taken for or in reſpect of any ſuch Horſes, Mares, Geldings, Mules, or Aſſes, paſſing through any ſuch other Turnpike Gate or Turnpike Gates as aforeſaid; which Regulation hath been found inconvenient; be it therefore further enacted, That the ſame ſhall be and is hereby repealed.

Tolls not to be altered without Notice of a Meeting to be held for that Purpoſe.

VI. And be it further enacted, That no Alteration whatſoever ſhall be made in the Tolls to be collected under the Authority of this Act, but at a Meeting to be held for that Purpoſe, of which Meeting Fourteen Days previous Notice at the leaſt ſhall be given in ſome One or more Newſpaper or Newſpapers printed in the City of *York*.

Meetings of the Truſtees to be held at *Stillington*, or within Five Miles thereof.

VII. And whereas in and by the ſaid laſt mentioned Act of the Twenty-ninth of His preſent Majeſty, it is enacted; that the Meetings of the Truſtees for executing the ſaid Acts ſhould be held alternately at the City of *York*, the Town of *Stillington*, and *Oſwaldkirk*, which Regulation and Reſtriction have been found inconvenient; be it the efore further enacted, That the ſame ſhall be and is hereby declared to be repealed; and that inſtead thereof, it is hereby enacted and declared, that in future all the Meetings of the ſaid Truſtees for executing the ſaid Acts and this Act ſhall be held 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.

Power to adjourn Meetings.

VIII. And be it further enacted, That if it ſhall happen that there ſhall not appear at any Meeting of the ſaid Truſtees, to be held under or by virtue of the ſaid recited Acts or this Act, a ſufficient Number of Truſtees to act or to adjourn, (Two Truſtees being hereby declared to be ſufficient for the Purpoſe of Adjournment only,) or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn themſelves, then and in any or either of the ſaid Caſes it ſhall be lawful for the Clerk to the ſaid Truſtees to adjourn ſuch Meetings; and he is hereby required, by Notice to be inſerted in ſome One or more Newſpaper or Newſpapers circulating in the Neighbourhood of the ſaid Road, or to be affixed upon all the Turnpikes or Toll Gates which ſhall be then erected upon the ſaid Road, at leaſt Ten Days before the next Meeting, to appoint the ſaid Truſtees, or any Five or more of them, to meet at the Time and Place where the laſt Meeting of the ſaid Truſtees was appointed to have been held, (or at ſuch other Time and Place upon or near the ſaid Road, as to the ſaid Truſtees, or to the ſaid Clerk, ſhall ſeem convenient, ſo as ſuch Meetings be held at *Stillington* aforeſaid, or within Five Miles thereof,) at any Time not exceeding One Calendar Month from the Day on which the laſt Meeting of the ſaid Truſtees was appointed to have been

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been held; any Thing in the ſaid recited Acts, or either of them, contained to the contrary hereof notwithſtanding.

General Exemptions.

IX. And be it further enacted, That no Toll ſhall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horſes, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials, for repairing of the ſaid Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Roads doth lie; or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Out-houſes, or on the Lands of the Owners thereof; or for any Waggons, Wains, Carts, Carriages, or Horſes, employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Sullage, Compoſt, or Manures, employed in Huſbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horſes or Cattle going to or returning from Paſture or Wateting Places, or going to be or returning from being ſhoed; or from any Perſon going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Perſon that ſhall die and be buried in any of the ſaid Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſes, Cattle, or Carriages of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for any Horſes, Carts, or Waggons, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horſes, Carts, or Waggons, employed in the Conveyance of Vagrants ſent by legal Paſſes; or for any Horſe, Cattle, or Beaſt drawing any Coach, Landau, Berlin, Chariot, Calaſh, Chair, or Paſſenger on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *York*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Twenty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of the ſaid Acts and this Act.

X. And whereas in and by the ſaid recited Act of the Eighth Year of His preſent Majeſty's Reign, it is declared and enacted, that no Perſon

ſhall be charged with Toll who ſhall paſs through any Gate or Gates on the ſaid Road with a Waggon, Cart, or other Carriage, which ſhall be employed only in carrying or drawing any Dung or Mould for manuring of Lands or Grounds, within ſuch Pariſhes, Places, or Townſhips: And whereas ſuch Exemption hath been found injurious to the Road, by Perſons taking the Benefit thereof in Winter, be it therefore further enacted, That all ſuch Waggons, Carts, or other Carriages, carrying or drawing Dung or Mould on the ſaid Road, between the Firſt Day of *November* and the Firſt Day of *March* in every Year, ſhall be charged with and liable to pay a Toll, not exceeding One-third of the Tolls to be collected at ſuch Gate or Gates for any other Waggons, Carts, and Carriages; any Thing in the ſaid Acts or this Act contained to the contrary notwithſtanding.

For compelling Surveyors delivering Lists of Perſons liable to do Statute Labour, to ſpecify Rental, or yearly Value of Lands.

XI. And whereas by the ſaid recited Act of the Eighth Year of His preſent Majeſty's Reign, it is enacted, that the Surveyors of the Highways for the Time being ſhall, upon Oath, if thereto required by the ſaid Truſtees, give and deliver unto the ſaid Truſtees, or any Five or more of them, a true Liſt, according to the beſt of their Knowledge, of all the Inhabitants of ſuch reſpective Townſhips and Diſtricts, liable to do and perform their Statute Work upon the ſaid Roads, with Teams or otherwiſe, but ſuch Surveyors are not thereby compelled to ſpecify the Quantity of Statute Work to be done by each Inhabitant liable to do Statute Work upon the ſaid Road; be it therefore further enacted, That the Surveyor or Surveyors of the Highways for the Time being of all and every the Pariſhes, Townſhips, Diſtricts, and Places, through which the ſaid Road paſſes, ſhall, within Fourteen Days after the ſame ſhall be required by the ſaid Truſtees, or any Five or more of them, give and deliver unto the ſaid Truſtees a true and perfect Liſt, according to the beſt of his or their Knowledge of all and every the Inhabitants of ſuch reſpective Pariſhes, Townſhips, Diſtricts, and Places, liable to do and perform their, his, and her Statute Work upon the ſaid Road, with Teams or otherwiſe, together with the Quantity of Statute Work to be done by each Inhabitant liable to perform Statute Work upon the ſaid Road as aforeſaid; and in caſe any ſuch Surveyor or Surveyors ſhall neglect or refuſe ſo to do, ſuch Surveyor or Surveyors ſhall for every ſuch Neglect or Refuſal forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings, to be levied by Diſtreſs and Sale of the Goods of ſuch Surveyor or Surveyors, by a Warrant of One or more of His Majeſty's Juſtices of the Peace for the Riding or Place where ſuch Surveyor or Surveyors ſo neglecting or refuſing as aforeſaid ſhall reſide, (in caſe the ſame be not paid on Demand,) over and above the Sum of Five Pounds in the ſaid recited Act of the Eighth Year of His preſent Majeſty's Reign, directed to be paid by every Surveyor neglecting or refuſing to deliver to the ſaid Truſtees Liſts of Perſons liable to do and perform their Statute Work upon the ſaid Road with Teams or otherwiſe, in caſe ſuch laſt mentioned Penalty or Forfeiture ſhall be incurred; the ſame to be applied in the Manner preſcribed by the ſaid Act of the Eighth Year of His preſent Majeſty's Reign, with reſpect to the Penalty or Forfeiture thereby incurred by the Surveyor or Surveyors neglecting or refuſing to deliver in ſuch Liſts as are therein mentioned.

XII. And

Directing the Application of Compensation Money where exceeding to 200*l.*

XII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed, by virtue of the Powers of the ſaid recited Acts and this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid firſt recited Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall 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 High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid Acts and this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, 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 Meſſuages, Lands, and 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 mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, 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 mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſe aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation Money when leſs than 200*l.* and above 20*l.*

XIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed, for the Purpoſes aforeſaid, 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 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 or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and

and with the Privity of the ſaid Accountant General of the High Court of Chancery, 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 Five or more of the Truſtees for executing the ſaid Acts and 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 ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where leſs than 20*l.*

XIV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid, as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy 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 if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

ſubject to the Order of the Court of Chancery, on Motion or Petition.

XV. 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 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 ſuch 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 and may be lawful to and for the ſaid Truſtees, or any Five or more of them, 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 Court of Chancery, 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 Chancery; which ſaid Court of Chancery, 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 ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick 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

Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto, according to ſuch Poſſeſſion.

XVI. 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 Court of Chancery, in purſuance of the ſaid recited Acts or this Act, for the Purchaſe of any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt, in any Meſſuages, Buildings, 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, to the Perſon or Perſons who would have been in Poſſeſſion of ſuch Meſſuages, Buildings, 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 Meſſuages, Buildings, Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; 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 Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court may order reaſonable Expences of Purchaſes to be paid by the County.

XVII. Provided always, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Houſes, Buildings, Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of the ſaid Acts or 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 Houſes, Buildings, 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 or the ſaid Acts, or ſo much of ſuch Expences as the 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.

For paying the Expences of the Act.

XVIII. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid by the ſaid Truſtees, or any Five or more of them, out of any Monies already raiſed by virtue of the ſaid Acts, or either of them, or out of the Firſt Monies which ſhall be collected or received by virtue of the ſaid Acts and this Act, in preference to all other Payments whatſoever.

Publick Act.

XIX. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Commencement and Continuance of the Act.

XX. And be it further enacted, That the Term granted and continued by the ſaid Acts, ſhall, on the paſſing of this Act, ceaſe and determine; and that the ſaid Acts and this Act (ſubject to the Alterations, Variations, and Additions herein-before contained) ſhall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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