



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 75.

An Act for continuing the Term, and altering and enlarging the Powers of several Acts passed respecting several Roads near the Borough of *Ashburton* and the Town of *Newton Bushell*; and for amending, widening, altering, and keeping in Repair, the Road leading from a Place called *Moor's Barn* to the End of *White Hill Lane* in the Parish of *Highbwick*; and for making and maintaining a Road from the Bottom of *Dean Clapper Hill*, at the West End of the Village of *Dean Prior* in the Parish of *Dean Prior*, through the Village of *Dean Church Town*, and from thence through the Parishes of *Rattery* and *South Brent* to *Brent Bridge*, all in the County of *Devon*.

[28th May 1802.]

[*Loc. & Per.*]

A 2

WHEREAS

28 Geo. 2.

1 Geo. 3.

16 Geo. 3.

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George the Second*, intituled, *An Act for repairing and widening the Road from Chudleigh Bridge in the Parish of Hennock in the County of Devon, through the Town and Borough of Ashburton, to Brent Bridge in the Parish of South Brent, in the said County*: And whereas an Act was passed in the First Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from Travellers Rest in the Parish of Ashburton, to Newton Bushell; and from thence to Forches otherwise Forger's Cross in the Parish of Highwick in the said County of Devon*; whereby separate Trustees were appointed and several Tolls and Powers were granted, for effectually repairing and keeping in Repair the said Road: And whereas an Act was passed in the Sixteenth Year of His present Majesty's Reign, intituled, *An Act for continuing and enlarging the Terms and Powers of Two several Acts of Parliament, respecting Roads near the Borough of Ashburton in the County of Devon*, whereby the Road leading from *Forches Cross* aforesaid to *South Bovey* in the said County of *Devon*, was directed to be included in and comprized under the Powers and Provisions of the said last recited Act: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded to put the same in Execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls thereby respectively granted; which are still due and owing, and cannot be paid off, nor the said Roads kept in Repair, unless the Term granted by the said Acts be further continued, and some of the Powers and Provisions thereof altered and enlarged; and it is necessary that the Tolls directed to be taken by the said recited Acts should be increased: And whereas the Road leading out of the said Road from *Traveller's Rest* to *Newton Bushell*, at a Place called *Moor's Barn*, to the End of *Whitebill Lane*, in the said Parish of *Highwick*, is much out of Repair, narrow, and incommodious, and cannot be effectually amended, widened, altered, and kept in Repair by the ordinary Course of Law; and it would be a great Convenience to the Neighbourhood, and of publick Utility, if the same were made Turnpike, and included under the Powers and Provisions of the said recited Acts and this Act; and also if Power were given to divert and alter the Course of the present Turnpike Road from *Chudleigh Bridge* to *Brent Bridge*, by making and maintaining a Road from the Bottom of *Dean Clapper Hill*, at the West End of the Village of *Dean Prior* in the Parish of *Dean Prior*, through the Village of *Dean Church Town*, and thence through some Part of the Parish of *Rattery* in the said County, to *Brent Bridge* aforesaid: And whereas it would tend much to the Benefit and Advantage of Persons travelling the said Roads, if Power were given to provide and furnish Lamps, and light so much and such Part of the said Roads as runs through the said Town of *Ashburton*: 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 Powers, 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 Exemption from Stamp Duties), shall be and continue in full Force

Acts further continued.

Force and Effect for and during the Term herein-after mentioned ; and that all the Clauses, Tolls, Powers, Provisions, Matters, and Things therein and in this Act contained, shall, immediately on the passing hereof, 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 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 Roads had been originally included in and made Part of the Roads included in the said recited Acts, and as if the same Clauses, Tolls, Powers, Provisions, Matters, and Things were repeated and re-enacted in the Body of this Act ; and this Act, and the additional Term and Powers hereby granted, shall be, and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing, or which shall or may hereafter be borrowed on the Credit of the Tolls arising from the same Roads respectively, and the Interest due and to grow due thereon respectively ; but that the Debts, Tolls, or Profits of either of the said Roads shall not be applied to the Payment or Discharge of any of the Debts charged on the other of the said Roads, nor be at all concerned therewith.

II. And be it further enacted, That Sir *William Elford* Baronet, Sir *Lawrence Palk* Baronet, Sir *Francis Buller Yarde Buller* Baronet, the Honourable *Thomas Parker*, *John Pollexfen Bastard*, *Edmund Bastard*, *James Templer*, *Pierce Joseph Taylor*, *Thomas Lear*, *William Cholwich Lear*, *Thomas Lane*, *Edmund Lane*, *William Cuming*, *Jeffery Edwards*, *James Samber*, *Robert Palk*, *Charles Kitson*, *Thomas Palk*, and *James Woodley*, Esquires, *Thomas Kitson*, *Richard Lane*, *John Huxham*, *William Kitson*, *William Eales*, *Jacob Ley*, *Francis Shepherd*, *John Alan Lyde*, *Matthew Lowndes*, *John Garrett*, *John Amyatt*, *John Templer*, and *George Baker*, Clerks, *John Eales*, *William Drewe*, *Andrew Griffin Cord Tucker*, *George Ley*, *James Mogridge the younger*, *Walter Mogridge*, *Fitzwilliam Young*, *George Ley Young*, *Jacob Ley Young*, *Thomas Abraham*, *Thomas Abraham the younger*, *Robert Abraham the younger*, *John Winsor*, *James Stoot*, *Richard Honeywill*, *Solomon Tozer*, *Richard Ley*, *Thomas Ley*, *John Ley*, *Samuel Tozer*, *Henry Gervis the younger*, *John Gervis*, *George Gervis*, *Austin Widger*, *William Hern the younger*, *Peter Fabyan*, *Peter Fabyan Sparke*, *Richard Berry*, *John Berry his Son*, *Peter Wotton*, *John Wotton*, *John Caunter the younger*, *Richard Caunter*, *Joseph Gribble*, *Thomas Eales*, *Thomas Searle*, *Thomas Searle the younger*, *William Ireland*, *Henry Tozer*, *Peter Cockey*, *William Cockey*, *Robert Cockey*, *John Bovey*, *Samuel Berry*, *John Elliott*, *Robert Bovey*, *Peter Woodley*, *Matthew Lowndes the younger*, *Moses Savery*, *John Savery*, *John Rowe Bennett*, *John Bickford the younger*, *Thomas Yolland*, *Stephen Yolland*, *Thomas Widger*, *Jeffery Michelmores*, *Richard Holditch*, *John Perry*, *Robert King*, *Philip Michelmores*, *Philip Michelmores the younger*, *Thomas Michelmores*, *John Tucker*, *Henry Taply*, *John Callard*, *William Taply*, *Robert Webber*, *Samuel Berry*, *Christopher Furneaux*, *George Goodridge*, *Alexander Popham Luscombe*, and *Jeffery White*, shall be, and they are hereby added to and joined with the Trustees appointed in or by virtue of the said recited Acts, or any or either of them ; and the Trustees herein nominated, and their Successors, being qualified according to the Directions of the said first recited Act, are hereby empowered and authorized to act in the Execution thereof, and of this Act,

Additional
Trustees:

Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed by the said recited Acts, or any or either of them.

Quorum of Trustees.

III. And be it further enacted, That all Acts, Matters, and Things authorized or required by the said recited Acts, or any or either of them, or by this present 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, 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 Five Trustees, save and except as herein otherwise directed and provided; and if any Person or Persons elected, nominated, or appointed a Trustee or Trustees by virtue of the said recited Acts, or of this Act, shall die, or refuse or neglect to act for the Space of Twelve Calendar Months in the Execution thereof, that then, and in every such Case, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, to elect, nominate, or appoint, in Manner directed by the said recited Acts, or any or either of them, another Person as a Trustee, in the Room or Stead of every such Trustee so dying, refusing, or neglecting to act; and that 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.

Tolls repealed and others granted.

IV. And whereas the Tolls by the said recited Acts granted are insufficient for the Purpose of maintaining and supporting the said Roads, and the other Expences attendant thereon; be it therefore enacted, That, from and after the passing of this Act, the said Tolls shall be, and the same are hereby declared to be repealed; and that instead thereof there shall be demanded and taken at any Gate or Turnpike erected or to be erected, or continued by virtue of the said Acts, or any or either of them, and of this Act, before any Carriage or Cattle whatsoever shall be permitted to pass through the same, such Tolls as the said Trustees shall from Time to Time appoint, not exceeding the several and respective Sums of Money herein after mentioned; (that is to say),

Tolls.

For every Coach, Chariot, Landau, Berlin, Phaeton, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, Litter, or other Carriage whatsoever, (except Waggon, Carts, Wains, Tumbrils, or Drays), drawn by Six or more Horses, Mules, or Asses, the Sum of Two Shillings:

For every Horse, Ass, Mule, Mare, or Gelding, drawing the same, the Sum of Sixpence:

For every such Carriage drawn by Four Horses, Mules, or Asses, the Sum of One Shilling and Sixpence:

For every Horse, Mule, Mare, or Gelding, drawing the same, the Sum of Sixpence:

For every such Carriage drawn by Two Horses, the Sum of Ninepence:

For every Horse, Ass, Mule, Mare, or Gelding, drawing the same, the Sum of Threepence:

For every Chaise or Chair drawn by One Horse, Ass, Mare, Mule, or Gelding, the Sum of Ninepence:

For every Waggon, Cart, Tumbril, or Dray, using Wheels with Felles Nine Inches Broad at the least, drawn by Eight Horses, or other Beasts of Draught or Burthen, the Sum of Six Shillings:

For

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

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

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

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

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

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

For every such Waggon, Wain, Cart, Tumbril, or Dray, drawn by One Horse, or other Beast of Draught, the Sum of One Shilling :

For every Ox drawing any Carriage whatsoever, the Sum of Three-pence :

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in Proportion for any greater or less Number : And,

For every Drove of Calves, Swine, Hogs, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or less Number :

Which said several Tolls by this Act authorized to be taken, shall be and the same are hereby vested in the Trustees for putting the said recited Acts and this Act in 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 any or either of them, with respect to the Tolls thereby authorized to be taken, but subject nevertheless to this Act, and the Provisions and Regulations herein contained.

V. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed, construed, or taken to charge any Horses, Cattle, Carts, or Carriages whatsoever, passing on the Road between the Towns of *Ashburton* and *Newton Busbell*, with the Payment of any of the Tolls hereby granted, at more than One of the Turnpikes or Toll Houses erected or to be erected on the said Road between *Ashburton* and *Newton Busbell* aforesaid, in One and the same Day ; but that every Person, on Payment of the Toll at any or either of such Gates, and producing a Ticket at the other or others thereof, shall, during the same Day, be fully discharged from any other Payment at

[*Loc. & Per.*]

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either

Cattle and Carriages passing between *Ashburton* and *Newton Busbell* liable only to One Toll a Day.

either of those Gates; any Thing herein contained to the contrary notwithstanding.

Carriages
with Wheels
less than Nine
Inches to pay
Double Tolls.

VI. And be it further enacted, That every Waggon, Wain, Cart, Tumbril, or Dray, using Wheels with Fellies less than Nine Inches broad on any Part thereof, for the Space of Two Inches in Length, shall pay for every Waggon, Wain, Cart, Tumbril, or Dray, and for the Horses or other Beasts drawing the same, Double the Tolls herein-before charged for the same respectively.

Double Tolls
on Sundays.

VII. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting to be held in pursuance of Notice to be given on all the Turnpike Gates erected or to be erected on the said Roads Fourteen Days at least before such Meeting, to authorize the Toll Gatherers or Collectors on all the said Roads, 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 Toll House or Turnpike Gate Double the Tolls which shall, for the Time being, be ordered and authorized by the said Trustees to be collected at the same Toll House or Turnpike Gate on any other Day, under and by virtue of this Act, but so as such Double Toll shall not be demanded or received from any Person going to or returning from Church.

Collectors of
Tolls compe-
tent Witnesses.

VIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, 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 be, and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Lighting the
Road through
Ashburton.

IX. And be it further enacted, That it shall be lawful for the said Trustees to apply a sufficient Part of the Tolls hereby granted for and towards defraying the Expences and Charges of lighting so much and such Part of the said Roads as leads through the said Town of Ashburton, and to erect and continue, or cause to be erected and continued, Lamps sufficient and proper for that Purpose, at all Times during the Term hereby granted.

Power to let
the Tolls.

X. 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 their Clerk, and affixed on all the Turnpike Gates then 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 Part of the said Tolls, and the Turnpikes and Toll Houses erected or to be erected on the said Roads, to any Person or Persons, for the largest Sum that can be gotten for the same, taking such Security as to them shall seem sufficient for the Payment thereof, such Leases or Contracts to be in Writing, and to be signed by the said Trustees; and 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.

ceivers 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 to declare such Lease or Agreement void; and it is hereby declared that the same shall 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 Lease or Contract; 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.

XI. Provided always, and be it further enacted, That in case any or either of the present Lessees or Toll Gatherers, or any Lessee, Toll Gatherer, or Collector of Tolls hereafter to be appointed, shall neglect or fail, by the Space of One Week, to pay up all the Arrears and Money due for such Tolls, or for the Rent or other Profit of such Turnpike or Toll House or Gate, or shall neglect or desert the same, that then and in every such Case it shall be lawful for any Justice or Justices of the Peace for the said County of *Devon*, or for the said Trustees, upon Oath or Affidavit made thereof before him or them respectively, by the Clerk and Treasurer of the said respective Turnpikes, for the Time being, or some other competent Person, by Warrant or Order under his or their Hand and Seal, or Hands and Seals respectively, to authorize and direct the Constable or Tythingman of the Parish where such Turnpike or Toll House shall be situate, to enter therein and take Possession of the same Turnpike or Toll House, or Turnpikes or Toll Houses, with the Appurtenances; and also in case such Goods or Chattels, or any Part thereof, shall be removed from such Turnpike or Toll House, or other Place, for the Purpose of avoiding Payment of such Tolls or Profits, or any Part thereof, that then it shall be lawful for the said Trustees, or any Person authorized by them, or by their Clerk and Treasurer, for the Time being, to pursue, seize, take, sell, and dispose of such Goods and Chattels, wherever the same shall be or be found, in the same Manner as in Cases of Distress for Rent, and to apply the Produce thereof for and towards Payment of the Tolls, Rents, or Profits then due and in Arrear, and the Costs and Charges attending the Premises, and to deliver over the same Turnpike or Toll House and Premises to the said Trustees, or any Person they shall appoint; and that from thenceforth the said Trustees shall be at Liberty to let the same, or appoint any other Collector of such Tolls thereat, in the same Manner as if the former Term had been regularly and duly expired; but that notwithstanding such Possession being taken of the said Turnpikes or Toll Houses, or any Part thereof, the said Trustees, or their Clerk and Treasurer, shall at any Time after have the same Power and Authority to sue for and recover the Arrears which shall then remain due, with the Costs and Charges attending the same, as fully as if no such Possession had been taken.

On Non-payment of Arrears of Tolls, Power to distrain.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to divert, alter, or turn any Part of the said Road leading from *Dean Prior* to *Brent Bridge* aforesaid, unless the same shall be ordered at a Meeting of the said Trustees, to be held pursuant to Twenty Days previous Notice given for that Purpose in some publick Newspaper circulating in the said County of *Devon*, nor unless the same shall be ordered by Nine Trustees present at such Meeting.

Diversion not to be made, but by Order of certain Number of Trustees.

XIII. And

Penalty on
doing certain
Acts on Foot-
paths.

XIII. And be it further enacted, That if any Person or Persons, from and after the passing of this Act, shall at any Time or Times ride, lead, or drive any Horse, Mare, Gelding, Mule, or Ass, or draw, carry, wheel, or convey any Wood, Stones, Dung, or other Things whatsoever, in Wheelbarrows or otherwise howsoever, in or upon the Footpath or Side Walk intended for Foot Passengers, within the said Town of *Ashburton* (other than for the Purposes of passing to and from his or their Stable or Courtlage at the Back of his or their Dwelling House), or if any Person or Persons shall permit or suffer any such Horse, Ass, Mare, Mule, or Gelding, to stand or be in or upon any Part of such Footpath or Side Walk, whether the same shall be tied or untied; or if any Person or Persons shall permit or suffer any Chaise, Coach, Waggon, Cart, or other Carriage, of what Description soever, or any Timber, Wood, or other Thing whatsoever, to be placed and remain in any Part of the publick Street or Roads belonging to the said Turnpikes, or either of them, or any other Part of the Roads, Streets, or Lanes, within the said Town of *Ashburton*; or if any Person or Persons shall drive or carry any Wood, Stones, or other Things whatsoever, upon, over, or across such Footwalk, or any Part thereof, with Wheelbarrows or otherwise, or shall use such Footpath other than for walking thereon (except as aforesaid), that then and in every such Case every such Person or Persons so offending, and being thereof convicted, by his, her, or their own Confession, or by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said County of *Devon*, or before the Portreeve of the Borough of *Ashburton* aforesaid, or before the said Trustees (which Oath such Justice or Justices, or the said Portreeve for the Time being, and the said Trustees, is and are hereby empowered and required to administer), shall forfeit and pay, for every such Offence, any Sum not exceeding Ten Shillings nor less than Five Shillings for the First Offence, and not exceeding Twenty Shillings nor less than Ten Shillings for the Second and every subsequent Offence, as the Person or Persons so administering the said Oath shall in his or their Discretion think proper, and order and direct; which Sum, in case the same be not forthwith paid, shall be levied, recovered, and applied in Manner herein-after mentioned.

Certain Arti-
cles not to be
drawn on the
Roads.

XIV. And be it further enacted, That if any Person shall cause to be hauled or drawn upon any Part 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 nor less than Twenty Shillings, to be recovered and applied in the same Manner as herein-after mentioned.

Repeal of
Exemptions in
old Acts.

XV. And whereas the Exemptions from the Payment of Toll by the said recited Acts granted, or any 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.

XVI. And

XVI. And be it further enacted, That no Toll shall be demanded or taken for any Carriage or Cattle solely employed in conveying Materials for repairing Highways, or of Lime, Dung, Mould, Soil, or Compost for Manure, or of Hay unfold or not for Sale, or of Corn in the Straw unfold or not for Sale, or of Wood not for Sale, nor for any Carriages returning empty after having delivered any of such Articles, or of any Implements of Husbandry, and of Cattle going to or returning from Water or Pasture, or in order to be shoed; nor shall any of the Tolls aforesaid be demanded or taken of or from any Rector, Vicar, or Curate, or Person or Persons going to or returning from his own Parish Church, or other Place of Divine Worship, on *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Township, or Place wherein the said Roads do or shall lie, or any Person going to or returning from the Election of Knights of the Shire of the County of *Devon*, or Borough of *Ashburton*; nor shall any Toll be demanded or taken for any Horses or 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 Postmaster General, or in returning back therefrom; nor shall any Toll be demanded or taken for the Horses of any Soldiers passing, who are upon their March or on Duty, or for any Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage, or for Horses, Carts, or Carriages travelling with Vagrants sent by legal Passes; any Thing in the said recited Acts or this Act contained to the contrary notwithstanding.

XVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly mentioned, 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 High Court of Chancery, to be placed to his Account *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, Grounds, or other Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Grounds, or other Hereditaments, or affecting other Lands, Grounds, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Grounds, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes,

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and

Application
of Compen-
sation Money
where
amounting to
200*l.*

and in the same Manner as the Lands, Grounds, or other 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 of Chancery, 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 and Profits of the Lands, Grounds, or other Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation Money is less than 200*l.* and above 20*l.*

XVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments, purchased, taken, or used for the Purposes aforesaid, 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 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, Grounds, or other Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 or more of the said Trustees (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 hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Money is less than 20*l.*

XIX. 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, Grounds, or other Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XX. And

XX. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk and Treasurer respectively, or in the Name or Names of the said Trustees; and that no Action to be brought or commenced by or against the said Trustees, by virtue or on Account of the said recited Acts or of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees, but the Clerk or Treasurer for the Time being respectively to the said Trustees, shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, that such Trustees, and every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended, in pursuance of the said former Acts or of this Act, shall always be reimbursed and paid, out of the Money to arise by virtue of the said Acts and this Act, all such Costs, Charges, Damages, and Expences, as by the Event of any such Proceedings they or he shall respectively be put unto or become chargeable with by Reason of their or his being so made Plaintiffs or Defendants, Plaintiff or Defendant therein.

Trustees to
be sued in
Name of
Clerks

XXI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby or by the said recited Acts, or either or any 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 Offences respectively before any Justice of the Peace for the County or Place wherein the same shall be committed, or wherein the Offender 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 this Act, shall be from Time to Time 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 Six Calendar Months nor less than Seven Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For Recovery
of Forfeitures
and Penalties.

XXII. 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 putting the said recited Acts and this Act into Execution, out of any Money which hath arisen by virtue of the said Acts, or out of the First Money which shall arise by virtue thereof and of this Act, in Preference to all other Payments whatsoever.

Expences of
the Act.

XXIII. And

Subscribers to
pay their
Subscription
Money.

XXIII. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards making, amending, widening, diverting, improving, and keeping in Repair, the Roads hereby directed to be made, amended, widened, diverted, improved, and kept in Repair, shall and are hereby required to pay the Sum or Sums so by them respectively subscribed, in such Parts and Proportions, within such Time and Times, and to such Person or Persons, as the said Trustees shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same in Manner aforesaid, it shall be lawful for the said Trustees to sue for and recover the same, either in their own Name, or in the Name of the Clerk or Treasurer to the said Trustees, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Impar lance shall be allowed.

Publick Act.

XXIV. And be it further enacted, That this Act shall be deemed, adjudged, 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.

Term of the
Act.

XXV. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the passing hereof, cease and determine; and that the said Acts and this Act (subject to the Alterations, Additions, and Amendments herein contained), 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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