



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. 6.

An Act for continuing for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, and for altering and enlarging the Powers of Two Acts, one made in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, and the other in the Seventeenth Year of the Reign of His present Majesty, for repairing the High Road leading from *Brent Bridge*, in the County of *Devon*, to *Gasking Gate*, in or near the Borough of *Plymouth*, in the said County.

[25th March 1800.]

WHEREAS by an Act, made in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the High Road leading from Brent Bridge, in the County of Devon, to Gasking Gate, in or near the Borough of Plymouth, in the said County:* And whereas, by one other Act, made in the Seventeenth Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term, and enlarging the Powers of an Act, made in the Thirty-first Year of the Reign of His late Majesty, for repairing the High*

Preamble.
31 Geo. II, and
17 Geo. III, recited.
Road

[Loc. & Per.] G g

Road leading from Brent Bridge, in the County of Devon, to Gasking Gate, in or near the Borough of Plymouth, in the said County; several Tolls and Powers were granted to certain Trustees therein named, which were to continue for and during the Term therein mentioned: And whereas the Trustees have proceeded in the Execution of the said recited Acts, and have borrowed a considerable Sum of Money upon the Credit of the Tolls thereby granted; which Money cannot be repaid, nor the said Road kept in Repair, unless the Term granted by the said recited Acts be further continued, and the Powers thereof altered and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Tolls or Duties, Clauses, Powers, Exemptions, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Provisions, Articles, Matters, and Things whatsoever, therein contained, (save and except such Parts of the same as relate to Exemptions from Stamp Duties, and such as are hereby varied, altered, or repealed), shall be, and are hereby declared to be in full Force and Effect for the Term herein-after mentioned, in as full, ample, and beneficial Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this present Act; which Term hereby granted shall and is hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit of the said recited Acts, or either of them, or which shall or may hereafter be borrowed and become due on the Credit of the said recited Acts, and of this present Act, or any of them, and all Interest due, and to become due, for the same respectively.

Former Act continued.

Any Seven Trustees may act.

II. And be it further enacted, That all Acts, Matters, and Things, authorized or required by the said recited Acts, or either of them, or by this present Act, to be done and executed by the Trustees of the said Road, shall and may be done and executed by any Seven or more of them present at any Meeting, and the same shall be as good, valid, and effectual, and shall have the same Force and Effect, as if such Acts, Matters, and Things had been done and executed by any greater Number than Seven Trustees; and if any Person or Persons elected, nominated, or appointed by virtue of the said Acts, or either, or of this Act, as a Trustee or Trustees, shall die, or refuse or neglect to act, for the Space of Twelve Calendar Months in the Execution thereof, then and in every such Case it shall and may be lawful to and for the surviving or remaining Trustees, or any Seven or more of them, to elect, nominate, or appoint, in Manner directed by the said recited Acts, or one of them, another Person, as a Trustee in the Room or Stead of every such Trustee so dying, or refusing or neglecting to act; and every such Person shall have the like Powers and Authorities as the Trustee in whose Room or Stead he shall have been so elected, nominated, or appointed; any Thing in the said recited Acts to the contrary thereof notwithstanding.

Additional Tolls.

III. And whereas certain of the Tolls authorized to be demanded and taken by the said recited Act of the Thirty-first Year of the Reign of His late Majesty King *George* the Second, are insufficient for the Purpose of maintaining and supporting the said Road, and other Expences attendant thereon, be it therefore enacted, That the Tolls authorized to be demanded

demanded and taken by the said recited Act of the Thirty-first Year of the Reign of His late Majesty King *George* the Second, on all Waggon, Wains, Carts, and Drays, shall cease and determine; and instead thereof, the several and respective Tolls following shall be demanded and taken; that is to say:

For every Waggon, Wain, Cart, Tumbril, or Dray drawn by Eight Horses or other Beasts, the Sum of Five Shillings:

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Seven Horses or other Beasts, the Sum of Four Shillings and Sixpence:

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Six Horses or other Beasts, the Sum of Four Shillings:

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Five Horses or other Beasts, the Sum of Three Shillings:

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by Four Horses or other Beasts, the Sum of Two Shillings:

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Three Horses or other Beasts, the Sum of One Shilling and Sixpence:

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Two Horses or other Beasts, the Sum of Eight-pence:

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by One Horse or other Beast, the Sum of Four-pence.

IV. And be it further enacted, That it shall and may be lawful to and for the Toll Gatherer or Collector, at each of the Two Gates already erected, or any Gates that may hereafter be erected, to demand and take, for the Passage of every Horse, Mare, Gelding, Mule, or Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny; any Thing in the said recited Acts, or either of them, to the contrary thereof notwithstanding: Provided always, That no such Toll shall be demanded or taken at any more than Two Gates.

Horses to pay at each Gate.

V. And be it further enacted, That it shall and may be lawful to and for the respective Toll Gatherers or Collectors on the said Road, and they are hereby authorized and required, on each and every *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year, to demand and take, for and in respect of every Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, and for and in respect of every Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, Double the Toll or Sum which the same respectively are rendered liable to pay on any other Day, by virtue of the said recited Act of the Seventeenth Year of the Reign of His present Majesty, or of this present Act.

Sunday Toll.

VI. And be it further enacted, That the said respective Tolls shall be, and they are hereby vested in the said Trustees; and the same, and every Part thereof, shall and may be demanded, taken, levied, recovered, applied, and disposed of, in the same Manner, and to and for the same Uses, Intents, and Purposes, as the Tolls granted by the said recited Acts.

Application of Tolls.

VII. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, or any Horse, Cattle, or Beast, laden only with,

Exemptions from Toll.

or

or going unladen for, or returning unladen, having been laden only with, on the same Day, Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which such Roads do lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Lime, Culm for burning Lime, Mould, Dung, Compost, or Manure, employed in Husbandry for manuring or improving of Lands, or for any other Thing employed in the Management of any Farm or Lands; or from any Person or Persons residing in any Township or Parish in which the said Roads do lie, for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be, or returning from being shod; or from any Person or Persons going to or from their proper parochial Church, Chapel, or other Place of religious Worship tolerated by Law, on the Sabbath Day or *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty, on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horses of any Soldiers upon their March, or on Duty, or Carriages attending them with their Baggage; or for any Cattle or Carriages employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Devon*, or for the Borough of *Plymouth*, during the Time of such Election or Elections; and if any Person or Persons shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, such Person and Persons shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings.

Interest of
Money bor-
rowed.

VIII. And whereas the said Trustees are not enabled by the said recited Act of the Thirty-first Year of the Reign of His late Majesty King *George* the Second, to grant more than Four Pounds and Ten Shillings *per Centum per Annum*, as Interest for the Money lent and advanced on the Credit of the Tolls to be collected on the said Road: And whereas several Persons lending and advancing their Money on the Credit of the said Tolls are empowered to take Possession of the said Tolls if the Principal Money so lent and advanced be not paid within Three Months after Demand made thereof: And whereas the several Persons so lending and advancing their Money may, on account of the present high Rate of Interest, be induced to make use of such Power; be it therefore enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to pay or cause to be paid to the several Persons who have lent and advanced, or who shall hereafter lend and advance any Money on the Credit of the Tolls collected on the said Road, by way of Interest, any Sum, not exceeding legal Interest, *per Centum per Annum*.

IX. And whereas by the said recited Act of the Seventeenth Year of the Reign of His present Majesty, the said Trustees are restricted from borrowing, on the Credit of the Tolls collected on the said Road, any greater Sum than Seven thousand Pounds in the Whole, which Restriction may be attended with many Inconveniencies; and it may be necessary that a greater Sum should be raised for effectuating the Purposes of the said Acts and of this Act, be it therefore enacted, That the said Restriction shall be, and the same is hereby repealed; and it shall and may be lawful to and for the said Trustees to borrow any Sum or Sums of Money, which they shall from Time to Time deem necessary, on the Credit of the Tolls to be collected by virtue of the said recited Acts and this Act, so that the Money already borrowed by virtue of the said recited Acts, and to be borrowed by virtue of this Act, do not at any one Time exceed the Sum of Eight thousand Pounds; any Thing in the said recited Acts or either of them to the contrary thereof in anywise notwithstanding.

Additional Sum may be borrowed.

X. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and all such Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials, for making or repairing the said Roads, out of or from any Common or Waste Ground, River or Brook, in any Parish, Township, Hamlet, Division, District, or Place, in which any Part of the Road hereby directed to be made, amended, and repaired, shall lie, or in any neighbouring Parish, Township, Hamlet, Division, District or Place, without paying any Thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that the Surveyor or Surveyors or other Persons as aforesaid, may, by Order of the said Trustees, search for, cut, dig, get, gather, and take away such Materials, in and out of the private Lands, Fields, or Grounds of any Person or Persons, where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), paying or tendering such Rate for such Materials to the Owners of such Grounds, and making or tendering such Satisfaction for the Damages done (by digging, getting, and carrying away such Materials) to the Owners or Occupiers of such Grounds, whereand from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same, or any other Materials for making and repairing the said Roads shall be carried, as the said Trustees, shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Payments and Damages, it shall and may be lawful to and for any One Justice of the Peace of the County or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Ten Days Notice thereof in Writing being given by either Party to the other, or to be left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; and the Judgement or Order of the said Justice shall be final and conclusive to all Parties.

For getting Materials to repair the Roads.

[*Loc. & Per.*]

Hb

XI. Provided

Notice to be given to the Occupiers of Lands before Materials are to be taken for repairing Roads.

XI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or other Person or Persons, under the Authority of this Act, to dig, gather, get, take or carry away Materials for making or repairing the said Road, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or Two Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, the said Trustees or such Justices shall, if they think proper, authorize such Surveyor, or other Person or Persons, to dig, get, gather, and carry away such Materials, at such Time or Times as to such Trustees or such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees or such Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Penalties on taking away Materials, etc. got by Order of the Surveyor.

XII. And be it further enacted, That if any Person whosoever shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, for the Purpose of amending the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for amending the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Grounds, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale) every Person so offending shall forfeit, for every such Offence, any Sum not exceeding Five Pounds.

For reinvesting Purchase Money.

XIII. And be it further enacted, That in case any Money or Recompence shall be to be paid for any Messuages, Buildings, Lands, or Hereditaments, which shall be purchased, taken, or used for the Purposes of the said recited Acts or this Act, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity as aforesaid, such Money or Recompence shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon, and subject to the like Uses, Trusts, and Limitations as the said Messuages, Lands, Tenements, or Hereditaments belonging to such Corporation or other Person as aforesaid, so to be purchased, taken, or used, were settled, limited, or assured; and in the mean Time and until such Purchase can be made, such Money shall be paid into the Bank of *England* in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing the said recited Acts and this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twenty-fourth of King *George* the Second,

Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out in the Name of the said Accountant-General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling Bills, and Exchequer Bills, shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Trustees, or any Seven or more of them, and until the same shall, upon a Petition setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments, to be purchased therewith; if the same were purchased and settled), be ordered to be sold by the said Accountant General for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders, in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust, with all convenient Speed, to be reinvested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises, which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, or assured to, or subject to, at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, to be nominated by the Party or Parties interested therein, and to be approved of by the said Trustees, or any Seven or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled, by virtue of the said recited Acts, or this Act.

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

XV. And be it further enacted, That the Costs, Charges, and Ex- Expences
of the Act.
 pences incident to or attending the obtaining and passing of this Act, shall be
 paid

paid out of the Monies already arisen, or to arise, by virtue of the said recited Acts, or either of them, or this present Act, in preference to any other Payment whatsoever.

Commence-
ment and
Continuance
of the Act.

XVI. And be it further enacted, That this Act shall commence and take place from and after the First Day of *May* next, in the Year of our Lord One thousand eight hundred; and shall, together with so much of the said recited Acts as is not by this Act varied, altered, or repealed, 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1800.