



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. cxxxv.

An Act for more effectually repairing the Road leading from the *Willersley* Turnpike Road near *Parton* to *Monkland Mill*, and other Roads therein mentioned, in the Counties of *Hereford* and *Worcester*.
[26th May 1826.]

WHEREAS an Act was made in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and keeping in repair the Roads leading from the Willersley Turnpike Road near Parton to Monkland Mill, and from the Turnpike Road on Fair Mile Field to the Turnpike Road at Broad Heath, and from the Turnpike Road at or near the Ford's Bridge to the Turnpike Road near Stockton, and from Kyre to the Turnpike Road at Grendon Green, in the Counties of Hereford and Worcester*: And whereas another Act was made in the Forty-fourth Year of the Reign of His said Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act of the Twenty-second Year of His present Majesty, for amending the Road leading from the Willersley Turnpike Road near Parton to Monkland Mill, and other Roads therein mentioned, in the Counties of Hereford and Worcester*: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same into Execution, and have borrowed several Sums of Money on the Credit of the Tolls thereby granted, which cannot be repaid, and the said Roads effectually amended, improved, and kept in repair, unless the Terms of the said

[Local.] 44 M Acts

22G.3. c.100.
44G.3. c.62.

Acts are further continued, and further Powers granted : And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England* : And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England* : And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads* : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *June* One thousand eight hundred and twenty-six, the said recited Acts of the Twenty-second and Forty-fourth Years of the Reign of His late Majesty King *George* the Third shall be and the same are hereby respectively repealed, and instead thereof this Act shall from thenceforth commence and take effect and be put in execution for and during the Terms herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, diverting, improving, and keeping in repair the Roads leading from the *Willersley* Turnpike Road, near and through *Parton* and the Parishes of *Eardisley*, *Kimmersley*, and *Sarnsfield*, to the Turnpike Road leading from *Hereford* to *Kington* near *Sarnsfield* aforesaid, and from the said Turnpike Road, through the Parishes of *Sarnsfield*, *Weobly*, *Dilwyn*, *Stretford*, *Eardisland*, and *Monkland*, to *Monkland Mill*, in the County of *Hereford*.

Recited Acts of 22 and 44 G. 3. repealed, and this Act to be executed instead thereof.

Powers of recited Acts of 3, 4, and 5 G. 4. extended to this Act.

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II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act,) and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) shall respectively be as good, valid, and effectual for carrying this Act into Execution as if the same had respectively been repeated and re-enacted in the Body of this Act.

New Terms and Tolls liable to the former Debts, &c.

III. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized by the recited Acts of the Twenty-second and Forty-fourth Years of the

Reign of His late Majesty King *George* the Third, or any of them, to be taken at all and every the Toll Gates and Side Gates erected upon and across or by the Sides of any Part of the said Roads by this Act directed to be widened, improved, and kept in repair, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Acts hereby repealed into Execution, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

IV. And be it further enacted, That all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said recited Acts hereby repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trusts created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

Bonds, &c.
to continue
in force.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first-recited Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said first-recited Act had not been repealed.

Books used
under former
Acts to be
Evidence un-
der this Act.

VI. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the Roads by this Act directed to be widened, improved, and kept in repair, or who have or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for and pay and deliver over the same, and every Part thereof, to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act, are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to pay or account for the same.

Books rela-
tive to former
Acts to be
delivered to
Trustees un-
der this Act.

VII. And

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Hereford*, together with *Joseph Blissett*, *Joseph Blissett junior*, *Henry Blissett*, *Henry Clutton*, *John Clutton junior*, *Thomas Clutton*, *George Coke Clerk*, *John Cotterell*, *Thomas Cotterell*, *George Coleman*, the Honorable *Henry Devereux*, the Honorable *Robert Devereux*, *William Domvill Clerk*, *William Andrew Foley Clerk*, *Lacon Lambe*, *Thomas Phillips*, *Thomas Weston*, *Edward Evans*, *William Preece*, *Thomas Russell Clerk*, *John Birch Webb Clerk*, *James Whitney*, *George Whitney Clerk*, *John Wall Clerk*, being duly qualified in manner directed by the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, and their Successors, shall be and they are hereby appointed Trustees for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act, and also such of the Powers and Provisions of the said recited Act of the Fourth Year of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.

Power to appoint additional Trustees.

VIII. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose (of which Meeting, and of the Purpose thereof, Fourteen Days Notice shall be given, as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act, as if they had been named and appointed in and by this Act.

First Meeting of Trustees.

IX. And be it further enacted, That the said Trustees shall meet at *Weobly* on the First Day of *July* One thousand eight hundred and twenty-six, or as soon after as conveniently may be, between the Hours of Eleven in the Morning and Four in the Afternoon, and shall then and there proceed to put the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, and this Act, into Execution.

Former Officers (except the Treasurer) to continue until removed.

X. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said former Acts hereby as aforesaid repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever,

whatsoever, as if they had been appointed under or by virtue of this Act.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners; shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners; shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information; wherein no Essoign, Protection, or Wager, of Law, nor more than One Impar lance, shall be allowed.

Treasurer and Clerk not to be the same Person.

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admission
in 1810
1811
1812

XII. And be it further enacted, That from and after the First Day of *February* One thousand eight hundred and twenty-seven, the respective Tolls following shall (subject to the Provisions, Restrictions, and Exemptions in this Act and in the said recited Acts made in the Third and Fourth Years of the Reign of His present Majesty contained) be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate as is now set up and continued, or shall hereafter be set up, upon, across, and by the Side of the Roads by this Act directed to be widened, improved, and kept in repair, by each and every such Person and Persons as the said Trustees shall from Time to Time, by virtue of this Act, continue or appoint to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say),

Power to take Tolls.

For every Horse, Mule, or other Beast, drawing any Carriage, the Sum of Sixpence:

Tolls:

[Local.]

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For

For every Horse, Mule, or other Beast of Burthen, whether laden or unladen, and not drawing any Carriage, the Sum of Two-pence :

For all Oxen, Cows, or Neat Cattle, One Shilling and Eight-pence *per* Score, and so in proportion for any less Number :

And for all Calves, Hogs, Sheep, or Lambs, Ten-pence *per* Score, and so in proportion for any less Number :

And Double Tolls shall be demanded and taken for every Horse, Mule, or other Beast, drawing any Carriage on the said Roads laden with any Tree or Piece of Timber, Lime, or Coal, or any Stone or Stones (otherwise than for repairing the said Roads), between the First Day of *November* and the First Day of *March* in every Year.

Directing
how often
Toll to be
paid in a
Day on the
different
Parts of the
Roads.

XIII. Provided always, and be it further enacted, That in case Toll shall have been paid at any Turnpike or Toll Gate to be erected at or near the *Willersley* Turnpike Road, no Toll shall be demanded or taken for the same Horse, Beast, or Cattle, for passing on the same Day, before Twelve of the Clock at Night, through all or any of the Turnpikes or Toll Gates which shall be then standing upon or on the Side of the said Road between the *Willersley* Turnpike Road and *Monkland Mill* (except such as shall be erected at or near *Monkland Mill*), and in case Toll shall have been paid at any Turnpike or Toll Gate to be erected at or near *Monkland Mill*, no Toll shall be demanded or taken for the same Horse, Beast, or Cattle, for passing on the same Day through all or any of the Turnpikes or Toll Gates which shall be then standing upon or on the Side of the said Road between the *Willersley* Turnpike Road and *Monkland Mill* (except such as shall be erected at or near the *Willersley* Turnpike Road), and in case Toll shall have been paid at any Turnpike or Toll Gate to be erected upon or on the Side of the said Road between the *Willersley* Turnpike Road and *Monkland Mill* (except such as shall be erected at or near the *Willersley* Turnpike Road, and at or near *Monkland Mill*), no Toll shall be demanded or taken for the same Horse, Beast, or Cattle, for passing on the same Day through all or any of the Turnpikes or Toll Gates which shall be then standing upon or on the Side of the said Road between the *Willersley* Turnpike Road and *Monkland Mill*, on Notes or Tickets denoting such Payments being respectively produced.

Horses, &c.
drawing dif-
ferent Car-
riages to pay
each Time of
passing.

XIV. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, or Side Gates, returning the same Day through the same Turnpikes, Toll Gates, or Side Gates, drawing any other or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass Toll-free through the same Turnpikes, Toll Gates, or Side Gates, the same Day ; any thing herein contained to the contrary thereof in anywise notwithstanding.

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

XV. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, carrying

carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike, Toll Gate, or Side Gate, the Tolls hereby made payable shall be paid for every Time of passing and repassing through every such Turnpike, Toll Gate, or Side Gate, in like Manner as if no Toll had been before paid thereat; and that the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Roads on the same Day, as often as a fresh Hiring thereof shall take place.

Post Chaises,
&c. to pay
on every new
Hiring.

XVI. And be it further enacted, That the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Turnpikes, Toll Gates, or Side Gates erected and continued, or to be erected upon, across, or by the Sides of the said Roads, for any Horse, Beast, or other Cattle drawing any Waggon, Cart, or other Carriage, the Wheels whereof shall be of less Breadth than Four Inches and a Half, used or employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Dung, Soil, Marl, Compost, or Manure (except Lime) for improving Lands, or any Gravel, Stones, Timber, Sand, or other Materials for the Use of the said Roads, or for the building, rebuilding, or repairing of any present or future Bridge, Toll House, or Toll Gate on the said Roads, any thing herein contained to the contrary notwithstanding; and if any Person shall claim and take the Benefit of any Exemption in this Act contained, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, and the Proof of Exemption shall lie on the Person claiming the same.

Exemptions
from Tolls.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, at any Special Meeting to be holden for that Purpose, of which public Notice, specifying the Time and Place of holding such Meeting, and also the Purpose thereof, shall have been given by inserting such Notice once in some Newspaper or Newspapers published or circulated in the Counties of *Hereford* and *Worcester*, and also by affixing the same on all the Turnpikes, Toll Gates, and Side Gates which shall be then erected and standing upon, across, or by the Side of the Roads by this Act directed to be widened, improved, and kept in repair, at least Twenty Days previous to such Meeting, to order and direct any Turnpike, Toll Gate, or Side Gate now erected and continued, or hereafter to be erected, upon, across; or on the Side of the said Roads, to be removed and placed elsewhere upon, across, or by the Side of the said Roads, in such Situation as to them the said Trustees may appear fit and eligible.

Power to re-
move Gates.

XVIII. And be it further enacted, That all and every the Tolls by this Act authorized to be taken shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, paid, applied,

Tolls vested
in Trustees.

applied, disposed of, and assigned in the Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act.

Application
of Tolls and
Money bor-
rowed.

XIX. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby as aforesaid repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively; secondly, in paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of the Tolls or Duties payable on the Roads by this Act directed to be widened, improved, and kept in repair; thirdly, in defraying the Expences of diverting, widening, improving, repairing, and preserving the Roads by this Act directed to be widened, improved, and kept in repair, and of erecting, altering, and repairing Turnpikes, Toll Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the same Roads, and otherwise in executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

No Prefer-
ence of Mort-
gages.

XX. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Acts or any of them, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or of advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assignees, as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall (in proportion to the Sum or Sums therein mentioned) be Creditors under this Act, and in equal Degree one with another, without any Preference or Priority.

Application
of Compens-
ation Money,
if amounting
to 200*l.*

XXI. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall

shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee in Trust, Guardian, Committee, Trustee, Feme Covert, or other incapacitated Person or Persons, such Money shall, if the same 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 Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in be paid, under the Direction and with the Approbation of the said Court, to be signified by an Order to be 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 of the Land Tax, or 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, 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 meantime 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 meantime 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, or Hereditaments to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

XXII. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, Corporate, or Collegiate, 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 the Sum of Twenty Pounds, then and in all such Cases

[Local.]

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1 G. 4. c. 35.

MS.

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

the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same 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 the said Trustees for executing 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 and Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Where less
than 20*l*.

XXIII. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as herein-before mentioned shall be less than the Sum of 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, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy, Idiocy, 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, &c.

XXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be so 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 the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed 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 for the said Trustees to order the said Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account 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 Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds; and to order Distribution thereof, or Payment of the Dividends thereof;

according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money (mentioning and specifying for what and for whose Use the same is or are received) to such Person or Persons, as shall pay any Sum or Sums of Money into the Bank as aforesaid.

XXV. Provided also, 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 Exchequer, 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 thereof, or to any Bank Annuities to be purchased with any such Money, or to 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 be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; 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.

Where any Question shall arise touching the Title to Money.

XXVI. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of 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 Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said 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.

The Court of Exchequer may order reasonable Expences of Purchases to be paid by Trustees.

XXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

XXVIII. And

Commence-
ment and
Continuance
of Act.

XXVIII. And be it further enacted, That this Act shall com-
mence from the First Day of *June* One thousand eight hundred and
twenty-six, and shall continue and be in force 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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