ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 27.

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts, passed in the Thirty-second Year of the Reign of His late Majesty, and the Twenty-first Year of the Reign of His present Majesty, for repairing and widening the Road from *Modbury* through the Town of *Plympton*, to the North End of *Lincotta Lane*, in the County of *Devon*. [7th *April* 1803.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening the Road from* Modbury, *through the Town of* Plympton, *to the North End of* Lincotta Lane, *in the County of* Devon: And whereas an Act was passed in the Twenty-first Year of the Reign of His present Majesty, for continuing the Term, and altering and enlarging the Powers of the said recited Act: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in Execution, for which Purpose they have borrowed considerable

32 Geo. 2.

21 Geo. 3.

considerable Sums of Money on the Credit of the Tolls granted by the said Acts, which still remain due, and cannot be paid off; nor can the said Road be properly amended, improved, and kept in Repair, unless the Term of the said Acts be further continued, and some of the Powers and Provisions thereof altered and enlarged; and it is necessary that the Tolls granted by the said recited Acts should be increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, and Clauses therein contained (except such as relate to Exemptions from Stamp Duties, and as are hereby varied, altered, or repealed), shall be and continue in full Force, and be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were herein repeated and re-enacted; but subject nevertheless to the Amendments, Variations, Alterations, and Additions herein contained, and which shall commence and take Effect upon the passing of this Act; and this Act and the additional Term hereby granted, shall be and are hereby made subject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the said recited Acts, or hereafter to be borrowed on the Credit of the said Acts and this Act, and of all Interest due and to grow due for the same.

Acts further continued.

Additional Trustees.

II. And be it further enacted, That Sir *John Lemon Rogers* Baronet, Sir *William Elford* Baronet, *Samuel Archer*, *John Arscott* Clerk, *William Anthony* Surgeon, *John Boger*, *Thomas Hillersdon Bulteel*, *John Bulteel* the younger, *John Croker Bulteel*, *Bulteel*, *Nicholas Adams Bartlett*, *Christopher Bartlett* Clerk, *Samuel Brooking*, *Edmund Bastard* the younger, *John Bastard* the younger, *Pownal Bastard*, *Charles Everett Calmady*, *Forster*, *William Forster*, *Robert Forster*, *William Hare*, *William Hare* the younger, *John Harris* the younger, *Henry Harris*, *Christopher Harris*, *William Kite*, *Richard Lane* Clerk, *John Brooking Luscombe* Clerk, *John Morshead* the younger, *John Perring*, *Richard Perring*, *Charles Perring*, *Richard Strode*, *George Strode*, *Thomas Strode*, *Christopher Savery*, *Paul Treby* the younger, *George Woollcombe*, *John Woodwinter* the younger, *Silas Winter* the younger, *John Yonge*, *James Yonge*, *Edmund Yonge*, *Duke Yonge* the younger, and *Charles Yonge*, being qualified according to the Directions of the said first recited Act, shall be added to and joined with the Trustees appointed by or in pursuance of the said recited Acts, or either of them, for putting the said Acts and this Act in Execution; and the Trustees herein-before nominated are hereby empowered to act in the Execution of the said Acts and this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed Trustees by the said recited Acts, or either of them.

Additional Tolls to be taken.

III. And be it further enacted, That, from and after the passing of this Act, it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to demand and take for every Waggon, Wain, Cart, and other Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches from Side to Side at the least from the

the Bottom of the Sole thereof, and for the Horſes or Beaſts of Draught drawing the ſame, over and above and in Addition to the Tolls now payable for the ſame under and by virtue of the ſaid recited Acts, One Half more than the Amount of ſuch reſpective Tolls.

Double Tolls to be taken on *Sunday*.

IV. And be it further enacted, That on every *Sunday* during the Continuance of this Act, there ſhall be demanded and taken at each of the Gates or Turnpikes erected or to be erected by virtue of this or of the ſaid recited Acts, by ſuch Perſon or Perſons appointed or to be appointed by the ſaid Truſtees for collecting the Tolls by this and the ſaid recited Acts granted, before any Coach, Waggon, Cart, or other Carriage, or any Horſe, Cattle, or other Beaſt, ſhall be permitted to paſs through the ſame, Double the Tolls by the ſaid recited Acts and this Act authorized to be taken on any other Day of the Week, which ſaid reſpective Tolls ſhall be and the ſame are hereby veſted in the ſaid Truſtees, and the ſame ſhall be collected, recovered, levied, paid, applied, aſſigned, varied, and diſpoſed of in ſuch and the ſame Manner, and by ſuch Ways and Means, and with ſuch Remedies, for Nonpayment or Evaſion thereof, and with ſuch Powers, Proviſoes, and Reſtrictions, as are contained in the ſaid recited Acts; but ſubject to the Regulations and Alterations in this Act contained.

Repealing certain Exemptions from Toll;

V. And whereas it is in and by the ſaid firſt recited Act enacted, that no Perſon or Perſons ſhould be charged with or compellable to pay any of the Tolls by the ſame Act made payable for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Beaſt drawing the ſame, which ſhould be uſed or employed in the Carriage of Lime: And whereas ſuch Exemption has been found very detrimental and injurious to the ſaid Road, it is therefore neceſſary that the ſame ſhould be repealed; be it therefore enacted, That the ſame ſhall be and is hereby declared to be repealed.

and granting other Exemptions

VI. And be it further enacted, That none of the Tolls granted by this or the ſaid recited Acts ſhall be demanded or taken for or in reſpect of any Waggon, Wain, Cart, Dray, or other Carriage, or for the Horſes or Beaſts drawing the ſame, and uſed and employed in drawing of any Lime, where the Fellies of the Wheels of ſuch Waggons, Wains, Carts, Drays, or other Carriages, ſhall exceed Four Inches in Width from Side to Side at the leaſt from the Bottom or Sole of ſuch Wheels; any Thing in the ſaid recited Acts, or any Law, Act, or Statute to the contrary notwithſtanding.

Truſtees may ſue and be ſued in the Name of their Clerk.

VII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerk; and that no Action to be brought or commenced by or againſt the ſaid Truſtees, or any Five or more of them, by virtue or on account of the ſaid recited Acts or of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, or any Five or more of them; but the Clerk for the Time being to the ſaid Truſtees ſhall always be deemed the Plaintiff or Defendant in ſuch Action, as the Caſe may be: Provided always, that every ſuch Clerk in whoſe Name any Action or Suit ſhall be commenced, proſecuted,

Clerk to be reimburſed Expences.

prosecuted, or defended, in pursuance of the said recited Acts or of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of the said Acts and this Act, all such Costs, Charges, and Expences as by the Event of any such Proceeding he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant therein as aforesaid.

Directing the Application of Money paid for Compensation for Lands, &c. when amounting to or exceeding 200 *l.*

VIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands and Hereditaments purchased, taken, or used, by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly mentioned, such Money shall in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands and Hereditaments, or affecting other Lands and 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 like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, and 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 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 mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

IX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands and Hereditaments purchased,

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

X. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively. Where leſs than 20*l.*

XI. And be it further enacted, That all the Coſts, Charges, and Expences of obtaining and paſſing this Act, together with Intereſt for all Money which ſhall be advanced from Time to Time for that Purpoſe, ſhall be defrayed out of any Money already collected or received by virtue of the ſaid recited Acts, or either of them, or out of the firſt Monies to ariſe by virtue of the ſaid Acts and this Act, in Preference to all other Payments whatſoever. For paying Expences of the Act.

XII. And be it further enacted, That this Act ſhall be adjudged, deemed, and taken to be a publick Act, and as ſuch be judicially taken Notice of by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame. Publick Act

XIII. And be it further enacted, That the Term granted and continued by the ſaid recited Acts, ſhall, upon the paſſing of this Act, ceaſe and determine; Term of this Act.

determine; and that the said Acts (subject as herein-before mentioned) and this Act, shall from thenceforth continue and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1803.