



ANNO QUADRAGESIMO QUARTO

# GEORGI III. REGIS.

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## Cap. 54.

An Act to enable the Company of Proprietors of the *Ellesmere* Canal to make a Railway from *Ruabon Brook* to the *Ellesmere* Canal, at and near the Aqueduct at *Pontcysylltee*, in the Parish of *Llangollen*, in the County of *Denbigh*; and also to make several Cuts or Feeders for better supplying the said Canal with Water. [29th June 1804.]

**W**HEREAS by an Act made in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from the River Severn, at Shrewsbury in the County of Salop, to the River Mersey, at or near Netherpool, in the County of Chester, and also for making and maintaining certain Collateral Cuts from the said intended Canal*, certain Persons therein named, together with such other Persons, Bodies Politic, Corporate, or Collegiate, as should be nominated and appointed in Manner therein mentioned, were united into One Body Corporate, by the Name and Stile of "The Company of Proprietors of the *Ellesmere* Canal," and were authorized and empowered to make, complete, and maintain, a Canal, navigable and passable for Boats, Barges, and other Vessels, from and out of the River *Severn*, within the Liberties of the Town of *Shrewsbury*, in the County of *Salop*, to unite with the River *Mersey*, at or near *Netherpool*, in the County of *Chester*; and also to make, complete, and maintain, several Collateral Navigable Cuts to branch from and out of the said Canal, as in the said Act mentioned: And whereas by an Act, made in the Thirty-sixth Year

Act 33 G. 3.

[Loc. & Per.] 10 Y of



- 36 Geo. III. of the Reign of His present Majesty, intituled, *An Act to explain and amend an Act, passed in the Thirty-third Year of the Reign of His present Majesty, intituled 'An Act for making and maintaining a Navigable Canal ' from the River Severn, at Shrewsbury, in the County of Salop, to the ' River Mersey, at or near Netherpool, in the County of Chester; and ' also for making and maintaining certain Collateral Cuts from the said in- ' tended Canal, and for varying and altering certain Parts of the Whit- ' church Line of the said Canal and Collateral Cuts, and for extending the ' same from Franckton Common to Sherryman's Bridge, in the Parish of ' Whitchurch, in the said County of Salop, and for making and maintaining ' several other Branches and Collateral Cuts to communicate therewith,'* the said Company of Proprietors were authorized to vary and alter the Line of the said Canal and Cuts between *Franckton Common and Whitchurch*, in the same Act mentioned, and to make, extend, and maintain, several new Branches to communicate therewith; and the Powers given by the said recited Act of the Thirty-third Year of the Reign of His present Majesty, were by the said Act of the Thirty-sixth Year of the Reign of His present Majesty, varied, enlarged, and amended, in such Manner as therein mentioned:
- 36 Geo. III. And whereas by a certain other Act, made in the said Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act to explain and amend an Act, passed in the Thirty-third Year of the Reign of His present Majesty, intituled, 'An Act for making and maintaining a ' Navigable Canal from the River Severn, at Shrewsbury, in the County of ' Salop, to the River Mersey, at or near Netherpool, in the County of ' Chester; and also for making and maintaining certain Collateral Cuts from ' the said intended Canal, and for varying and altering certain Parts of the ' Course of the said Canal and Collateral Cuts between Ruabon and Chester, ' and for extending the same; and for making and maintaining several other ' Branches and Collateral Cuts to communicate therewith,'* the said Company of Proprietors of the said *Ellesmere Canal* were authorized and empowered to vary the Line of the said Canal and Cuts between *Ruabon* and the City of *Chester*, in the said Act mentioned, and to make, extend, and maintain, several new Branches to communicate therewith; and the Powers given by the said hereinbefore recited Acts of the Thirty-third and Thirty-sixth Years of the Reign of His present Majesty, were, by the said Act of the Thirty-sixth Year of the Reign of His present Majesty, now in recital, extended, varied, enlarged, and amended, in such Manner as therein mentioned:
- 41 Geo. III. And whereas by an Act made in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act to authorize the Company of Proprietors of the Ellesmere Canal to extend the said Canal from the Whitchurch Branch thereof, at or near certain Water Corn Mills, called The New Mills, in the Parish of Whitchurch, in the County of Salop, to, and to communicate with the Chester Canal, in the Township of Stoke, in the Parish of Acton, in the County of Chester, and for altering and amending the several Acts passed for making and maintaining the said Ellesmere Canal,* the said Company of Proprietors of the said *Ellesmere Canal*, were authorized and empowered to make and maintain a new Branch from the said *Whitchurch Branch* of the said *Ellesmere Canal*, or from the Place where the same was intended to pass, at or near certain Water Corn Mills, called *The New Mills*, in the Parish of *Whitchurch*, in the County of *Salop*, to, and to communicate with, the said *Chester Canal* in the Township of *Stoke*, in the Parish of *Acton*, in the County of *Chester*, and the Powers given by the said recited Act of the Thirty-third Year of the Reign



Reign of His present Majesty; and the said Two several Acts of the Thirty-sixth Year of the Reign of His present Majesty, were by the said Act of the Forty-first Year of the Reign of His present Majesty, extended to the said additional Branch of the said Canal by the said last-mentioned Act authorized to be made, maintained, and executed: And whereas by an Act passed in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act for repealing so much of an Act, passed in the Thirty-third Year of His present Majesty, intituled, 'An Act for making and maintaining a Navigable Canal from the River Severn, at Shrewsbury, in the County of Salop, to the River Mersey, at or near Netherpool, in the County of Chester, and also for making and maintaining certain Collateral Cuts from the said intended Canal,'* as restrains the Company of Proprietors of the said Canal from taking Tonnage on Coals, Coak, Culm, Lime, or Limestone, upon a Part of the said Canal; and for authorizing the said Company of Proprietors to raise a Sum of Money to make up the Amount of their original Subscription, and for further amending the several Acts passed relative to the making of the said Canal; a certain Clause of Exemption contained in the said recited Act of the Thirty-third Year of the Reign of His present Majesty, whereby the said Company of Proprietors were restrained from taking Tonnage upon Coals, Coak, Culm, Lime, or Limestone, conveyed along a certain Part of the said Canal, lying between *Pontcysylltee* and the upper End of the *Cegedog* Valley, near *Brymbo*, in the County of *Denbigh*, was repealed, and the said Company of Proprietors were authorized and empowered to raise such further Sums of Money by such Ways and Means as therein mentioned; and the Powers and Provisions contained in the said several recited Acts of the Thirty-third, Thirty-sixth, and Forty-first Years of the Reign of His present Majesty, were, by the said Act of the Forty-second Year of the Reign of His present Majesty, varied, enlarged, and amended, in such Manner as therein mentioned: And whereas it appears, upon a re-survey of the Country through which the said Company of Proprietors were, by the said several recited Acts, empowered to make and complete the said Canal and Collateral Cuts, that it will be of Advantage that the said Company of Proprietors should be authorized to make such Railway or Road for the Conveyance of Goods and Merchandise, as hereinafter mentioned: And whereas it is necessary for the procuring of a supply of Water for the Purposes of the said Canal and Collateral Cuts, that the said Company of Proprietors should also be enabled to make such Waterline or Feeder from the said Canal to the River *Dee*, as hereinafter mentioned, and to construct such Works, and make such Cuts and Feeders, as hereinafter also mentioned, at or near *Bala Pool*, otherwise *Pimble Mere* in the County of *Merioneth*, for the supplying of the said River *Dee* with an equal or greater Quantity of Water than shall be taken out of the said River for the Purposes of the said Canal and Collateral Cuts: And whereas such Railway or Road, Waterworks and Feeders, will greatly facilitate the Intercourse of Trade and Commerce in the several Places in the Neighbourhood thereof, and will be of great public Utility; but the same cannot be effected without the Authority of Parliament: And whereas by the said recited Act of the Thirty-third Year of the Reign of His present Majesty, the said Company of Proprietors are empowered to take the Rate of One Penny Halfpenny *per Ton per Mile*, for the Tonnage and Wharfage of all Coal, Coak, Culm, Lime, Limestone, and Rock Salt which shall  
be



Power to  
make a Rail-  
way from  
*Bodylltyn* to  
the *Ellesmere*  
Canal at  
*Pontcysylltee*,  
and other  
Works.

be conveyed upon any Part of the said Canal and Collateral Cuts: but such Limestone, when burnt, being very much reduced in Weight, and its Bulk and Value being considerably increased, it is reasonable that the said Company of Proprietors should be enabled to take an additional Rate of Tonnage on all burnt Lime which may be carried along the said Canal and Collateral Cuts, or any of the Railways or Roads belonging thereto; 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 Company of Proprietors shall be and are hereby authorized and empowered, from and immediately after the passing of this Act, to make, extend, complete, and maintain, a Railway or Road for the Conveyance of Goods, Wares, and Merchandizes, from a certain Brook in the Township of *Bodylltyn*, in the Parish of *Ruabon*, in the County of *Denbigh*, to the said *Ellesmere* Canal, at or near the North-East End of the Aqueduct at *Pontcysylltee*, in the Township of *Trevor Issa*, in the Parish of *Llangollen*, in the said County of *Denbigh*; and also to make, extend, complete, and maintain a Waterline or Feeder, navigable and passable for Boats, Barges, and other Vessels, from the said *Ellesmere* Canal, at or near the said North-East End of the said Aqueduct at *Pontcysylltee*, in the said Township of *Trevor Issa*, to, and to communicate with the River *Dee*, in the Townships of *Llantifilio* and *Rhyfsgog*, in the Parish of *Llantifilio*, in the said County of *Denbigh*; and there to take a Supply of Water from the said River *Dee*, for the Purposes of the said Canal, and the Collateral Cuts and Branches thereof; and also to provide and take a sufficient Quantity of Water out of *Bala Pool*, otherwise *Pimble Mere*, in the County of *Merioneth*, for supplying the said River *Dee* with an equal or greater Quantity of Water than shall have been taken out of the same River for the Purposes of the said Canal, and the Collateral Cuts and Branches thereof, and for that Purpose to make, extend, complete, and maintain a Cut or Feeder from the said Pool or Mere at or near the East or lower End thereof, in the Parish of *Llanuchel* and Township of *Bala*, in the said County of *Merioneth*, to, and to communicate with the said River *Dee*, in the Parish and Township of *Llanfawr*, in the same County, in order to enable the said Company of Proprietors to convey Water occasionally out of the said Pool or Mere into the said River *Dee*, at a lower Level than that by which the said Water is at present discharged from the said Pool or Mere; and also to make, extend, complete, and maintain, another Cut or Feeder from the River *Trewern*, in the said Parish and Township of *Llanfawr*, in the said County of *Merioneth*, to, and to communicate with the said River *Dee* at or in the same Parish and Township, with such Trenches, Buildings, Erections, and Embankments, Works, and Conveniencies as may be requisite for the Use of the said Railway or Road, Waterline, Cuts, and Feeders, and under such Provisions, Limitations, and Restrictions, as are herein-after mentioned, contained, or referred to; which said Railway or Road, Waterline, Cuts, and Feeders, are intended to be made and pass through the several Parishes, Chapelries, Liberties, Townships, Hamlets, and Places herein-after mentioned (that is to say); the said Parishes of *Ruabon*, *Llangollen*, and *Llantifilio*, and the several Townships of *Bodylltyn*, *Christionedd Kenrick*, *Trevor Issa*, *Trevor Ucha*, *Din-bren*, *Maes-yr-ucha*, *Llantifilio*, and *Rhyfsgog*, in the said County of *Denbigh*, and the several Parishes of *Llanfawr* and *Llanuchel*,  
and

and the several Townships of *Llanfawr* and *Bala*, in the said County of *Merioneth*.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors of the said *Ellesmere* Canal, their Deputies, Agents, Officers, Workmen, and Servants, and they are hereby authorized and empowered to make, erect, execute, do, and perform all such Works, Matters, and Things, as shall be requisite and convenient for making, completing, and maintaining the said Railway or Road, Waterline, Cuts, and Feeders, hereby authorized to be made, and the Navigation thereof, and for supplying the same with Water, and shall have, use, exercise, and enjoy the like Ways, Passages, Powers, and Authorities, upon and in respect of the Lands through which the same shall respectively be made; and shall and may ask, demand, take, and recover, to and for the Use and Behoof of the said Company of Proprietors of the said *Ellesmere* Canal, such and the like Tonnage, Rates, and Duties, upon all Goods, Wares, Merchandizes, Coal, Stone, Timber, and other Things, which shall be conveyed upon or through any Part of the said Railway or Road, Waterline, Cuts, and Feeders (except as the same are herein-after increased and altered) and subject to such Powers for varying and altering the same, as in the said several recited Acts granted and contained, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the same Company of Proprietors are authorized and empowered to do, execute, perform, use, ask, demand, take, recover, and enjoy, under and by virtue of the said Acts, or any or either of them, in respect to the Canal and Collateral Cuts, and the several Works thereby respectively authorized to be made; and the said Company, their Agents, Servants, Workmen, and Labourers, and the Commissioners appointed by virtue of the said Act of the Thirty-third Year of the Reign of His present Majesty, and all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate and Sole, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all and every other Trustees, Person and Persons whomsoever, shall have and be seized, possessed of, and is and are hereby invested with such and the like Estates, Authorities, Powers, Abilities, Interests, Privileges, and Advantages, and shall be, and is and are hereby made subject and liable to such and the like Rates, Taxes, Compensations for Tythes, Rules, Conditions, Directions, Regulations, Restrictions, Controuls, Payments, Penalties, Forfeitures, Punishments, and Benefit of Appeal, in relation to the making, Execution, Completion, and Government of the said Railway or Road, Waterline, Cuts, and Feeders, by this Act authorized to be made, completed, and maintained, as are mentioned, given, granted, prescribed, established, and directed to be inflicted in and by the said Act, made in the Thirty-third Year of the Reign of His present Majesty, and by the said Two several Acts of the Thirty-sixth Year of the Reign of His present Majesty, and in and by the said Two several Acts of the Forty-first and Forty-second Years of the Reign of His present Majesty, to every Intent and Purpose whatsoever.

For supply-  
ing the Cuts  
and Feeders  
with Water,  
and to take  
the same  
Tonnage  
Rates as  
upon the  
other Parts  
of the Canal.

III. And be it further enacted, That the said Company of Proprietors of the *Ellesmere* Canal, shall cause all the Waste Waters happening on the *Wirral* Branch of the said *Ellesmere* Canal, to flow from the said Canal in such a Direction as that the said Waste Waters may run into

For causing  
Waste Water  
which may  
happen on  
the *Wirral*  
the Branch of

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the *Ellesmere* Canal, to flow into the River *Dee*.

the said River *Dee* in the most convenient Place or Places, for the Navigation of such River, and that no Water shall be permitted to flow from or out of the said *Ellesmere* Canal into the River *Mersey*, except what may be wanted and used for the Purpose of Navigation upon the said *Ellesmere* Canal, and the unavoidable Waste at the Locks at the North End of the *Wirral* Branch of the said Canal.

Requiring the *Ellesmere* Canal Company to supply the River *Dee* with an equal Quantity of Water that shall be taken from same, by the Means of the said Feeder.

IV. And whereas the Company of the Proprietors for preserving the Navigation of the River *Dee*, may be injured by the said intended Waterline or Feeder: be it therefore further enacted, That the said Company of Proprietors of the *Ellesmere* Canal, shall be and are hereby authorised and required to supply the said River *Dee*, at or near the said City of *Chester*, in the most proper and convenient Place or Places for the Navigation of that River, with a Quantity of Water, equal at the least to what shall be taken from the said River *Dee* by Means of the said intended Waterline or Feeder, and to obtain such Supply from other Streams or Sources than those which already fall into the River *Dee*, either immediately or through the *Ellesmere* or *Chester* Canal.

Powers of former Acts extended to this Act.

V. And be it further enacted, That the said several recited Acts, and all the Clauses, Powers, Provisoos, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things in the said respective Acts contained, for making, completing, repairing, preserving, and maintaining the Canal and Collateral Cuts, and other Works thereby respectively authorised to be made, shall, so far as the Nature and Circumstances of the Case will admit, extend, and are hereby extended to, and shall take effect, operate, and be put in Execution, and shall be used and exercised by the said Company of Proprietors, and shall be applied and enforced in, by, and for and in respect of the making, completing, repairing, preserving, maintaining, and using the said Railway or Road, Waterline, Cuts, and Feeders, and the several Works, Matters, and Things, by this Act authorised to be made, done, and performed, and for the Punishment of Offences in relation thereto; and for the purchasing, selling, and conveying of Lands, Tenements, and Hereditaments, and ascertaining the Value thereof, and for the determining and assessing of Damages, and all other Matters and Things which shall relate to, or happen to arise by or in consequence of the making, completing, repairing, maintaining, and using the said Railway or Road, Waterline, Cuts, and Feeders, and the other Works hereby authorised to be made, done, and executed, and shall also be used and exercised by the Owners and Proprietors of Lands, Mines, and Hereditaments, lying near to the said Railway or Road, Waterline, Cuts, and Feeders, hereby authorised to be made; and that the same Persons who are or have been, or may be appointed Commissioners in relation to the putting the said several recited Acts into Execution, shall be Commissioners for the Purposes of this Act; and the said several Acts, and the several Powers and Provisions thereof, shall, so far as the Nature and Circumstances of the Case will admit, extend, and are hereby extended to, and shall take Effect, operate, and be put in Execution, and be used, exercised, applied, and enforced, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if the several Clauses, Provisoos, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions,



Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things, therein respectively contained, were herein repeated and re-enacted, and as if the said Railway or Road, Waterline, Cuts, and Feeders, and the other Works by this Act authorized to be made, completed, and maintained, had been Part of the said Canal, Collateral Cuts, and other Works by the said recited Acts, or any or either of them. authorized to be made, completed and maintained, but subject nevertheless to the Amendments and Alterations herein contained, and which shall commence and take Effect immediately upon the passing of this Act.

VI. And whereas Surveys have been made to ascertain the Practicability of making the said Railway or Road, Waterline, Cuts, Feeders, and Works, hereby authorized to be made, and a Map or Plan, with a proper Book of Reference thereto, hath been made in consequence thereof, in order to shew the Line or Course of such intended Railway or Road, Waterline, Cuts, and Feeders, and the various Distances from Place to Place, so far as they affect the Property of each Individual through which they pass, and the Extents and Particulars of the whole; be it therefore further enacted, That there shall be Three Parts made of the said Map or Plan, and the Book of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons; and One Part of each of the said Plans and Books of Reference, shall be deposited with the Clerk of the Peace for the said County of *Denbigh*, another with the Clerk of the Peace for the said County of *Merioneth*, and another with the Clerk to the said Company of Proprietors of the said *Ellesmere* Canal; to any of which Maps, Plans, and Books of Reference, all Persons shall have Liberty to resort and examine, or make Extracts or Copies therefrom, as Occasion shall require, paying to the said respective Clerks for Copies of or Extracts from the said Book of Reference, after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans, and Books of Reference, so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law, or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Twenty-one Days Notice to him given for that Purpose, shall and is hereby required from Time to Time, to produce the said Map or Plan, and Book of Reference, to be deposited with him as aforesaid, before the Commissioners for putting into Execution the said several recited Acts and this Act, or any Jury or Juries to be impanelled by virtue of any of the said Acts, at the Time and Place to be mentioned in such Notice, in order that the same may then and there be given in Evidence, such Clerk to the said Company of Proprietors having a reasonable Sum of Money allowed for his Travelling Expences, Absence from Home, and Attendance on such Occasions.

Three Plans and Books of Reference shall be certified by the Speaker of the House of Commons.

VII. And be it further enacted, That the said Company of Proprietors of the said *Ellesmere* Canal, in making the said Railway or Road, Waterline, Cuts, and Feeders, hereby authorized to be made, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Map or Plan respectively, and set forth in the said Book of Reference, without the Approbation or Consent in Writing, signed by the Person or Persons to whom such Lands, Grounds, and Hereditaments, do or shall respectively belong; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any Deviation.

Not to deviate from the Line laid down in the Plan.



tion from the said Course or Direction of the said Railway or Road, Waterline, Cuts, and Feeders, hereby authorized to be made, in case all the Persons to whom the Lands, Grounds, or Hereditaments, to be cut through or made use of for the Purpose of such Deviation shall belong, shall consent thereto in Manner and Form aforesaid.

Errors in describing the Line not to prevent the making the said Railway, &c.

VIII. Provided always, and be it further enacted and declared, That the said Company of Proprietors of the said *Ellesmere* Canal, shall and may make the said intended Railway or Road, Waterline, Cuts, and Feeders, hereby authorized to be made, into, through, across, or over the Estates, Lands, or Grounds, of any Person or Persons whomsoever, whose Name or Names shall appear to the Satisfaction of the said Commissioners, and be by them, or any Seven or more of them, certified under their Hands, to have been by Mistake omitted in the said Plan or Book of Reference, or any of them, or across any Roads, Brooks, or Rivulets, which shall so appear, and be certified to have been omitted by Mistake in Manner aforesaid; and also where it shall appear to the Satisfaction of the said Commissioners, and be by them, or any Seven or more of them, certified as aforesaid, that, instead of the Name or Names of the Owner or Owners of such Estates, Lands, or Grounds, the Name or Names of some other Person or Persons, to whom such last mentioned Estates, Lands, and Grounds do not belong, hath or have been inserted by Mistake in such Maps or Plans, and Books of Reference; any Thing herein or in the said several before recited Acts contained to the contrary thereof in anywise notwithstanding.

Increase of the Tonnage upon Burnt Lime.

IX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from and immediately after the passing of this Act, to raise and increase the Rate of Tonnage upon all Burnt Lime, which shall be carried or conveyed upon any Part of the said Canal and Collateral Cuts, or any of the Railways belonging thereto, and from Time to Time, and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, the Sum of Three-pence *per* Ton *per* Mile, for all such Burnt Lime as shall be so carried or conveyed as aforesaid.

In case of not making out Titles;

X. 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 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 Commissioners, or any Seven 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 Commissioners, or any Seven 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, on the Application of any Person or Persons making

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on



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

Motion or  
Petition.

XI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, the Person or Persons who shall have been in Possession of such Lands, Tenements, or other Hereditaments, in respect whereof such Money shall have been so paid at the Time of passing this Act, 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 other 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 other Hereditaments, or to some Estate or Interest therein.

Where any  
Question  
shall arise  
touching the  
Title to the  
Money to be  
paid, the Per-  
son who shall  
be in Posses-  
sion of the  
Lands, &c.  
shall be deem-  
ed entitled  
thereto, ac-  
cording to  
such Posses-  
sion, unless it  
be a wrong-  
ful Possession.

XII. 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 such Lands, Tenements, or other Hereditaments, the Purchase Money whereof shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or other Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful 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 Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of  
Chancery  
may order  
reasonable  
Expences of  
Purchases to  
be paid by  
the Company  
of Proprietors.

XIII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, incident thereto, and all other Costs, Charges, and Expences, concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors, out of any Money already raised or received, or out of the first Money to be hereafter raised or received, by virtue of the said several herein-before recited Acts or of this Act.

Expences of  
obtaining this  
Act, how to  
be paid.



Publick Act. XIV. And be it further enacted, That this Act shall be deemed and taken to be a publick Act, and all Judges, Justices, and other Persons, are required to take Notice of it as such, without specially pleading the same.

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