

ANNO QUINTO

GEORGII IV. REGIS.

****

Cap. lxxxi.

An Act for more effectually improving and keeping in Repair the several Roads in and near *Great Torrington*; and to make a new Line of Road on the Western Side of the River *Torridge*, in the County of *Devon*. [28th *May* 1824.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for* 5 G. 3. c. 58.
repairing, widening, and keeping in Repair several Roads in and near Great Torrington *in the County of* Devon: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering and enlarg-* 26G.3.c.128.
ing the Powers of an Act passed in the Fifth Year of the Reign of His present Majesty, for repairing, widening, and keeping in Repair several Roads in and near Great Torrington *in the County of* Devon: And whereas another Act was passed in the Forty-seventh Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering* 47 G. 3. c.97.
and enlarging the Powers of Two Acts of the Fifth and Twenty-sixth Years of His present Majesty, for repairing several Roads in and near Great Torrington *in the County of* Devon: And whereas, in Execution of the said several Acts, considerable Sums of Money have been borrowed on the Credit of the Tolls thereby granted and continued, which Money cannot be repaid, nor can the said Roads be properly amended, widened,

and kept in Repair, unless the said Acts are repealed, and further and other Powers granted for more effectually amending, widening, and diverting, improving, and keeping in Repair the Roads described in the said recited Acts: And whereas there are many steep and almost inaccessible Hills on the present Line of Road from *Great Torrington* to the Seaport Town of *Bideford* through the Town of *Monkleigh*, at which Place the said *Torrington* and the *Bideford* Turnpike Roads meet and unite: And whereas, for the Purpose of avoiding such Hills, and making a shorter and more easy and expeditious Communication between the said Town of *Great Torrington* and the Parishes on the Southern and Western Sides of the River *Torridge* and the said Seaport Town of *Bideford*, from whence the Population of the said Town of *Great Torrington* and Parishes obtain the principal Part of their Lime, Salt, and Sand for Manure, Coals, and all imported Articles of Consumption, and which will tend materially to the Increase of Trade and His Majesty's Revenue, it is desirable that a new Line of Road, free from Hills and of a shorter Distance than the present Line of Road, should be made on the Western Side of the said River *Torridge*, from or near *Rothern Bridge* on the said River through the Parishes of *Frithelstock* and *Monkleigh* to *Pit Wood*, there to meet and unite with a certain other new Line of Road about to be made by the Trustees of the *Bideford* Turnpike Road, through *Pit Wood* to the said Town of *Bideford* by *Pillmouth* in the Parish of *Landcross*; but the same cannot be done without the Aid and Authority of Parliament: And 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 several Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: 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 from and after the passing of this Act the said recited Acts, passed in the Fifth, Twenty-sixth, and Forty-seventh Years of His late Majesty, shall be and the same are hereby declared to be repealed, 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 making, amending, improving, diverting, and keeping in Repair the Roads herein mentioned.

3. G. 4. c. 126.

4 G. 4. c. 95.

Recited Acts 5, 26, & 47 G. 3. repealed, and this Act to take effect.

Extent of Roads.

II. And be it further enacted, That from and after the passing of this Act the said Turnpike Roads shall extend, and be deemed and taken to extend, from the South End of *School Lane* in *Great Torrington* through *New Street* to *Rothern Bridge* aforesaid, and from thence to *Husk Hill* in *Frithelstock*; and also from the said *Rothern Bridge* through the *Warbys* in the Parish of *Frithelstock*, and through *Monkleigh Wood* in the Parish of *Monkleigh* to *Pit Wood* in the said Parish; and also from the said *Rothern Bridge* through the said Parish of *Frithelstock* to *Tallamy's Water* in the said Parish; and also from the said South End of *School Lane* in *Great Torrington* aforesaid through *Calve Street*, and from thence through the

Parishes of *Great Torrington*, *Saint Giles*, and *Beaford* to *Beaford Town*; and also from the East End of *Calve Street* aforesaid through the Parishes of *Great Torrington*, *Saint Giles*, and *Roborough* to *Roborough Town*; and also from the East End of *Calve Street* aforesaid over *Cranford Moor* through the Parishes of *Great Torrington*, *Saint Giles*, *Yarnscombe*, and *Atherington*, to the River *Taw* in *Atherington* at *Umberly Bridge*; and also from *Gammaton Moor* in the Parish of *Bideford* through the Parishes of *Bideford*, *Huntshaw*, *Yarnscombe*, *Saint Giles*, *High Bickington*, and *Burrington* to *Wick Cross* in *Burrington*; and also from *High Bullen* to *Bellview* in the said Parish of *Saint Giles*; and from *Bellview* aforesaid to *Huntshaw* Turnpike Gate in the Parish of *Hunsthaw* aforesaid, all in the County of *Devon*.

Powers of recited Acts 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 been respectively repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to Debts entered into under former Acts.

IV. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts or any of them, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the respective Trustees for carrying the said recited Acts hereby repealed into Execution, or to any other Person or Persons for the Benefit of the said Trusts, shall be liable to the Payment of all such Sum and Sums of Money to the respective Trustees for executing this Act; and all Bonds, Covenants, and Agreements, Contracts and Securities entered into by any Person or Persons to or with the Trustees respectively, or any of them, for carrying the said recited Acts hereby repealed into Execution, or to or with their Clerk or Treasurer, or to or with any Person or Persons on behalf of the said Trustees, according to the Provisions and Directions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trusts created by this Act; and all Contracts and Agreements duly made or entered into by the respective Trustees of the said Roads, or their Clerk or Treasurer, or other Person or Persons on their

their behalf as aforesaid, to or with any Person or Persons, shall so far as the same are not altered or avoided by this Act remain in full Force and Effect, and be observed and kept by the respective Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts, or any Law to the contrary notwithstanding.

Trustees nominated.

V. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the County of *Devon*, together with *George Arnold*, *William Arnold*, *John Arnold*, *William Bruton*, *Charles Ackland Barber*, *Richard Buck*, *Hugh Brent*, *Charles Chichester*, *Charles Chichester* Clerk, *Robert Chichester*, *James Cutcliffe*, *Thomas Colby* junior, *Richard Pine Coffin* junior, *Edmund Herring Caddy*, *William Callon* junior, *Anthony William Johnson Deane*, *John Dunning*, *Simon Dunning*, *John Henry Furse*, *William Gill Glubb*, *John Horndon*, *Richard Lewis Hole*, *Henry Hearn*, *James Hearn*, *Daniel Johnson*, *Charles William Johnson*, *Francis Kingdon*, *Anthony Loveband* junior, *John Lainbeir Harding*, *Francis Hole*, *Richard Knight* Clerk, *George Morgan* Clerk, *John Moore* Clerk, *John Mallett* of *Berry*, *Thomas Owen*, *John Partridge*, *John Palmer* Clerk, *John Nicholas Palmer* Clerk, *Charles Edward Palmer*, *Robert Samuel Palmer*, *James Frederick Palmer*, *Reynolds Palmer*, *Richard Preston*, *William Scott Preston*, *James Preston*, *Joseph Prust Prust* Clerk, *John Rowe*, *Thomas Stevens*, *John Sloley*, *John Slade*, *Henry Stoneman*, *Henry Stoneman* junior, the Honourable *Charles Trefusis*, the Honourable *George Trefusis*, *William Tardrew*, *Richard Walter* Clerk, *George Walker*, *Thomas Cornish Vicary*, *Denys Yonge*, and *Frederick Yonge*, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts made in the Third and Fourth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

Power to appoint additional Trustees.

VI. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be holden for that Purpose, (of which Meeting, and of the Purpose thereof, Fourteen Days Notice shall be given as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees on vacancies), to elect, nominate, and appoint any Number of fit Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed, and such Trustees, so elected and appointed, and being qualified according to the Directions of the said recited Acts, shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act, as if they had been named and appointed in and by this Act.

First Meeting of Trustees.

VII. And be it further enacted, That the said Trustees shall meet at the Guildhall in the Town of *Great Torrington*, on the Seventh Day of *June* next, between the Hours of Ten in the Morning and Two in the Afternoon, and shall then and there proceed to put the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution.

VIII. And

New Street Pavement to be broken up.

VIII. And whereas the Pavement now in *New Street* in *Great Torrington* aforesaid, is very rough and bad for Carriages and Horses to pass over: And whereas the said Street is now a Part of and connects the Eastern and Western Parts of the *Great Torrington* Turnpike Roads before described; be it further enacted, That it shall be lawful for the said Trustees to dig and break up, or cause to be dug and broken up, the Pavement in *New Street* in *Great Torrington* aforesaid, and in lieu thereof to make a good and firm Road of convenient Breadth; and that the pitched Causeway or Footpath, which will remain and be left on each Side of the said Street, shall continue to be repaired as heretofore by the respective Occupiers of the Houses and Tenements in the said Street.

Old Officers may continue till others are appointed.

IX. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (except the Treasurer), nominated and appointed under and by virtue of the said recited Acts hereby repealed, 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 Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

Treasurer and Clerk not to be the same Person.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Books used under former *Acts to* be Evidence.

XI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, 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 recited Acts had not been repealed.

Officers under the former Acts to account to the Trustees for executing this Act.

XII. Provided also, 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, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for, pay, and deliver over the same, and every Part thereof, to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act, are by the said last recited Act of the Fourth Year of His present Majesty required to pay or account for the same.

Trustees may erect Gates.

XIII. And be it further enacted, That the said Trustees, or any Three or more of them, shall and may, as they shall think proper, continue or remove all or any of the Toll Gates under their Management erected by virtue of the said recited Acts, or which shall or may be erected by virtue of this Act, and shall and may erect and set up, or cause to be erected and set up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads under their Management, and upon the Sides thereof respectively, and also across any Lane or Way leading into or out of the same, and may also continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniences, at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gate or Toll Houses, or any of them, as they the said Trustees, or any Three or more of them, shall think expedient; and also may take in and inclose from Land adjoining the said Roads convenient Garden Spots for the said Toll Houses respectively, not exceeding the Eighth Part of a Statute Acre to each Toll House, making a fair Compensation to the Owner thereof for the same.

Power to take Tolls.

XIV. And be it further enacted, That from and after the passing of this Act, the respective Tolls following shall (subject to the Provisions, Restrictions, and Exemptions in this Act, and the said recited Acts made in the Third and Fourth Years of the Reign of His present Majesty, contained) be demanded and taken at each and every Turnpike, Toll Gate and Side Gate set up and continued, or that shall hereafter be set up upon, across, and by the Sides of the said Road, by each and every such Person and Persons as the said Trustees shall from Time to Time appoint to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say),

Tolls.

For every Horse, Mule, Ass, or other Animal, drawing any Coach, Chariot, Landau, Chaise, Chaise Marine, Car, Calash, Caravan, Hearse, Litter,

Litter, Berlin, Barouche, Chair, Gig, or other such like Carriage, the Sum of Four-pence Halfpenny:

For every such Carriage with Four Wheels affixed to any Waggon or Cart, Sixpence:

For every such Carriage with Two Wheels affixed to any Waggon or Cart, the Sum of Three-pence:

For every Horse, Mule, Ass, or other Beast of Burden, not drawing, Three Halfpence:

For every Drove of Oxen, Cows, or Neat Cattle, One Shilling and Three-pence *per* Score, and in that Proportion for a greater or less Number:

For every Drove of Calves, Swine, Hogs, Sheep, or Lambs, Seven-pence Halfpenny *per* Score, and in that Proportion for a greater or less Number:

For every Horse, Mule, Ass, or other Animal, drawing any Waggon, Wain, Cart, Tumbril, Drag, Sledge, or other such Carriage, the Sum of Three-pence: And,

For every Horse, Mule, Ass, or other Animal, drawing any Waggon, Wain, Cart, Tumbril, Drag, or other such Carriage, laden with Timber, the Sum of Seven-pence.

Which said respective Sums of Money shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed.

Limiting the Number of Tolls.

XV. Provided also, and be it enacted, That no more than Two full Tolls shall be demanded and taken for or in respect of the same Horse, Beast, or other Cattle on the same Day, for passing over the whole Line of the said Roads, such Day to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the next succeeding Night.

Tolls to be taken but once a Day at any one Gate.

XVI. And be it further enacted, That from and after the passing of this Act (except in the Cases herein-after mentioned) no Toll shall be demanded or taken for any Horse, Beast, or other Cattle for which Toll shall have been paid on that Day at any of the Turnpikes, Toll Gates, or Side Gates erected or to be erected upon, across, or on the Sides of the said Roads, for returning, passing or repassing through the same in the same Day, such Day to be computed as aforesaid; but that every Person shall be permitted to pass and repass Toll-free through such Turnpike, Toll Gate, or Side Gate, with the same Horses, Beasts, or other Cattle, on producing a Ticket denoting the Payment of such Tolls, and also naming and specifying the Gate or Gates freed by such Payment, which Ticket the Collectors of the Tolls are hereby respectively required to give *gratis* on Receipt of the Tolls; and in case any Collector, Receiver, or Renter of the said Tolls, or any Person employed by him or her, shall refuse to give such Ticket to the Person demanding the same, or shall refuse to give a Ticket in any other Case wherein a Ticket is required by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or by this Act to be given, every such Collector, Receiver, Renter, or Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Stage Coaches 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, carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have

have been paid, and which shall return in the same Day through the same Turnpike or Toll Gate or Side Gate, the several Tolls hereby made payable shall be paid for repassing through such Turnpike, Toll Gate, or Side Gate, in like Manner as if the Toll had not been before paid; and the Tolls 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 Roads, on the same Day, with a fresh Hiring.

Chaises with fresh Hiring.

Exemption from Part of the Toll.

XVIII. And be it further enacted, That only Half Toll shall be demanded or taken for any Horse, Beast, or other Cattle, used or employed only in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, Lime or Salt to be used solely for Manure; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

Leases vacated.

XIX. And be it further enacted, That from and after the First Day of *May* One thousand eight hundred and twenty-five, all Demises, Leases, and Agreements for Leases of the Tolls heretofore granted shall cease and be void, and the said Trustees are hereby required to make a fair and just Compensation and Satisfaction to the present Lessee or Lessees of the said Tolls for any Loss or Damage which he, she, or they shall and may sustain thereby, in case the same shall be demanded; and such Compensation and Satisfaction shall and may be recovered by such Lessee or Lessees from the said Trustees, in case of Refusal to make the same, on Demand made to their Clerk or Treasurer, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be granted or allowed.

Application of Money.

XX. And be it further enacted, That all the Monies which before the Commencement of this Act shall have been raised or produced by virtue of the said Acts hereby repealed, and which shall remain undisposed of, and also all other Monies which shall arise or be produced by virtue of this and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be paid, disposed of, and applied to and for the several Purposes, and in the Order and Manner following; (that is to say), in the first Place in the Payment of all the Costs, Charges, and Expences, which shall be incurred in applying for and obtaining and passing this Act; in the second Place in the Payment of the Interest now due, or that shall become due on the Debt and Debts, Sum and Sums of Money which shall be due and owing on the Credit of the said recited Acts at the Time of passing this Act, and afterwards in defraying the Expences of purchasing the Houses and Lands which have been or shall or may be necessary for the making and completing the said Roads, and keeping the same in Repair, and in erecting and building the Hedges, Fences, and Bridges already begun or hereafter to be begun, and for erecting Milestones,

Direction

Direction or other Posts, Toll Gates and Toll Houses, by the said last recited Acts or this Act authorized or required to be made or set up; and in the last Place in paying off and discharging the Principal Monies which have been borrowed by virtue of the said Acts hereby repealed, or hereafter to be borrowed, contracted, or secured, with the Interest of the Debts to be borrowed by virtue of this Act or the said last recited Acts; which Reduction, Payment, and Discharge last-mentioned shall be made rateably or by Lot among all the Creditors, as the said Trustees shall think just and proper, without any Priority or Preference whatsoever.

Road to be made according to the Map or Plan deposited at the Office of the Clerk of the Peace.

XXI. And whereas a Map or Plan, describing the said intended new Line of Road, and the Lands, Hereditaments, and Premises through or over which the same is intended to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Devon*; be it therefore enacted, That the said Map or Plan and the Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all seasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Fourpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Road shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviations shall be made.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Turnpike Road into, through, across, or over the Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Lands or Grounds over which the same is or are set out or described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Trustees restrained from pulling down Dwelling Houses without Consent of the Owner.

XXIII. Provided also, and be it enacted, That the Powers and Authorities by the said herein-before recited Act or this Act given, shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or any Part thereof, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Application of Compensation Money amounting to 200*l.*

XXIV. And be it further enacted, That if any Money shall be contracted and agreed to be paid for any Lands, Tenements, or Hereditaments purchased by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, Collegiate,

legiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, Trustees, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity as aforesaid, 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 Court of Exchequer, to be placed to his Account, *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of His present Majesty, 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 may 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 Party or Parties who would have been entitled to Rents and Profits of the said Lands, Tenements, and Hereditaments), in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Parts 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 and being settled therewith to the same or like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be conveyed, 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 purchased for the Purposes of this Act stood and were settled and 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 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 Dividend 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 Party or Parties who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

1 G. 4. c. 35.

When less than 200*l.* and exceeding 20*l.*

XXV. Provided always, and be it further enacted, That if any Money so contracted and agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased for the Purposes of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any other Person or Persons 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 Party or Parties for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments

so purchased, or his or their Guardian or Guardians, Committee or Committees, in cases 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 Accountant General of the Court of Exchequer, and to be placed to his Account, and in manner aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more of the said Trustees, to be named by the Party or Parties making such Option (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends to arise thereon, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When less than 20*l.*

XXVI. Provided also, and be it further enacted, That when such Money so contracted and agreed to be paid as aforesaid shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased, for the Purposes of this Act; or in case of Infancy, Idiotcy, or Lunacy, then to the Guardian or Guardians, Committee or Committees of Infants, Idiots, or Lunatics entitled to such Rents and Profits, to and for the Use and Benefit of such Infants, Idiots, or Lunatics respectively.

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

XXVII. 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, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under or by virtue of the Powers of 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 the 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 any such Lands, Houses, Buildings, Hereditaments and Premises 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 there to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums

of

of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

XXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party or Parties 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 to be purchased for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Party or Parties who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of such Court; and the Dividends or Interests 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 appear to the said Court that such Possession was wrongful, and that some other Party or Parties was or were fully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Trustees.

XXIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Party or Parties entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, or by reason of such Lands, Tenements, or Hereditaments being held upon or under or subject to Trusts then subsisting and undetermined, the Purchase Money for the same shall be required to be paid into the Bank of *England*, 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, the said Court of Exchequer may order the Expences of making Contracts for and completing 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, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct.

Public Act.

XXX. 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.

XXXI. And be it further enacted, That this Act shall commence from the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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