

ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

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CAP. XXIV.

An Act to amend the Acts for regulating Turnpike Roads in *England*. [14th *June* 1827.]

WHEREAS an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England; and which said Acts require to be further explained and amended: And whereas by the said first-recited Act it is among other things provided and enacted, that no Person appointed as Trustee in or by virtue of any Act for repairing Turnpike Roads shall be capable of acting as such in the Execution of any such Act in any Case where he shall be personally interested; and Doubts have arisen with regard to such Person's Liability: Be it therefore 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 no Trustee of any Turnpike Road shall be deemed or taken to be personally interested, by reason of his having acted as a Trustee in ordering the making, altering, or diverting any Turnpike Road over or contiguous to any Lands, Tenements, or Hereditaments

3 G. 4. c. 126.

4 G. 4. c. 95.

Owners of Estates, &c. not to be disqualified as interested Persons.

tamentsIn his Possession or Occupancy, or by reason of his having received any Sum or Sums of Money out of the Tolls of any such Road as or by way of Purchase Money, Damages, Rent, Recompence, or Satisfaction, agreed upon or awarded to such Trustee for any Lands, Tenements, or Hereditaments, or any Timber or Wood, or Materials, purchased or taken for the Purpose of making, diverting, or altering, or for the Use of the Road for which he shall act as a Trustee, or for a Repository for Materials to be used thereon, or for the Damage done to any inclosed or private Lands or Grounds of any such Trustee, in taking Materials therefrom, or in carrying or conveying them over the same.

Trustees personally liable for Money expended on Roads not in Trust.

III. And be it further enacted, That every Trustee who shall order or direct the Expenditure of any Money for or towards the making, repairing, or altering any Road not comprehended within the Act in the Execution of which he may be acting, or for or towards the Performance of any Act, Matter, or Thing not authorized by such Act or by the said recited Acts, such Trustee shall be personally liable to the Trust for the Repayment of the Money so expended, at the Suit of any Person, or any one Trustee, or of the Clerk to such Trustees, on behalf of such Trust; and that all the Costs and Charges of such Suit, over and above any Costs and Charges recovered from the Defendant in such Suit, shall be paid and borne by such Trust.

No Trustee to be personally liable as such.

III. And be it further enacted, That no Trustee shall be personally subject or liable to be charged (except as next herein-before mentioned) with the Payment of any Sum or Sums of Money laid out or expended in or towards the making, repairing, or altering any Turnpike Road, nor shall Execution issue against the Goods and Chattels of any Trustee, by reason of his having acted as such Trustee, or having signed or authorized or directed any Contract or Security to be entered into relating to any such Road, unless in such Contract or Security such Trustee shall have in express Words rendered himself so personally liable.

Treasurer and Clerk not to be the same Person.

IV. And be it further enacted, That it shall not be lawful for any Trustees to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of any Act for repairing or maintaining any Turnpike Road, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of such Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of such Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of such Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of

such Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

Power to remove Toll Gates, &c.

V. And be it further enacted, That it shall be lawful for the Trustees of any Turnpike Road, and they are hereby authorized and empowered, from Time to Time, at any Special Meeting to be holden for that Purpose, of which Meeting public Notice, specifying the Time and Place for holding such Meeting and the Purpose thereof, shall have been given in some Newspaper published or circulated in the County or Counties through which such Turnpike Road passes, and also by affixing a Copy of such Notice on all the Turnpikes, Toll Gates, and Side Bars which shall be then standing on such Road, Fourteen Days previously to such Meeting, to order and direct any of such Turnpikes, Toll Gates, or Side Bars to be removed and placed elsewhere, upon, across, or by or on the Sides of such Road, in such Situations as to them the said Trustees may appear fit or eligible; subject always to the Provisoes and Restrictions contained in any Act for making or maintaining any such Turnpike Road.

Lamps to be lighted at Toll Houses.

VI. And be it further enacted, That it shall be lawful for the Trustees to order and direct One or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses on the Road, and also to order and direct at what Times of the Year and during what Hours such Lamp or Lamps, or any of them, shall be kept lighted; and all and every the Collector and Collectors of the Tolls on such Road, and also all and every the Lessees or Lessee thereof, who shall neglect or omit to observe and fulfil the Order of the said Trustees in respect to the keeping and lighting of such Lamp or Lamps, shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Neglect or Omission; and in case any Person shall damage or injure any Lamp or Lamps to be placed and set up as aforesaid, or extinguish the Lights therein, such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

For Payment of Mortgages on Land purchased.

VII. And be it further enacted, That if any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of any Act for making or maintaining Turnpike Roads, shall be in Mortgage to any Person, then and in such Case the Trustees shall and they are hereby required to pay or cause to be paid to the Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, upon Application in Writing made to the Trustees or their Clerk, signed by such Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, such Sum or Sums of Money as shall be agreed for, ascertained, and determined, for the Purchase of such Lands, Tenements,

or

or Hereditaments, or a competent Part thereof; and such Sum or Sums of Money, when so paid, shall be and be deemed to be in discharge of the Principal Money, or Part thereof, due on such Mortgage or Mortgages, and Acknowledgment of the Receipt thereof shall be made by Endorsement on the Mortgage Deed or Deeds, signed by such Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, in the Presence of One or more credible Witness or Witnesses; and such Endorsement shall be and be deemed to be a full and sufficient Discharge to the Trustees from the Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, and also a full and sufficient Discharge to the Mortgagor or Mortgagors, his, her, or their Heirs, Executors, Administrators, or Assigns, from the Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, for so much Money as shall be expressed in such Endorsement.

Repeal of Provisions respecting Application of Compensation Money.

VIII. And be it further enacted, That so much of the said Act of the Third Year of the Reign of His present Majesty, as directs the Application of Compensation Money for Lands, Tenements, or Hereditaments purchased for the Purposes of any Act for making or maintaining Turnpike Roads, shall be and the same is hereby repealed.

Application of Compensation when amounting to 200*l.*

IX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by the Trustees, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Infant, Lunatic, Tenant for Life or in Tail, General or Special, Feoffee in Trust, Guardian, Committee, Trustee, Feme Covert, or other incapacitated Person, such Monies shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing such Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and such Money, when so paid in, shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order to be made upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other 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 invested, under the Direction and Approbation of the said Court, in the Purchase of other Lands,

1 G. 4. c. 35.

Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so purchased, in case such Purchase or Settlement were made.

Application when under 200*l.* and above 20*l.*

X. 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, and belonging to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the Trustees taking such Lands, Tenements, or Hereditaments, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends and Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When less than 20*l.*

XI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as herein-before mentioned shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Corporation or Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, in such Manner as the Trustees taking such Lands, Tenements, or Hereditaments shall think fit; or in case of Infancy,

Idiotcy, or Lunacy, then to his Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person so entitled respectively.

In case of not making out Title, or Persons not being found,

XII. And be it further enacted, That in case the Corporation or Person to whom any Sum or Sums of Money shall be awarded, for the Purchase of any Lands, Tenements, or Hereditaments, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the Trustees, or in case the Person to whom such Sum or Sums of Money shall be so awarded cannot be found, or if the Person entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Control, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same 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 making claim thereto, 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 as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Persons in possession presumptively entitled,

XIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Corporation or 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 Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, or of any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person 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 under the Possession of such Person, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that

some other Person was lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XIV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Corporation or Person entitled to any Lands, Tenements, or Hereditaments, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the Trustees taking any such Lands, Tenements, or Hereditaments, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Justices to award for Materials no larger Sum than they could actually be sold for.

XV. Provided always, and be it enacted, That the Trustees shall not be required to pay any larger Sum as a Satisfaction for any Materials raised, taken, or carried away from any Lands or Grounds, for making or repairing any Turnpike Road, than such Sum of Money as it shall appear to the Two Justices settling and determining such Satisfaction that such Materials might or could have been actually sold for in case the same had not been raised, taken, or carried away by such Trustees; and in case the said Justices shall be of Opinion that the said Materials, before they had been so raised, taken, or carried away, could not have been sold or disposed of, then the said Justices shall only assess the Damage done to the Lands or Grounds of the Owners or Occupiers thereof, by the raising, gathering, or carrying away the same.

Persons injuring Footpaths liable to the Penalties of recited Acts, whether repaired by Trustees of the Road or by the Parish.

XVI. And be it further enacted, That if any Person shall injure, damage, incumber, ride upon, drive upon, or otherwise use any public Footpath or Causeway, by the Side of and adjacent to any Turnpike Road, to the Prejudice, Annoyance, Interruption, or personal Danger of any Person travelling thereon, every Person so offending shall be liable to the same Penalties in respect of such Offences as by the Acts herein-before recited are imposed in respect of such Offences, whether such Footpath or Causeway be made, maintained, and repaired by the Trustees of the Turnpike Road thereunto adjoining, or by the Inhabitants of the Parish wherein such Footpath or Causeway is situated, or by any other Person whatever.

Lands liable to Repair of Roads, Bridges, &c. to continue so.

XVII. And be it further enacted, That where any Part or Parts of any Turnpike Road, or any Bridges, Arches, Drains, or Sewers lying in and upon such Road, have been accustomed or ought to be repaired and maintained by any particular Person, Body Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise, or by any County or any Parish, or where any Composition has been entered into or made in lieu thereof, all and every such Part or Parts of such Road, and all such Bridges, Arches, Drains, and Sewers, shall from Time to Time be maintained and kept in repair by such Person, Body Politic and Corporate, County

County or Parish, or such Composition shall be paid, in such Manner as the same were respectively maintained and kept in repair or paid before the passing the said recited Acts, or of any Local Act for making or maintaining any Turnpike Road.

Minerals under Road to belong to original Proprietors of Land.

XVIII. And be it further enacted, That all Mines of Iron, Tin, Lead, Copper, Coal, and other Minerals whatsoever, which shall be discovered or found in or under any Land to be used for any Turnpike Road, shall be and they are hereby reserved to the Person, Body Politic, Corporate, or Collegiate, who would have been seised of or entitled to the same in case the Act for making such Road had not been passed, with Liberty for him, or his Agents or Servants, to dig for, mine, and work the same, in such Manner as is usual for carrying on Works of that Kind in the County, District, or Place where such Mines shall be found, in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, so that in the working thereof no Damage shall be done to such Road or any Part thereof.

Explanation of Words in Act.

XIX. And be it further enacted, That the Word Trustees in the said recited Acts or any of them, or in this Act, shall be deemed and construed to extend to all or any of the Trustees or Commissioners appointed for the Execution of any Act or Acts for making, amending, repairing, maintaining, or keeping in repair any Turnpike Road; and the Word Person in the said recited Acts or any of them, or in this Act, shall be deemed and construed to extend to and to include any one or more Person or Persons, and of either Sex; and that the Word County in the said recited Acts or any of them, or in this Act, shall be deemed and construed to extend to and to include Riding or Division; and that the Word Parish in the said recited Acts or any of them, or in this Act, shall be deemed and construed to extend to and to include Ward, District, Hamlet, Township, or Place.

Extending Powers of former Acts.

XX. And be it further enacted, That all the Powers, Authorities, Clauses, Provisions, Penalties, Forfeitures, Matters, and Things contained in the said Acts of the Third and Fourth Years of the Reign of His present Majesty, shall, so far as the same are not altered or varied by this present Act, extend and be construed to extend to this Act, and shall be applied and put in execution as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act and made Part thereof.

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