



ANNO QUADRAGESIMO QUARTO

# GEORGII III. REGIS.

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## Cap. 31.

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts, made in the Second and Twenty-third Years of His present Majesty, for repairing the several Roads leading from *Cleobury Mortimer*, the *Cross Houses*, *Glazely*, and the Turnpike Gate on *Abberley Hill*, in the Counties of *Salop* and *Worcester*.

[3d May 1804.]

**W**HEREAS by an Act, made in the Second Year of the Reign of His present Majesty, intituled, *An Act for amending, widening, and keeping in Repair several Roads from Cleobury Mortimer, the Cross Houses, Glazely, and the Turnpike Gate on Abberley Hill, in the Counties of Salop and Worcester*: And whereas by one other Act, made in the Twenty-third Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term, and altering and enlarging the Powers of an Act, of the Second Year of His present Majesty, for amending, widening, and keeping in Repair, several Roads leading from Cleobury Mortimer, Glazely, and the Turnpike Gate on Abberley Hill, in the Counties of Salop and Worcester*; certain Tolls were made payable, and certain Powers and Authorities given to the Trustees therein named, for the Purpose of amending and keeping in Repair the several Roads therein mentioned: And whereas the said Trustees have proceeded in the Execution of the said Acts, and have borrowed considerable Sums of Money on the Credit of the Tolls thereby

[I.cc. & Per.] 6 E

2 G. 3.

23 G. 3. c. 79.



Former Acts  
continued.

thereby granted; which Money still remains due and owing, and cannot be repaid, nor the said Roads be kept in proper Repair, unless the Term granted by the said recited Acts be further continued, and certain of the Powers thereof altered and enlarged: 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 recited Acts, and all and every the Clauses, Powers, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatsoever therein contained (save and except such Parts of the same as relate to the Exemptions from Stamp Duties, and such Parts thereof as are varied, altered, or repealed), and also this present Act, shall be, and they are hereby declared to be in full Force and Effect, for and during the Term herein-after mentioned, and shall extend and have relation to the repairing, amending, and widening the said Roads, and to all Matters and Things in the said recited Acts contained, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same were repeated and re-enacted in the Body of this present Act; which said Additional Term, and the Tolls hereby granted, shall be and the same is and are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit of the said recited Acts or either of them, or which shall be borrowed on the Credit of the said recited Acts and of this Act, and the Interest due and to grow due thereon respectively.

Appointment  
of additional  
Trustees.

II. And be it further enacted, That Sir John Aston Baronet, Richard Ferdinand Aston, William Angeworth Junior, Jeremiah Baker, Gray Edward Boulton, John Beale, John Ball, Thomas Ball, Thomas Barnfield, Thomas Barnfield Junior, Ralph Browne, Wylde Browne, Thomas Baker, Sir Edward Blount Baronet, Edward Blount, Thomas Boulton Junior, George Blount, Beriah Botfield, John Barker, Thomas Bodenham, Richard Collins, William Lacon Child, Thomas Compson, George Compson, John Crowe, Thomas Clare Cherington Davenport Clerk, Richard Dalloway, Thomas Devey, David Davis Clerk, Robert Edwards Clerk, Richard Edwards, George Edwards, Fieldhouse, Edward Farmer, John Ford, Edward Gattacre, Edward Gattacre Junior, William Goodwin, George Gitton, Thomas Hall, Julian Hall, George Hanbury, Roger Haslewood, Charles Head, Francis Hattan, William Hardwick, William Hardwick Junior, Stephen Izod, John Lloyd, Lionel Lampet, Thomas Moses Lytler Clerk, William Macmichael, Joseph Milner, John Milner Junior, Thomas Milner, Joseph Morris Clerk, Richard Mountfort Clerk, Richard Nott, Thomas Nichols, Humphrey Oakes, George Oldbury Junior, Matthew Pilkington Clerk, Edward Parry, Joseph Proud, Francis Peirpoint, Thomas Pardoe, William Purton, Thomas Rawlings, John Summers, Joel Shuttlewood, John Smalman, Joseph Sparkes, Sherington Sparks, John Stephens, Thomas Skelding Junior, William Skelding, Henry Skelding, Thomas Turner, Thomas Whitmore, Francis Woof, Charles Watkins of the Rock, John Watkins, John Watkins Junior, John Woodward, Edward Wall, and Thomas Yarranton, and their Successors, to be elected in Manner by the said recited Acts, or One of them, directed, are hereby added to and joined with the Trustees nominated or elected by virtue of the said recited Acts, and shall have the like Powers and Authorities for carrying the said



said recited Acts and this Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions.

III. And whereas the Tolls authorized to be demanded and taken by virtue of the said recited Act, made in the Second Year of the Reign of His present Majesty, are insufficient for the Purpose of maintaining and supporting the said Roads, and other Expences attendant thereon; be it therefore enacted, That the Tolls authorized to be demanded and taken by virtue of the said recited Act, made in the Second Year of the Reign of His present Majesty, shall cease, determine, and be no longer paid; and instead thereof the several Tolls and Duties following shall be demanded and taken at the several Turnpike Gates erected or to be erected on the said Roads; (that is to say),

Former Tolls repealed and others granted.

For every Horse, Mare, Gelding, Afs, or Mule, or other Beast of Draught, drawing any Carriage, of whatsoever Name or Description, the Sum of Fourpence Half-penny:

For every Horse, Mare, Gelding, Mule, or Afs, or other Beast of Burthen, laden, or unladen, and not drawing, the Sum of Three Halfpence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling per Score; and so in Proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, Lambs, or Goats, the Sum of Sixpence per Score; and so in Proportion for any greater or less Number.

Provided always, That no such Tolls shall be demanded or taken at any Gate or Gates erected or to be erected on such Part of the said Roads as leads from the Turnpike Gate at *Abberley Hill* to *Poulters*, or in the Road from *Glazely* through *Oldbury* to *Bridgenorth*, more than Once in any One Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for or in respect of the same Horse, or other Beast or Cattle, passing through all and every such Gate and Gates.

IV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby empowered at any Meeting to be holden for that Purpose, of which Meeting Fourteen Days Notice in Writing signed by the Clerk to the said Trustees shall be given, by affixing the same on all and every the Turnpike Gates that shall be standing in the said Roads, from Time to Time to lessen or reduce all or any Part or Parts of the Tolls granted by this Act, for and during such Time as to the said Trustees, or any Five or more of them, shall seem right and proper; and afterwards at any Meeting to be holden as aforesaid, it shall and may be lawful to and for the said Trustees, or any Five or more of them, from Time to Time to advance all or any of the Tolls lessened or reduced to any Sum or Sums of Money not exceeding the several Rates granted by this Act: Provided nevertheless, that when the whole Money charged and borrowed on the Credit of the said recited Acts and of this Act, or of any of them, shall not have been paid and discharged, the Tolls hereby granted shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five-sixths of the Money remaining due upon the Credit of the said recited Acts and of this Act, or of any of them.

Tolls may be varied.

V. And



Increased Toll  
on Sundays.

V. And be it further enacted, That it shall and may be lawful to and for the respective Toll Gatherers or Collectors on the said Roads, and they are hereby authorized and empowered, on each and every *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year, to demand and take, for and in respect of every Horse, Beast, and other Cattle whatsoever, passing through any Gate or Turnpike upon the said Roads, or any of them, the Sum of One Halfpenny in addition to the Toll or Sum which may be demanded and taken for the same respectively on any other Day by virtue of this Act, before such Horse, Beast, or other Cattle, shall be permitted to pass through any such Gate or Gates, Turnpike or Turnpikes.

General Ex-  
emptions.

VI. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Beast 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 Outhouses, or on the Lands of the Owners thereof; or for any Horse, Cattle, or Beast, 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 any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure, employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands (Lime excepted); or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod, 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 Horse, Cattle, or Carriage, 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 Horse, Cattle, or Beast, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Cart, Cattle, or Beast, employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast, carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Salop* or *Worcester*, or of any Burgesses or Burgesses to serve in Parliament for the Town of *Bridgnorth*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and



and if any Person or Person 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 Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

VII. And be it further enacted, That in case any Dispute, Suit, or Litigation, shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, or any five or more of them, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls.

Gate-keepers,  
&c. to be Wit-  
nesses.

VIII. And be it further enacted, That if any Person or Persons whomsoever shall obstruct or hinder the Surveyor or Surveyors of the said Roads, or any Person or Persons employed by him or them from digging for, gathering, or collecting, or gathering any Gravel, Sand, Stones, or other Materials, in any Place or Places where he or they are empowered to dig for, gather, or collect the same or shall take away any Gravel, Sand, Stones, or other Materials, which shall have been dug or gathered by or by the Order of the said Surveyor or Surveyors, in any Lands, Fields, or Waste Grounds for the amending of the said Roads, or any Part thereof, or shall get or take away any Gravel or Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting such Materials for amending the said Roads, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for Six Weeks (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only, and not for Sale) every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on  
interrupting  
Surveyors, &c.  
in getting Ma-  
terials.

IX. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates erected or to be erected on the said Roads, shall at any Time or Times, during the Continuance of this Act, be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Ten Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for letting the same, then and in either of the Cases aforesaid, it shall and may be lawful to and for the said Trustees, or any five or more of them, or their Clerk or Treasurer, or other Person authorized by Writing under the Hands of the said Trustees, or of any five or more of them, and they are hereby authorized and empowered to enter into and upon the Possession of the Toll House or Toll Houses, with the Buildings, Weighing Machines, Gates, and Appurtenances thereto belonging, so let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall

Enabling  
Trustees to  
take Possession  
of Toll Houses  
when let to  
farm.

[Loc. & Per.]

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and



and may be lawful to and for the said Trustees, or any Five or more of them (it they shall think fit), to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes whatsoever (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved) as if such Demise or Agreement had never been made; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be taken and collected, as if no former Contract or Agreement had been entered into relative thereto.

Trustees may  
borrow Mo-  
ney.

X. And, for the more speedy raising such further Money as may be necessary for the Purposes of this Act, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby empowered, from Time to Time, to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary for the Purposes of this Act, and by Writing under their Hands and Seals to assign over or mortgage the Tolls hereby granted, or any Part thereof, and the several Turnpikes and Toll Houses erected or to be erected on the said Roads (the Charges of such Assignments and Mortgages to be paid out of the said Tolls) for any Term during the Continuance of this Act, as a Security for the Re-payment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, and Assigns, such Interest to be paid and payable by equal Quarterly Payments, at the Dwelling House of the Treasurer to the said Trustees for the Time being; all which Mortgages or Assignments shall be in the Words or to the Effect following:

Form of  
Mortgage.

‘ BY Virtue of an Act of Parliament, made in the Forty-fourth Year of  
‘ the Reign of King *George* the Third, intituled, [*Set forth the Title of*  
‘ *this Act*], We whose Names are hereunto subscribed and Seals affixed  
‘ (being Trustees acting in Execution of the said Act) in Consideration of  
‘ the Sum of \_\_\_\_\_ to the Treasurer of the said Roads in Hand  
‘ paid by *A. B.* Do hereby grant, bargain, sell, and demise, unto the said  
‘ *A. B.* Executors, Administrators, and Assigns, such Propor-  
‘ tion of the Tolls arising by virtue of the said Act, and also of the Turn-  
‘ pikes and Toll Houses for collecting the same, as the said Sum of  
‘ \_\_\_\_\_ doth or shall bear to the whole Sum charged or advanced, or to  
‘ be charged or advanced on the Credit of the said Act, to be had and  
‘ holden from this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of  
‘ our Lord \_\_\_\_\_ for and during  
‘ the Continuance of the said Act, unless the said Sum of  
‘ \_\_\_\_\_ with Interest after the Rate of  
‘ *per Centum per Annum*, shall be sooner repaid and satisfied. Given  
‘ under our Hands and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_ in  
‘ the Year of our Lord \_\_\_\_\_

Copies of  
Mortgages to  
be entered.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said



said Trustees, and such Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, and the Mortgages or Assignments which were made in the Manner and Form prescribed by the said recited Acts, shall be and be deemed to be good, valid, and effectual, to all Intents and Purposes whatsoever; and all Persons to whom any such Mortgages or Assignments respectively, have been or shall be made as aforesaid, or who are or shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer the same Security or Securities respectively, and all Benefit and Advantage thereof, and all their Right, Title, and Interest, to the Principal and Interest Money thereby respectively secured, or any Part thereof, to any Person or Persons whomsoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

## Transfer of Mortgages.

Form of  
Transfer.

' I A. B. being entitled to the Sum of                      secured to  
'        Executors, Administrators, and Assigns, by virtue  
' of a Mortgage or Assignment, bearing Date the                  Day of  
'                  under the Hands and Seals of                  of the  
' Trustees acting in Execution of an Act of Parliament, made in the For-  
' ty-fourth Year of the Reign of King George the Third, intituled, [*Set*  
' forth the Title of this Act], or made in the Third or Twenty-third Years  
' of the Reign of King George the Third, intituled [*Set forth the Title of*  
' the said recited Acts, as the Case may be], upon the Credit of the said  
' Act: Do hereby transfer all my Right and Title in and to the same,  
' and all the Principal and Interest Money now due and owing thereon,  
' unto C. D.                  Executors, Administrators, and Assigns. Dated this  
'        Day of                                  in the Year of our Lord .'

Notice of  
Transfer to be  
given to the  
Clerk in Three  
Calendar  
Months.

And every such Transfer shall be produced and notified, to the Clerk to the said Trustees, within Three Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid Two Shillings and Sixpence, and no more; and after such Entry made, every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons making such Transfer to make void, release, or discharge the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers, shall be made as aforesaid (as well such Mortgages or Assignments made by virtue of the said recited Acts, as of this present Act) shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses, in equal Degree, one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments.

XI. And



Application  
of Compens-  
ation, if  
amounting  
to 200l

XI. 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, purchased, taken, or used, by virtue of the Powers of the said recited Acts and this Act, or any of them, for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments, are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, 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 there *ex parte* the Trustees for executing the said recited 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, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, to be purchased by virtue of the said recited Acts and this Act, in case such Purchase or Settlement were made.

Application  
of Compens-  
ation, if less  
than 200l.  
and exceed-  
ing 20l.

XII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal 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,



Lands, Tenements, or Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privy 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 any Five or more of the said Trustees for executing the said recited 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 be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

XIII. Provided also, and be it 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, Tenements, or Hereditaments so purchased, taken, or used, for the Purposes of the said recited Acts and of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid 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.

Application of  
Purchase Mo-  
ney if under  
20 l.

XIV. 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 the said recited Acts, or either of them, or 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 any Five or more of them; 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 Privy of the Accountant General of the High 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

In case of not  
making out  
Titles;

or if Persons  
cannot be  
found, Pur-  
chase Money  
to be paid into  
the Bank;

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



to make such other Order in the Premises as 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 whole 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 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.

XV. Provided always, and be it 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 this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Acts, or of either of them, or of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, 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 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 Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order the Payment of Expences to be paid by the Trustees.

XVI. Provided also, and be it 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 under the Authority of the said recited Acts, or of either of them, or of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery, to order the Expences of all Purchases, from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be received by virtue of the said recited Acts and of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For paying Expences of the Act.

XVII. And be it further enacted, That the Costs, Charges, and Expences, incident to and attending the procuring and obtaining this Act, shall be paid and defrayed by the said Trustees, or any Five or more of them, out of any Monies collected or received by virtue of the said recited Acts or either of them, or out of the first Monies to be collected or received by virtue of this Act, in preference to any other Payment whatsoever, in the like Shares and Proportions as the Costs, Charges, and Expences



Expenses of obtaining and passing the said recited Acts, were thereby directed to be paid; and the said Trustees, or any Five or more of them, are hereby authorized and required to order and direct the Payment thereof accordingly.

XVIII. And be it further enacted, That this Act shall be adjudged, deemed, 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. Publick Act.

XIX. And be it further enacted, That this Act shall commence and take place from and after the passing thereof, and shall continue and be in Full Force and Effect for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Limiting the Term of this Act.

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