



ANNO SEXTO

GEORGII IV. REGIS.

Cap. clviii.

An Act for amending and maintaining the Road from the North End of *Old Malton Gate*, in the Town and Borough of *New Malton*, to the Town of *Pickering*, in the County of *York*.

[10th June 1825.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act* 5G.3. c.108. for amending and widening the Road from the North End of Old Malton Gate, in the Town and Borough of New Malton, to the Town of Pickering, in the County of York: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty King *George the Third*, intituled *An Act for enlarging the Term and Powers of* 26G.3.c.142. an Act passed in the Fifth Year of the Reign of His present Majesty, for amending and widening the Road from the North End of Old Malton Gate, in the Town and Borough of New Malton, to the Town of Pickering, in the County of York: And whereas another Act was passed in the Forty-fourth Year of the Reign of His said late Majesty King *George the Third*, inti- 44G.3. c.63. tuled *An Act for enlarging the Term and Powers of Two Acts of the Fifth and Twenty-sixth Years of His present Majesty, for amending the Road from the North End of Old Malton Gate, in the Town and Borough of New Malton, to the Town of Pickering, in the County of York*: And whereas several considerable Sums of Money have been borrowed on the Credit of the Tolls by the said recited Acts granted, which still remain due and owing, and cannot be paid off, nor can the said Road be effectually [Local.] 50 0 amended

amended and kept in good Repair, unless the Term and Powers of the said several Acts be enlarged: And whereas it is expedient that the said Three recited Acts should be repealed, and further Provisions made for the Repair of the said Road: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, 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 an Act was passed in the Fourth Year of the Reign of His said 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 passing of this Act, the said recited Acts of the Fifth, Twenty-sixth, and Forty-fourth Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed; and this Act shall from thenceforth commence and take Effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending and maintaining in repair the Road herein-after described; that is to say, the Road leading from the North End of a Street in the Town and Borough of *New Malton*, called *Old Malton Gate*, to and through the Township of *Old Malton*, to the Town of *Pickering*, in the North Riding of the County of *York*.

Recited Acts 5, 26, and 44 G. 3. repealed, and this Act to take Effect.

Tolls of this Act to be subject to Debts, &c. under former Acts.

II. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the same Road, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and all and every Person and Persons owing any Sum or Sums of Money on account of the said Road to the Trustees for executing the said first Three recited Acts, shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for executing this Act.

Conveyances, &c. under former Acts to be valid notwithstanding the Repeal of the Act.

III. And be it further enacted, That all Conveyances, Mortgages, Deeds, Bonds, Covenants, Agreements, Contracts, and Securities made to or by or entered into on account of the said Road, by any Person or Persons, to or with the Trustees for executing the said first Three recited Acts, or any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said first Three recited Acts, with or to any Person or Persons, for any Purpose relating to the said Road, or to the Execution of the said Acts, or any of them, so far as the

same relate to the said Road, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said first Three recited Acts.

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

Books of Proceedings kept under former Acts to be Evidence, and together with all Books kept of Accounts under former Acts shall be open to the Inspection of the Trustees and Creditors.

Penalty for Refusal of Inspection.

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

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

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the North Riding in the County of York for the Time being, together with *William Atkinson, Robert Bower, Robert Bower the younger, George Brown, Frederick William Blomberg Clerk, William Borton, Jonathan Briggs, Sir George Cayley Baronet, Thomas Candler, James Jervis Cleaver Clerk, Robert Cobb, George Woodcock Dowker, William Dennis, Roger Dobson, James Dunlop, William Fox, Charles Graham Clerk, John Gilby Clerk, Thomas Grayson, Richard Hill, James Hebden, Thomas Hayes Clerk, Matthew Hayes, Ralph Hardwick, Thomas Harrison Clerk, Robert Harrison*

Appointment of Trustees.

Harrison Clerk, Henry Harding, Robert Hardwick, Robert Kitching, Thomas Kendall, John Key, John Kendall, Henry Cockerill Leatham, David Lambert, Thomas Mitchelson, William Middleton, Mackereth Clerk, William Newton, John Newton, Robert Owston, Robert Piper, David Priestman, George Parker, Richard Parke, John Richardson Clerk, Christopher Sykes Clerk, William Shepherd, Robert Shepherd, John Simpson Doctor of Medicine, John Temple, William John Thompson, Richard Watson, John Walker, William Wells, Robert Wise, John Watson, John Walker the younger, Joseph Wardell, John Wright, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending and maintaining the said Road, and for otherwise putting this Act in Execution.

Power to
appoint ad-
ditional
Trustees.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time at any of their Meetings, to elect and appoint any Number of Persons (not exceeding Two in the whole, in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed, and being duly qualified, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meet-
ing of Trus-
tees.

VIII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the House known by the Sign of the *Black Bull* in *New Malton* aforesaid, or some other convenient Place in *New Malton* aforesaid; on the Third *Tuesday* after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places within the said Town, and within the said Town of *Pickering*, or in the Neighbourhood of the said Road, as they shall think proper: Provided always, that the Two General Half-yearly Meetings of the said Trustees shall be held alternately One Year at *New Malton*, and the next Year at *Pickering*.

Old Officers
to continue
until removed
by Trustees.

IX. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said first Three recited Acts, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerk not to
act as Trea-
surer, and
vice versa.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath
been

been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XI. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act for the due and faithful Execution of his or their Office. Treasurer to give Security.

XII. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes, and Toll Houses, and Weighing Machines now standing and being in, or upon, or across the said Road, or on the Sides thereof; and also to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Road, or on the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also one or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One-eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or to alter and discontinue the same, or any of them, as they the said Trustees shall think proper and direct or appoint. Power to erect Toll Gates, Turnpikes, Side Bars, Weighing Machines, &c.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the Power to take Tolls.

[*Local.*]

50 P

several

several and respective Toll Gates or Turnpikes, or Toll Houses, or Side Gates or Side Bars or Chains, which are or shall be standing and Being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road, or any Part or Parts thereof, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricule, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, if drawn by Five or more Horses or other Beasts, any Sum not exceeding Four-pence; and if drawn by Four Horses or other Beasts, any Sum not exceeding Four-pence Halfpenny; and if drawn by Three Horses or other Beasts, any Sum not exceeding Five-pence Halfpenny; and if drawn by less than Three Horses or other Beasts, any Sum not exceeding Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, if drawn by Five or more Horses or other Beasts, any Sum not exceeding Sixpence; and if drawn by Two, Three, or Four Horses or other Beasts, any Sum not exceeding Four-pence Halfpenny; and if drawn by One Horse or other Beast, any Sum not exceeding Sixpence Halfpenny:

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

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and One Penny Halfpenny *per* Score, and so in proportion for any less Number:

And,

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Seven-pence *per* Score, and so in proportion for any less Number.

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar or Chain; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Tolls to be paid but Once a Day.

XIV. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates or Turnpikes, or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Toll Gates, Turnpikes, and Side Gates (if any) as the Ticket for such Payment shall free; at any Time or Times during the same Day (to be computed as aforesaid); any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls on the whole Line of Road.

XV. Provided always, and be it further enacted, That no more than the Tolls following shall be demanded or taken for or in respect of the same

same Horses, Beasts, or Cattle, for passing or repassing at any Time or Times in any one Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Road; (that is to say), no more than One Toll between the Town of *New Malton* and the Town of *Pickering*, nor more than One Toll between the Town of *Pickering* and the Town of *New Malton*.

XVI. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of such Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage passing or repassing along the said Road.

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

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Road, whenever any new Hiring thereof shall take place.

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

XVIII. And be it further enacted, That none of 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 Road, for any Horse, Beast, or other Cattle or Carriage 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 Lime to be used for manuring or improving Lands, not travelling more than Three hundred Yards upon the said Road.

Exemption from Toll.

XIX. And be it further enacted, That out of the Monies already received by virtue of the said first Three recited Acts on account of the said Road, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls by this Act granted or otherwise, the said Trustees shall in the first place pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act, and the Remainder of all such Monies shall (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Mile Stones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other such Expences incidental to the Execution of this Act) be applied in the first place in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the Tolls arising on the said Road by virtue of the said first Three recited Acts, in preference to the Interest of any Monies to be borrowed on the Credit of this Act, and in the next place in keeping down the Interest of the Principal Monies which may hereafter be borrowed on the Credit of this Act, and afterwards in amending and maintaining in repair the said Road, and in otherwise putting this Act into Execution, and then in repaying the Principal Monies already borrowed on the Credit of the Tolls arising on the said Road by virtue of the said first Three recited Acts, and lastly, in repaying the Principal Monies to be borrowed on the Credit of this Act.

Application of the Tolls and Money to be borrowed.

XX. And

Application
of Compen-
sation Money
if amounting
to 200l.

1 G. 4. c. 35.

XX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Road, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there, *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain, until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

XXI. Pro-

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Road, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Trustees or any Three or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and thereupon, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

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

XXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Where under 20*l.*

XXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank.

[*Local.*]

Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of
disputed
Titles.

XXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities, or Government or Real Securities, to be purchased with such Money, and also the Capital of such Bank Annuities, or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may
order reason-
able Ex-
pences to be
paid by Trus-
tees.

XXV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from
Time

Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXVI. 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.

XXVII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of this Act.

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