



ANNO QUADRAGESIMO OCTAVO

# GEORGI III. REGIS.

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## Cap. 66.

An Act for continuing the Term and altering and enlarging the Powers of Two Acts of His present Majesty, for repairing the Roads from *Keyberry Bridge* to the Passage at *Shalldon*, and from the said Bridge to the Pier or Harbour of *Torquay*, in the County of *Devon*. [27th May 1808.]

**W**HEREAS an Act was passed in the Fifth Year of His present Majesty's Reign, intituled, *An Act for repairing and widening the Roads leading from Keyberry Bridge to the Passage at Shalldon, and from the said Bridge to the Pier or Harbour of Torquay, in the County of Devon*: And whereas an Act was passed in the Twenty-seventh Year of His said Majesty's Reign, intituled, *An Act to enlarge the Terms and Powers of the said Act passed in the Fifth Year of His present Majesty's Reign, for repairing and widening the Roads from Keyberry Bridge to the Passage at Shalldon, and from the said Bridge to the Pier or Harbour of Torquay, in the County of Devon*: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to carry the same into execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls thereby respectively granted, which Monies are still due and owing, and cannot be paid off, nor can the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Term granted by the said Acts is further continued, and some

[*Loc. & Per.*]

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of

Acts further  
continued.

of the Powers and Provisions thereof altered, amended, and enlarged: And whereas the Roads leading from *Keyberry Bridge* aforesaid across *Milber Down*, being Parts of the said Turnpike Road, are very hilly and capable of considerable Improvement, as well as the Road leading from *Tor-Cross* to *Torquay*, in the Parish of *Tormoham*, and for that Purpose it is necessary that such Roads, as well as some other Parts of the Road belonging to the said Turnpike, should be widened, diverted, and turned, but the same cannot effectually be done without the Aid and Authority of Parliament; 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 Acts and all and every the Powers and Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things whatsoever therein respectively contained (except such as are hereby varied, altered, or repealed, and except such Parts thereof as relate to Exemptions from Stamp Duties) shall be and continue in full Force and Effect for and during the Term herein-after mentioned, and that all the Clauses, Powers, Provisions, Matters, and Things therein (except as aforesaid) and in this Act contained, shall immediately on the passing of this Act extend to and be executed as well for the Intents and Purposes of the said recited Acts as for making, amending, widening, turning, altering, diverting, improving, and keeping in Repair the said diverted, widened, new and additional Roads herein-before mentioned and described, and other the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the said additional or new Roads had been originally included in and made Part of the Roads comprised in the said recited Acts, and as if the same Clauses, Powers, Provisions, Matters, and Things were repeated and re-enacted in the Body of this Act, and that all the Tolls granted by the said recited Acts shall, after defraying the Expences of collecting the same and repairing the Toll-houses and Gates upon the said Roads, be and are hereby declared to be subject and liable in the First Place to the Payment of all Expences of obtaining and passing this Act, and in the next Place to the Payment of all Sums of Money and the Interest thereof now due and owing by virtue or on the Credit of the said recited Acts or either of them, or of the Tolls thereby granted, and from and after the discharging and satisfying the same, for defraying the Expences of widening and diverting the said Roads and making the said new Roads herein-before mentioned, and purchasing the Lands and Grounds which shall be necessary for widening, diverting, and making the same respectively.

Limiting the  
Extent of the  
Roads.

II. And be it further enacted, That the said Road shall from and after the passing of this Act extend to the South East or Gable End of a certain Dwelling House, belonging to *Mary Bickford* at *Torquay* aforesaid, lately purchased by her of *Nicholas Hannaford*, instead of the Pier or Harbour of *Torquay* aforesaid, and that the Road from the said House home to the said Pier or Harbour shall no longer be subject to and not form a Part of the said Turnpike, and that from and after the passing of this Act, the said Turnpike Road shall extend only to the Rivulet or Stream

Stream of Water at *Ringmore*, in the Parish of *Saint Nicholas*, instead of the Passage at *Shalldon*, and that the Road from the said Rivulet or Stream of Water home to the said Passage at *Shalldon*, shall no longer be subject to and form a Part of the said Turnpike.

III. And be it further enacted, That Sir *Henry Carew* and Sir *John Trustees.*  
*Louis* Baronets; *Walter Palk*, *Walter Palk Carew*, *Thomas Carew*, *George Cary*, *John Cary*, *Lawrence Vaughan Palk* *Henry Lyne Templer*, *Robert Hilton Anywin*, *John Rowe Bennett*, *William Brown*, *Thomas Langford Brown*, *Thomas Abraham*, *Robert Palk*, and *Thomas Ley*, Esquires, *Robert Bradford*, *George Baker*, *Roger Mallock*, *William Kitson*, *Robert Palk Welland*, *Edward Addicott Kitson*, *John Lane Kitson*, *Thomas Whidborne*, *Aaron Neck*, and *Walter Kitson the younger*, Clerks, *Roger Mallock the younger*, *Thomas Kitson the younger*, *John Mossy Bartlett*, *Richard Milford Tozer*, *Nicholas Baker*, *John Ley*, *George Whidborne*, *Robert Waring Langworthy*, *Henry Manning the younger*, *George Manning*, *William Rowe*, *Mark Batt*, *John Adams Bartlett*, *James Peloquin Cofferat*, *Elias Blackaller the younger*, *Thomas Luckem Rowe*, *Thomas Rowe*, *William Bickford*, *John Cowell*, *William Michelmore*, *Thomas Stabb*, *John Collins*, *William Rowe*, *William Cartwright*, *John Woodley the younger*, *Thomas Codnor*, *John Sowden*, *John Mudge the younger*, *William Bartlett*, *John Perriman*, *Edward Adams*, *Nicholas Mudge the younger*, *William Bickford Bartlett*, and *James Bartlett*, shall be and they are hereby added to and joined with the Trustees appointed in or by virtue of the said recited Acts or either of them; and the Trustees herein nominated and the said Trustees heretofore appointed as aforesaid and their Successors, being qualified according to the Directions of the said first-recited Act, are hereby authorized and empowered to act in the Execution thereof and of this Act, as fully and effectually to all Intents and Purposes as if they had been appointed by the said recited Acts or either of them.

IV. And be it further enacted, That from and after the Ninth Day of *November* next after the passing of this Act, the several Tolls granted by the said recited Acts or either of them shall be and the same are hereby declared to be repealed, and that such Sums of Money as the said Trustees shall from Time to Time appoint not exceeding the following Tolls, shall be demanded, received, and taken in lieu of the Tolls and Sums of Money granted and made payable by the said recited Acts or either of them, before any Carriage or Cattle whatsoever shall be permitted to pass through any Gate or Turnpike erected or to be erected or continued by virtue of the said Acts or either of them or of this Act, (that is to say,)

For every Coach, Chariot, Landau, Berlin, Phaeton, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, (except Waggon, Carts, Tumbrils or Drays) drawn by Six or more Horses or other Beasts of Draught, any Sum not exceeding the Sum of Two Shillings and Sixpence: Tolls.

And drawn by Four or more Horses or other Beasts of Draught, not exceeding the Sum of One Shilling and Sixpence:

And drawn by Two Horses or other Beasts of Draught, not exceeding the Sum of Nine-pence:

And drawn by One Horse or other Beast of Draught, not exceeding the Sum of Sixpence :

For every Waggon, Wain, Cart, Dray, or other Carriage using Wheels with Fellies Nine Inches broad at the least, and drawn by Eight or more Horses or other Beasts of Draught, not exceeding the Sum of Four Shillings :

For every such Waggon, Wain, Cart, Dray, or other Carriage drawn by Five, Six, or Seven Horses or other Beasts of Draught, not exceeding the Sum of Three Shillings :

For the same drawn by Three or Four Horses or other Beasts of Draught, not exceeding the Sum of Two Shillings :

For the same drawn by Two Horses or other Beasts of Draught, not exceeding the Sum of One Shilling :

For the same drawn by One Horse or other Beast of Draught, not exceeding the Sum of Sixpence :

For every such Waggon, Wain, Cart, Dray, or other Carriage using Wheels with Fellies less than Six Inches broad, not exceeding One Half of the several Tolls herein-before mentioned, in Addition to such Tolls :

For every Horse, Mare, Gelding, Ass, or other Beast of Burthen, laden or unladen and not drawing, the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, not exceeding the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number :

And for every Drove of Calves, Swine, Hogs, Sheep, or Lambs, not exceeding the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number.

Double Tolls  
on Sundays.

V. And be it further enacted, That it shall be lawful for the said Trustees at any Meeting to be holden in pursuance of Notice, to be given on all the Turnpike Gates erected or to be erected or continued by virtue of this Act, Fourteen Days at least before such Meeting, to authorize the Toll-gatherers or Collectors at each of the said Gates 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 for and during so long Time as the said Trustees shall order and direct at such Meeting but no longer) or otherwise to demand and take at each of such Gates Double the Tolls which shall for the Time being be ordered and authorized by the said Trustees to be collected at the same Gate on any other Day under and by virtue of the said recited Acts or this Act, or either of them, but so that such Double Toll shall not be demanded or received from any Person going to or returning from his, her, or their Parish Church, or to or from any Church or Chapel or other Place of Religious Worship.

Discharging  
the Trustees  
from the Care  
and Manage-  
ment of cer-  
tain Roads.

VI. And be it further enacted, That from and after the passing of this Act the Road from *Torcross*, in the said Parish of *Tormoham*, towards *Torabbey*, and from thence to the upper Corner of a Field called *Torr Garden*, in the same Parish, shall be discontinued and left out of the said Turnpike, and be no longer subject to or be included within the Terms  
and

and Provisions of the said recited Acts or either of them, or of this Act, and that from and immediately after the passing of this Act, the Road from *Torcrofs* aforesaid across *Torbill* and from thence to the South East or Gable End of the said Dwelling-house belonging to *Mary Bickford* aforesaid, shall be comprised within and form a Part of the Roads belonging to the said Turnpike Roads, and be subject to all the Powers, Regulations, and Provisions thereof.

VII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the Tolls granted by the said recited Acts or either of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not (by reason of his being appointed to collect the said Tolls, or acting under the Authority of the said Trustees) be incompetent to give Evidence in any such Dispute, Suit, or Litigation.

Toll Collectors not incompetent Witnesses.

VIII. And, forasmuch as divers Parts of the said Roads are narrow, and much shaded with Hedges, Trees, and Bushes growing in such Hedges, or on the Sides of the said Roads; be it therefore enacted, That the said Trustees shall and they are hereby required by themselves, or their Clerk and Treasurer or Surveyor, to order and direct the Occupiers and Owners of the Lands and Grounds adjoining the said Roads or any Part thereof, to cut down, remove, and carry away from Time to Time after the passing of this Act, at least Once in every Year, all the Trees, Woods, and Bushes, Limbs of Trees, and other Growth which shall grow or be within the Distance of Fifteen Feet from the Centre of such Roads or any Part thereof, and in case such Owners or Occupiers shall neglect or fail so to do, by the Space of Ten Days after any such Notice, then the said Trustees are hereby fully authorized and required to order the same to be done at the Expence of the Person so neglecting or refusing, and to sell and dispose of such Trees and other Wood for defraying the Expences of such Removal.

Power for the Trustees to order the Removal of Trees, &c. shading the Road.

IX. And be it further enacted, That the said Trustees shall and may at any Time or Times (on Ten Days Notice in Writing signed by any Five or more of them, or by their Clerk and Treasurer for the Time being, and affixed on all the Turnpike Gates erected on the said Roads) lease or let to farm by the Year or otherwise for any Term not exceeding Three Years, all or any of the said Tolls, and all or any of the Turnpike and Toll-houses for collecting the same, to any Person or Persons for the largest Sum that shall be offered or bid therefore, or for any larger Sum which they may (if they shall not be satisfied with the highest Sum so offered or bid) offer the same for to the highest Bidder, and so in Succession to the other Bidders and other Persons present, until some Person or Persons shall accept thereof at the same or some succeeding Meeting as is usual and customary in other Cases of Sales or letting of Estates in the Neighbourhood; taking such Security as to them shall seem sufficient for the Payment thereof; and that such Leases, Agreements, or Contracts shall be in Writing and be signed by the said Trustees or by their Clerk

Power to let the Tolls, &c.

or Treasurer for the Time being, for and on their Account, and by the Lessee or Lessees, who in Default of Payment of the Rent or Money therein reserved or agreed to be paid, shall or may be proceeded against for the Recovery thereof in Manner by the said First recited Act directed for proceeding against Collectors and Receivers of Tolls receiving Money and not paying the same, as is thereby required, and in case any Default shall be made, that then it shall be lawful for the said Trustees (if they shall think fit) to declare such Lease or Agreement void, and it is hereby declared that the same shall thereupon be void accordingly to all Intents and Purposes whatsoever (save and except only with regard to the Recovery of the Arrears then remaining due on such Leases or Contracts), and that for such Purpose only the same shall remain and continue in force until Payment and Discharge thereof, and all Costs and Charges relating to the Recovery thereof.

Actions to be brought in the Name of the Clerk or Treasurer.

X. And be it further enacted, That the Signature of every such Lease, Contract, or Agreement in Manner before stated, shall be sufficient and effectual to all Intents and Purposes whatsoever, and that all Proceedings in Law and Equity for Recovery of the Tolls, Penalties, or other Sums of Money which shall become payable by virtue of this Act or of the said former Acts, or either of them, or for any other Purposes whatsoever, shall and may be commenced, sued, prosecuted, and defended in the Names of the said Trustees or any Five or more of them, or in the Name of their Clerk or Treasurer for the Time being, and that no such Action or Suit shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by his or their Act or Acts, without the Consent of the said Trustees; but such Clerk or Treasurer for the Time being respectively shall always be deemed Plaintiff or Defendant, Plaintiffs or Defendants, in such Action or Suit, as the Case shall be, and be reimbursed and paid out of the Money to arise by virtue of the said recited Acts or either of them or of this Act, all such Costs, Damages, and Expenses as by the Event of such Proceedings he or they shall respectively sustain or be charged with, by reason of his or their being such Plaintiff or Defendant, Plaintiffs or Defendants.

Fixing a Quorum of the Trustees.

XI. 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 Act, to be done and executed by the said Trustees in carrying the same into Execution, shall and may be done and executed by any Five or more of them present at any Meeting, being the Majority of such of them as shall be then present, and the same when done 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 all or any greater Number than Five Trustees.

Tolls vested in the Trustees.

XII. And be it further enacted, That the several Tolls by the said recited Acts or either of them authorized to be taken shall be and the same are hereby vested in the Trustees for carrying the said recited Acts and this Act into Execution, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed

of in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, and Restrictions as are contained in the said recited Acts or either of them, with respect to the Tolls hereby authorized to be taken, but subject nevertheless to this Act and the Provisions and Regulations herein contained.

XIII. And be it further enacted, That if any Person shall haul or cause to be hauled or drawn upon any Part or Parts of the said Roads any Tree or Piece of Timber, or any Stone or Stones, or other dead Goods whatsoever, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be conveyed by any Carriage to drag upon any Part of the said Roads to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in the same Manner as herein-after mentioned.

Penalty on Persons hauling Timber, &c. on the said Road otherwise than upon Wheel Carriages.

XIV. And whereas the Exemptions from the Payment of Toll by the said recited Acts granted or either of them have been found prejudicial to the said Roads; be it therefore enacted, That from and after the passing of this Act the same shall be and are hereby declared to be repealed.

Repealing present Exemptions, and

XV. And be it further enacted, That no Toll shall be demanded or taken for any Carriages or Cattle employed in carrying of Materials for repairing Highways, or of Implements of Husbandry, or of Lime, Dung, Mould, Soil, or Compost for Manure only (Lime and Limestone for Sale excepted) Culm used for burning Lime for Manure, or of Hay not sold and not for Sale, or of Corn in the Straw not sold and not for Sale, or of Wood not sold and not for Sale, nor for Horses or Carriages returning empty after having delivered any such Articles, nor for Cattle going to or returning from Water or Pasture, or in order to be shod in any of the Parishes through which the said Roads or any Part thereof shall pass, or carrying any Person employed in driving such Cattle going or returning for such Purposes; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, or Person or Persons going to or returning from his, her, or their own Parish Church or other Place of Divine Worship on *Sundays*, or on any other Days on which Divine Worship is ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die or be buried in any Parish, Township, or Place wherein the said Roads do or shall lie, or from any such Rector, Vicar, or Curate when going to or returning from any other of his or their Parochial Duty; or from any Person going to or returning from the Election of Knights of the Shire, to serve in Parliament for the County of *Devon*; nor shall any Toll be demanded or taken for any Carriages of whatsoever Description employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expresses, under the Authority of His Majesty's Post Master General, or in returning back therefrom; nor for the Horses of any Soldiers passing who are upon their March or on Duty, or for any Carts, Carriages, or Waggon attending them, or laden with their Arms or Baggage; nor for any Horse, Mare, or Gelding furnished by or for any

granting others.

any Person belonging to any Corps of Yeomanry or Volunteer Cavalry and rode by him in going to or returning from any Place of Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming such Exemption; or for Horses, Carts, or Carriages travelling with Vagrants sent by legal Passes; or from Persons passing to or from one Part to another of the Lands belonging to or occupied by him or them in any of the Parishes wherein the said Roads lie, nor for his or their Horses, Servants, Carriages, or Cattle used or employed in the same Way; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Interest of  
the Money to  
be 4l. 10s.  
per Cent.

XVI. And be it further enacted, That the said Trustees shall and may at any Time or Times hereafter, at the Request of the Creditors of the said Turnpike, or the Major Part of them in Value, at any Meeting to be held in pursuance of this Act, Twenty Days public Notice for that Purpose being affixed on the said Turnpike Gates, order the Interest of the Money already due on the Credit of the Tolls granted by the said recited Acts or either of them, to be raised and advanced to any Sum of Money not exceeding the Sum of Four Pounds and Ten Shillings *per Centum per Annum* if they shall think fit so to do.

Clerk to ad-  
journ Meet-  
ings.

XVII. And be it further enacted, That the said Trustees or any Five or more of them, or their Clerk and Treasurer, in Default of the Attendance of a sufficient Number of Trustees, shall and may from Time to Time have full Power and Authority to appoint or adjourn any Meeting or Meetings of the said Trustees to be holden at *Skaldon* or *Torquay* as well as *Newton Abbott*, any Thing in the said recited Acts or either of them contained to the contrary notwithstanding.

Statute  
Labour.

XVIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall be lawful for any Two or more Justices of the Peace for the said County and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, or by their Order, yearly to adjudge and determine what Part or Portion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the same do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers;



forers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which List of Names shall be made in such Manner, and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force or effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work as aforesaid upon the said Roads as the said Justices shall think reasonable, and the same shall be done at such Days and at such Times (not being Hay-time or Harvest) and in such Parts of the said Roads as the said Justices, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force or effect for Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads, and in case the said Surveyor or Surveyors of the High-

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ways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false and imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Application of  
Compensation  
if amounting  
to 200l.

XIX. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for and on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and vested, 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, Interests, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, and capable of taking effect; and in the mean Time, and until such Purchase shall be made, the said Money shall by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents

Rents and Profits of the said Lands, Tenements, and Hereditaments, to be purchased by virtue of the said recited Acts and this Act, in case such Purchase or Settlement were made.

XX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, 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 Privy of the said Accountant General or the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five of the Trustees for executing the said recited Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation if less than 200l. and exceeding 20l.

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

Application where the Money is less than 20l.

XXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts and 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 such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees to order

In case of not making out Titles.

order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the 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 such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching Money to be paid, the Person in Possession shall be entitled.

XXIII. 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 Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXIV. 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 under the Authority of the said recited Acts and this Act,

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

XXV. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby or by the said recited Acts or either of them inflicted, or authorized to be imposed (the Manner of levying and recovering whereof is not herein or thereby otherwise directed) shall upon Proof of the Offence respectively before any Justice of the Peace for the County or Place wherein the same shall be committed, or wherein the Offenders shall be or reside, either by the Confession of the Party offending or by the Oath of one or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered and required to grant, and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, and the Money arising by such Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by the said recited Acts or either of them, or of this Act, shall from Time to Time be paid to the Treasurer or Treasurers to the said Trustees and applied for the Purposes of the said Roads; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any Justice of the Peace, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges shall be sooner paid and satisfied.

Recovery and  
Application of  
Penalties.

XXVI. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged by the said Trustees for carrying the said recited Acts and this Act into Execution, out of any Money which hath arisen by virtue of the said recited Acts, or out of the first Money which shall arise by virtue thereof and of this Act, in preference to all other Payments whatsoever.

For paying  
the Expences  
of this Act.

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.

Term of the  
Act.

XXVIII. And be it further enacted, That the Term granted and continued by the said recited Acts or either of them, shall upon the passing hereof cease and determine, and that the said recited Acts, subject to the Alterations, Additions, and Amendments herein contained, and also this Act, shall from thenceforth continue and be in force and be executed 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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