ANNO QUINTO

GEORGII IV. REGIS.

Cap. lxxxv.

An Act for more effectually repairing and improving the Road leading from the Eastern End of the Borough of *Grampound* in the County of *Cornwall*, through the Towns of *Saint Austell* and *Lostwithiel*, and thence to the East End of the Western *Taphouse Lane* in the said County. [28th *May* 1824.]

WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road leading from the Eastern End of the Borough of* Grampound *in the County of* Cornwall, *through the Towns of* Saint Austell *and* Lostwithiel, *and from thence to the East End of the Western* Taphouse Lane *in the said County:* And whereas an Act was passed in the Twenty-first Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act made in the First Year of the Reign of His present Majesty, for repairing and widening the Road leading from the Eastern End of the Borough of* Grampound *in the County of* Cornwall, *through the Towns of* Saint Austell *and* Lostwithiel, *and from thence to the East End of the Western* Taphouse Lane *in the said County:* And whereas an Act was passed in the Forty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of Two Acts passed in the First and Twenty-first Years of the Reign of His present Majesty, for repairing and widening the Road leading from the Eastern End of the Borough of* Grampound *in the County of* Cornwall, *through*

1 G. 3. c. 27.

21 G. 3. c. 90.

43 G. 3. c. 63.

the Towns of Saint Austell *and* Lostwithiel, *and thence to the East End of the Western* Taphouse Lane *in the said County:* And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of His said present Majesty King *George* the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas the Trustees appointed in and by virtue of the Three first recited Acts have proceeded in the Execution thereof, and have made great Progress in repairing and improving the said Road, for which Purpose they have borrowed several considerable Sums of Money upon the Credit of the Tolls by the said Acts granted and continued, which Money still remains due and owing, and cannot be paid off, nor can the said Road be further amended, improved, and kept in Repair unless the Term granted and continued by the said Acts be further continued, and it would be more convenient and would facilitate the Execution of the Purposes aforesaid, if the said Three first recited Acts were repealed and further and additional Powers and Provisions granted and made instead thereof; but the Purposes aforesaid cannot be effected 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, passed in the First, Twenty-first, and Forty-third Years of the Reign of His said late Majesty King *George* the Third, and all and every the Powers, Provisions, Matters, and Things therein respectively contained, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and this Act shall commence and take effect in lieu and instead thereof, and shall be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing and widening the Road leading from the Eastern End of the Borough of *Grampound* in the County of *Cornwall*, through the Towns of *Saint Austell* and *Lostwithiel*, and thence to the East End of the Western *Taphouse Lane* in the said County.

3 G. 4. c. 126.

4 G. 4. c. 95.

Recited Acts of 1, 21, and 43 G. 3. repealed, and this Act to take effect.

This Act liable to the Payment of Money borrowed under former Acts.

II. And be it further enacted, That this Act, and the Term and the Tolls hereby granted, shall and are hereby declared to be subject and liable to the Payment of all the respective Sums of Money now due and owing on the Credit of the Tolls and Duties arising upon the said Road, and of such other Sum and Sums of Money as shall hereafter be borrowed for the Purposes of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and of this Act, and all Interest due and to grow due for the same respectively.

Powers of recited Acts of 3 & 4 G. 4. extended to this Act.

III. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act), and also the said

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

Bonds, Agreements, &c. under former Acts, to be good under this Act.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons, to or with any of the Trustees for executing the said recited Acts hereby repealed, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Acts hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and be observed and kept by them according to the Terms and Stipulations, and Tenor thereof respectively.

Trustees.

V. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Cornwall*, together with *Philip Ball*, *Thomas Bennett*, *Hugh Blackmore*, *John Bower* Clerk, *William Burgess*, *Anthony Burnley*, *Thomas Carlyon*, *William Carlyon*, *Thomas Curteys*, *Edward Coode*, *Edward Coode* the younger, *Thomas Coode*, *John Williams Colenso*, *Samuel Drew*, *John Every*, *Thomas Fisher* Clerk, *William Fortescue*, *Richard Foster*, *William Foster*, *Thomas Foster*, *William Slade Gully*, *Samuel Thomas Gully* Clerk, *John Gaved*, *Ezekiel Gaved*, *William Hocker* Clerk, *John Hitchens*, *Nicholas Kendall*, *William Kendall*, *Henry Lakes*, *Henry Lambe*, *Elias Martyn*, *George Moore* Clerk, *George Moore* the younger, Clerk, *Reuben Nanjulian*, *John Penhallow Peters*, *Philip Tingcome Pomery*, Sir *Charles Vinnicombe Penrose*, *John Peter* Clerk, *Thomas Peter*, *Francis Polkinghorne*, *Joseph Pearse*, *Thomas Pearce* Clerk, *Richard Rogers*, *George Simmons* the younger, *William Tickle*, *John Charles Betteswortb Trevanion*, *Reuben Thomas*, *John Trevenen* Clerk, *John Wheeler*, and *George Graham White*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, shall be and they are hereby declared to be the Trustees for carrying into Execution the said Acts and this Act.

Power to appoint additional Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at their First Meeting to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act and the said Two last recited Acts, in addition to the Trustees hereby appointed, and such Trustees, so elected and being qualified according to the Directions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, shall be and are hereby invested with the same Powers and Authorities for executing this

and

and the said Two last recited Acts, as if they had been hereby nominated and appointed.

First Meeting of Trustees.

VII. And be it further enacted, That the First Meeting of the said Trustees shall be held at the *Market House*, or at some other convenient House or Place in the Parish of *Saint Austell* in the said County of *Cornwall*, on the Second *Saturday* next after the passing of this Act, or as soon after as conveniently may be; and shall then and from Time to Time adjourn themselves to and meet at the Place aforesaid, or at any other Place or Places through which the said Road doth lead, as the Trustees, or the major Part of them so assembled (such major Part not being less than Three) shall think fit and convenient, and as often as they shall think necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act (such Number to consist of Three or more) and to adjourn to any other Day, then and in such Case the said intended Meeting shall stand adjourned to that Day Seven-night, and so on from Week to Week, on the same Day of the Week, till there shall be a sufficient Number of Trustees present to act and to adjourn.

Books used under former Acts to be Evidence under this Act.

VIII. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Acts had not been repealed.

Officers under former Acts to account.

IX. Provided always, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Road, shall account, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty inflicted, in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Acts and this Act.

Old Officers (except the Treasurer) may continue until others are appointed.

X. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers, nominated and appointed under and by virtue of the said recited Acts hereby repealed, (save and except the Treasurer or Treasurers to the said Trustees), shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers shall have the like Powers and Authorities for carrying the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

XI. Pro-

Offices of Clerk and Treasurer not to be held by the same Person.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Power to continue present Toll Gates and to erect new ones.

XII. And be it further enacted, That the said Trustees shall and may continue the several Turnpike Gates which now stand across or on the Sides of the said Road, or from Time to Time remove the same or any of them, and set up and erect, in lieu thereof and in addition thereto, one or more Turnpike Gate or Turnpike Gates, in, upon, across, or on the Side or Sides of any Part or Parts of the Road directed by this Act to be amended and repaired, as they the said Trustees may deem expedient; and may also set up and erect a Toll House to each such Turnpike, with suitable Conveniences thereto; and may also inclose from the said Road, or from any Common or Waste Land immediately adjoining such Toll Houses, convenient Garden Spots to the said Toll Houses respectively, as they the said Trustees may judge proper, not exceeding in the whole One-eighth Part of a Statute Acre to or for each Toll House; and the said Trustees may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings, from Time to Time to be taken down, removed, and set up again, or altered, in such Place or Places across or on the said Road, or on the Side or Sides thereof, in such Manner as the said Trustees shall judge proper.

Power to take Tolls.

XIII. And be it further enacted, That the respective Tolls following shall be demanded, taken, collected, and paid at the several and respective Gates or Turnpikes which have been or shall hereafter be erected in, upon, across, or on the Side or Sides of the said Road; (that is to say),

Tolls.

For every Horse, Mule, Ass, or other Beast (except Oxen), drawing any Carriage (except Chairs and Gigs, or other Carriages of the like Description), the Sum of Sixpence:

For every Horse or other Beast, drawing any Chair, Gig, or other Carriage of the like Description, the Sum of Eight-pence:

For every Ox, Steer, or Bull, drawing in any Waggon, Wain, Cart, or other Carriage, the Sum of Three-pence:

For every Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, the Sum of Two-pence:

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

For every Drove of Calves, Sheep, Swine, Lambs, or Goats, for a Score, and so in proportion for any greater or less Number, the Sum of Ten-pence.

No more than Two Tolls to be taken on the same Day.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to order and cause Two full Tolls and no more to be demanded and taken in the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, for all Cattle, Horses, Beasts, and Carriages passing on the said Road, any thing contained in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty or in this Act to the contrary notwithstanding; which said Tolls, and also the Tolls granted by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, shall be and the same are hereby vested in the said Trustees, 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 Nonpayment or Evasion thereof, and with such Powers, Provisions, Exemptions, and Restrictions as are contained in the said Acts, but subject nevertheless to the Exemptions, Provisions, and Regulations therein and in this Act contained.

Tolls vested in the Trustees.

After 1st January 1827, Exemptions not to be allowed in certain Cases.

XV. Provided always, and be it further enacted, That after the First Day of *January* One thousand eight hundred and twenty-seven, no Exemption from Toll shall be claimed or allowed by virtue of the said Two last recited Acts, for or in respect of any Waggon, Cart, Wain, or other Carriage, or the Horses, Beasts, or other Cattle drawing the same, employed in carrying or conveying any Corn or Grain in the Straw, Hay, Straw, Fodder, Dung, or Lime, for the Improvement of Land, or other Manure, or any Plough, Harrow, or Implements of Husbandry, unless the Tiers of the Wheels of such Waggons, Carts, Wains, or other Carriages with Two Wheels, shall be of the Breadth of Three Inches or more, if drawn by One Horse, Beast, or other Cattle, or of the Breadth of Four Inches and a Half or more, if drawn by Two Horses, Beasts, or other Cattle, or of the Breadth of Six Inches or more, if drawn by Three Horses, Beasts, or other Cattle, nor unless the Tiers of the Wheels of such Waggon, Wain, or other such Carriage with Four Wheels be of the Breadth of Three Inches or more, if drawn by any Number not exceeding Three Horses, Beasts, or other Cattle, or of the Breadth of Four Inches and a Half or more, if drawn by Three or by Four Horses, Beasts, or other Cattle, or of the Breadth of Six Inches or more, if drawn by Five Horses, Beasts, or other Cattle, nor unless the whole Breadth of the Sole or Bottom of such Wheels, when rolling on a flat or level Surface, shall bear equally on such flat or level Surface, and the

Nails of the Tiers of such Wheels be in all such Cases countersunk, so as not to project more than One Quarter of an Inch beyond the Surface of such Tiers when new and fresh driven.

Tolls payable but Once a Day.

XVI. And be it further enacted, That no Person who shall have paid Toll for passing through any Gate erected upon or by the Side of the said Road, with any Horse or other Beast or Beasts, or Cattle, drawing, or laden or unladen, shall be subject or liable to the Payment of any Toll for passing, returning, or repassing through the same Toll Gate on the same Day, before Twelve of the Clock at Night, with the same Horse, Beast or Beasts, or Cattle, but shall pass, return, or repass Toll-free: Provided, that nothing herein contained shall extend or be construed to extend to take away or reduce the Exemption given by the said recited Act of the Third Year of the Reign of His present Majesty, in respect to Horses travelling for Hire, under the Post Horse Duties Acts, and returning within certain Hours with the same Carriage empty, or without a Carriage.

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

XVII. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, or Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid; and the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Road on the same Day, whenever a fresh Hiring thereof shall take place.

Surveyor may take Rubbish from Quarries or Mines.

XVIII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors appointed by the said Trustees, or such Person or Persons as he or they shall appoint and employ for that Purpose, from Time to Time to enter into any Lime Quarry, Marble Quarry, or other Quarry, and to take and carry away the Chipping and Rubbish thereof, and to take away the Attle and Rubbish from any Mine or Mines, to be used, disposed of, and applied in repairing the said Road, without paying or making any Satisfaction for the same; provided the Owner or Occupier, or some Person appointed by him, or the Agent for such Mine or Mines be present, or Notice be given to such Owner or Occupier, or his known Agent or Servant, or the Agent for such Mine or Mines, or left at the usual Place of Abode of such Owner, Occupier, or his known Agent or Servant, or the Agent for such Mine or Mines, at least Forty-eight Hours before such taking and carrying away as aforesaid.

Application of Tolls.

XIX. And be it further enacted, That out of the Money now in the Hands of the said Trustees, or out of the first Monies arising by the Tolls hereby granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees shall in the first Place pay and discharge all the Expences and Costs of procuring, obtaining, and passing this Act, and shall apply the Remainder of the Monies so raised in erecting and repairing

repairing Gates or Turnpikes and Toll Houses, and repairing, widening, and amending the said Road, and defraying the necessary Costs, Charges, and Expences attending the same and the Execution of this Act, and to no other Use or Purpose whatsoever.

Application of Compensation Money when exceeding 200*l.*

XX. 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 virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said present Majesty particularly mentioned, 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 Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, 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 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, and 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, 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, and 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 Court of Exchequer, 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 or Persons who would for the Time being have been entitled to the Rents

1 G. 4. c. 35.

Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when less than 200*l.* but not less than 20*l.*

XXI. 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or 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, Tenements, and 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 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 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 Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application where less than 20*l.*

XXII. And be it further enacted, That where such Money so agreed or awarded to be paid as 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, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the Trustees 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.

In case of not making out Titles, Money to be paid into the Bank.

XXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said 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 be lawful for the said Trustees to 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 Exchequer, to be placed to his Account to the Credit of the Persons interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Dispositions of the said Court; which said Court,

on the Application of any Person or Persons making claim to such Sum and 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the 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 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Questions shall arise touching the Title to Money, Persons in Possession to be deemed lawfully entitled.

XXIV. 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 Exchequer, in pursuance of the said Acts and 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 Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and 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, and the Dividends or Interest of the said 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 Exchequer may order reasonable Expences of Purchases to be paid by Trustees.

XXV. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, Hereditaments, and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees not to repair paved Streets, &c.

XXVI. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to empower the said Trustees to lay

lay out or apply any of the Money raised by the Tolls hereby granted or borrowed on the Credit thereof, in paving or repairing any County Bridge or Bridges, or the Pavements of the Streets of the said Towns of *Saint Austell* and *Lostwithiel*, or either of them.

Public 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.

Commencement and Continuance of this Act.

XXVIII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall 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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