Anno tricesimo primo

Georgii II. Regis.

An Act for amending several Roads leading from the Town of *Tiverton*, in the County of *Devon*.



WHEREAS the Highways or Roads leading from Lowman Bridge, in the Town of Tiverton, through the several Parishes of Tiverton, Halberton, Butterleigh, Bradninch, and Silverton, to a Place called The Workhouse, in the Town of Silverton; and from a Place called Hunt's House, in the said Parish of Tiverton, in the Way to the said Town of Silverton, through the Parishes of Tiverton, the Town and Parish of Halberton, Sampford, Peverel, Burlescombe, Culmstock, Holcombe, Rogus, and Sandford Arundell, to a Place called The White Ball; in the said Parish of Sandford Arundell, and from the Way-post or North-east End of Lennard Moor, in the Parish of Burlescombe, in the Road between the Town of Tiverton, and the White Ball aforesaid, Preamble.

said, through the several Parishes of Burlescombe, Halberton, Willand, and Cullumpton, to the Town of Cullumpton; and from a Place called Exeter Hill Foot, in the Way to Silverton aforesaid, through the said Parishes of Tiverton, Halberton, and Cullumpton, to the Town of Cullumpton; and from a Place called Burrough Corner, in the Parish of Halberton, through the Parishes of Halberton, Butterleigh, and Cullumpton, to a Place called Burnaford, otherwise Bunnival's Cross, in the Parishes of Cullumpton and Bradninch; and from a certain House known by the Sign of The Hoop, in a Street called Westex, in the said Town of Tiverton, through the several Parishes of Tiverton aforesaid, Brickleigh, Thorverton, Cadbury, Cheriton, Fitz Payne, Stockley Pomeroy, Shobrooke Upton Hellen's, and Crediton, to a Place called Crediton Forches, in the said Parish of Crediton; and from Wellbrooke Bridge, in the said Town of Tiverton, through the several Parishes of Tiverton, Calverleigh, Loxbear, Stoodley, and Rackenford, to a Place called Crusey House, in the said Parish of Rackenford; and from a Publick House known by the Sign of The Bottle, in the Parish of Calverleigh, in the Road to Crusey House, to the Smith's Shop at the West End of Templeton Hill, beyond the Brook of Water, in the Road from Tiverton to Witheridge; and from a Place called Penny Park, in the said Parish of Tiverton, in the Way leading to Rackenford aforesaid, to a Place called Grubeare Bridge, in the said Parish of Tiverton; and from a Place called Cottey House, in the said Parish of Tiverton, in the Way to Rackenford aforesaid, to a Place called Worthy Bridge, in the said Parish of Tiverton; and from a Place called The Bampton Inn, in the said Town of Tiverton, through the Parishes of Tiverton and Bampton, over Bampton Down, to the Foot of Batham Bridge in Bampton Town; are become so ruinous and bad in the Winter Season, and in several Places are so narrow and incommodious, that the same cannot by the ordinary Course and Method appointed by the Laws and Statutes of this Realm be sufficiently and effectually amended and kept in good Repair, without the Assistance of Parliament: For Remedy whereof, and to the Intent that the said Highways and Roads may with all convenient Speed be effectually amended and widened, and kept in good and sufficient Repair for the future; May it 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

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the Right Honourable the Earl of Thomond in the Kingdom of Ireland, the Honourable Vere Poulett, the Honourable Ann Poulett, Esquires; Sir Thomas Dyke Acland, Sir Richard Warwick Bampfylde, Sir William Courtenay, Sir John Carew, Sir John Davie, Sir John Prideaux, Sir George Yonge, Baronets; the Right Worshipful the Mayor, Recorder, Deputy Recorder, Capital Burgesses, Assistants, and Town Clerk, of Tiverton, for the time being; the Rectors of the several Portions of Pitt, Tidcombe, and Clare, in Tiverton, for the time being; the Master of Blundell's School, in Tiverton, for the time being; Gideon Ackland Perriwig-maker, Clement Andrews, William Anstey, Gentlemen; Henry Langford Brown, William Breton, William Beckwith, Peter Blundell, Esquires; William Besley, John Besley, Thomas Bidgood Sergemakers, Thomas Carew, Henry Cruwys, Peter Calmel, Charles Chichester, Edward Colman, Richard Clarke, Esquires; John Cruwys Clerk, Thomas Clarke Clerk, Thomas Cannington, Thomas Carpenter, John Chave, Roger Chamberlin, John Cowlen, James Cross, Gentlemen; Nathaniel Cook Yeoman, Thomas Cook Sadler, John Davey Fuller, Francis Drewe Esquire, William Daddo Clerk, John Dally, George Davey, Gentlemen; John Duntze junior Merchant, Martin Dunsford Sergemaker, Richard Enchmarch, Francis Enchmarch, Merchants; Coulson Fellowes, George Fursdon, Esquires; Thomas Glass M. D. William Glynn, Francis Gwyn, Esquires; Thomas Gilberd, Gentleman; Bertie Henley, Samuel Harness, Clerks; Prowse Hassell, Benjamin Heath, John Harris, Edward Hewish, Esquires; James Huish, Thomas Hartnoll, Gentlemen; John Jutsum Gentleman, Benjamin Incledon Esquire, John Kiddell, James Kirkpatrick, Gentlemen; George Lacey Clerk, Robert Lucas, Robert Tristram Lucas, William Lyddon, William Lake Esquires; George Lewis Merchant, John Lock Gentleman, Samuel Lane Sergemaker, Thomas Morgan Clerk, William Musgrave Clerk, John Martin, William Maunder, William Martin, Edward Manley, Henry Manley, John Morse, Gentlemen; Nicholas Marder Goldsmith, Charles Morgan Merchant, John Martin Tanner, Buckland Bluett Nutcombe Esquire, Thomas Osmond Gentleman, John Oxenham Gentleman, Henry Pelham Esquire, Caleb Pierce Apothecary, John Parsons Merchant, Hugh Pulling senior, Hugh Pulling junior, Nathaniel Ryder Esquire, William Rich Gentleman, Charles Rowe, Charles Rowe junior, Robert Rowe, John Spurway M. D. Brinley Skinner, William Sanford, Edward Sainthill, Esquires; William Short Clerk, Robert Sanders, Robert Salter, Richard Sharland, Thomas Sharland, Trustees Names.

Shafland, Gentlemen; John Tuckfield Esquire, Roger Taylor Shopkeeper, Francis Taylor Ebeselemonger, Courtenay Walrond, Samuel Walker, John Rolle Walter, Esquires; Thomas Wood Clerk, John Waldron, Thomas Webber, Gentlemen; Robert Zelley Sergemaker, shall be, and they, and their Successors, are hereby nominated and appointed Trustees for surveying, ordering, widening, amending, and keeping in Repair the said Roads, and likewise for putting in Execution all other the Powers in and by this Act given and provided; and that they, or any Nine or more of them, or such Persons as they, or any Nine or more of them, shall authorize and appoint, shall or may build and erect, or cause to be built and erected, a Gate or Gates, Turnpike or Turnpikes, and also a Toll-house or Toll-houses in and upon, or across any Part or Parts of the Street or Streets, Road or Roads, by this Act appointed or directed to be amended; and shall demand, receive, and take the Tolls or Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatsoever, shall be permitted to pass through any of the Gates or Turnpikes so to be erected as aforesaid; that is to say,

Trustees may erect Side Gates;

and take the following Tolls thereat.

The Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Six or more Horses, Mares, Geldings, Mules, or other Cattle, the Sum of One Shilling.

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Four Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Nine Pence.

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Two Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Six Pence.

For every Chaise, Car, or Chair, drawn by One Horse, Mare, Gelding, Mule, or other Cattle, the Sum of Three Pence.

For every Waggon, Wain, Cart, Dray, or other Carriage, drawn by Five or more Horses, or Oxen, or other Beasts, the Sum of One Shilling.

For every Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four Horses, or Oxen, or other Beasts, the Sum of Nine Pence; and by Three or Two Horses, Oxen,

Oxen, or other Beasts, the Sum of Six Pence; and for One Horse, or other Beast, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Tolls to be taken in the Name of a Toll or Duty.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty; and the Money so to be collected and raised, shall be and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, and assigned to and for the several Uses, Ends, Intents, and Purposes, and in such Manner, as is herein after mentioned and directed; and the said Trustees, or any Nine or more of them, are hereby impowered, by themselves, or any Person or Persons by them, or any Nine or more of them, under their Hands and Seals, from time to time thereunto authorized, to demand, take, and receive, the Tolls or Duties hereby granted and required to be paid, and to levy the same upon any Person or Persons who shall, after Demand thereof made, refuse or neglect to pay the same, by Distress of any Coach or Coaches, Carriage or Carriages, Horse or Horses, or other Cattle, upon which such Toll or Duty is by this Act imposed, or of any of the Goods and Chattels carried or drawn by or on such Carriage or Cattle, or of any other of the Goods and Chattels of such Person or Persons who ought to pay the same; and may detain and keep the same until such Toll or Duty, with the reasonable Charges of such Distraining and Keeping, shall be paid; and it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, to sell the Goods or Chattels so distrained and taken, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Toll or Duty, and reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Tolls vested in the Trustees.

The Tolls may be levied by Distress and Sale.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Nine or more of them, are hereby authorized and impowered from time to time, in case it shall appear requisite

Trustees may lessen, &c. the Tolls.

site and expedient to lessen or alter the several Tolls and Duties hereby granted and made payable, or to order and direct such Tolls and Duties, or any of them, to be lessened, altered, or reduced, upon all or any of the said respective Roads, so as such Reduction be with the Consent of the several Persons who shall have advanced any Money on the Credit of the said Tolls, or who, at the Time of such Reduction, shall have any Money secured thereon; but such Reduction shall not be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all and every the Turnpike-gate or Gates to be erected by virtue of this Act, at least Twenty Days before making such Reduction.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the Tolls, Duties, and Powers, hereby given and granted, shall commence, take Place, and have Continuance from the Time of the passing of this Act, subject nevertheless to such Power of Reduction and Altering as aforesaid, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

If the Roads shall be adjudged to be sufficiently amended, &c. Tolls to cease.

Provided nevertheless, That if at any Time before the Expiration of the said Term of Twenty one Years, the said Roads shall be sufficiently amended and repaired, and shall be so adjudged by the Justices of the Peace of the Town and Parish of Tiverton, and of the Liberty thereof, and by the Justices of the Peace of the Counties of Devon and Somerset, at their General Quarter Sessions of the Peace to be holden for the said Liberty and Counties, that then from and after such Adjudication made, and Repayment of the Money borrowed, with Interest for the same, and the Costs and Charges thereof, and what shall be due to any Person upon Account of repairing the said Roads, the said Tolls and Duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls and Duties which shall be collected at the several Turnpikes and Gates so to be erected on the Roads aforesaid, or out of such Money which shall be borrowed on the Credit thereof, the Trustees for repairing the said Roads, or any Nine or more of them, shall, in the first Place, pay and discharge all the Expences and Charges of procuring and passing this Act of Parliament, and of putting up and erecting such Turnpikes, Gates, and Toll-houses, as they shall think proper, on the said Roads; and that from and after paying the said Expences and

Charges, then, and from thenceforth, the Money arising by the Tolls and Duties so collected, as aforesaid, and the Money which shall be borrowed on the Credit thereof, as aforesaid, shall, from time to time, be laid out, applied, and expended, for and towards the repairing, amending, and widening of the said Roads, and other necessary Charges attending such Repairs, in such Manner as the said Trustees, or any Nine or more of them, shall, pursuant to the Directions herein after mentioned, from time to time, order and appoint, and to no other Use or Purpose whatsoever.

Pavements how to be kept in Repair.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Trustees to lay out or apply any of the said Money arising by the Tolls or Duties granted and made payable by this Act, in repairing any of the paved or pitched Streets of Silverton or Tiverton, or any other Town or Village through which the said Roads, so to be amended by virtue of this Act, shall lead and go; but that such paved or pitched Streets shall continue to be repaired, and kept in Repair, whilst they shall remain paved or pitched, by such Ways and Means as they heretofore have, or ought to have been repaired; and in case the Inhabitants of the said Towns and Villages do not well and sufficiently pave, amend, or repair, any Part or Parts of the Streets and Pavements leading through their several and respective Towns or Villages, after Twenty Days Notice in Writing given to them, or to the Surveyor or Surveyors of their several and respective Parishes, or any One or more of the Inhabitants before whose House or Houses such Pavement is become bad and ruinous, by any Person or Persons authorized and appointed to give and deliver such Notice or Notices by the said Trustees, or any Nine or more of them, at any Meeting by them had, pursuant to the Directions of this Act, such Inhabitant or Inhabitants of the said Towns or Villages aforesaid respectively, or the Surveyor or Surveyors of the said several Parishes respectively, if the said Streets of Right ought and usually have been repaired and amended by them, or either of them, shall, for every such Neglect, forfeit and pay the Sum of Twenty Shillings, to be levied and applied as is hereafter directed; any thing in this Act to the contrary notwithstanding.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in any Case, in the Execution of this Act, unless he shall be, in his own Right, or in the

Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, or be possessed of Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds, and unless the Person claiming to have Fifty Pounds a Year, or One thousand Pounds Personal Estate alone, or Real and Personal Estate together, as aforesaid, shall (not being such Heir Apparent) take and subscribe the Oath following before any Three or more of the said Trustees; who are hereby authorized and required to administer the same, before he takes upon himself to act in the said Trusts and Authorities given and granted by this Act; which said Oath shall be in the Words, or to the Effect following; that is to say,

Trustees to take the Oath following, before they act.

The Oath.

I *A. B.* do swear, That I truly and *bona fide*, am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or possessed of Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds.

So help me God.

Penalty on Persons acting, if not qualified.

And if any Person so made incapable to act for the Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Penalty on Persons permitting, or going through private Passage,

And be it enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Land near unto any of the said Highways, or unto any Turnpike to be erected in pursuance of this Act, shall knowingly or wittingly permit or suffer any Person or Persons whatsoever, to pass through any Ground, Field, Gateway, or Passage, belonging to such Owner, Renter, or Occupier; or if any Person or Persons shall go or pass through any such Ground, Field,

Gateway, or other Passage, the same not being a Common Road, with any Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage, Horse, Ass, Mule, or any Sort of Cattle, on which a Toll is hereby laid, whereby the Payment of the Toll or Duty by this Act laid, is or shall be avoided; or if any Person or Persons shall give to or receive of any other Person except the Toll-gatherer or Collector of the Tolls made payable by this Act, any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the Tolls, or shall make use of any forged Note or Ticket; or if any Person or Persons driving or owning any Coach, Chariot, Chaise, Waggon, Cart, Dray, or other Carriage, shall at any Time or Times, take off, or cause or suffer to be taken off from such Carriage, any Horse, Ass, Mule, Ox, or other Cattle, at or before the same shall come to any of the Gates or Turnpikes to be erected by virtue of this Act; or if any Person or Persons shall leave in any House or Place upon or near the Road, any Carriage or Cattle chargeable with or liable to pay any or either of the Tolls by this Act imposed, whereby or by Means whereof, or of either of the Offences aforesaid, the Payment of any of the said Tolls shall be evaded or lessened, that then and in either of the Cases aforesaid, every Person so offending, and being thereof convicted upon the Oath of One or more Witness or Witnesses, before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace for the Town, and Parish, and Liberty of Tiverton aforesaid, or for the County where the Offence shall be committed (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices is and are hereby impowered to administer) shall for every such Offence forfeit and pay to the said Trustees, or to their Treasurer for the time being, the Sum of Twenty Shillings respectively, to be recovered and disposed of in such Manner, and to such Uses, as are herein after-mentioned.

or giving or receiving of Tickets;

or taking off Horses, &c.

to avoid Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to erect or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of any Highways or Roads by this Act directed or appointed to be amended, upon, in, or across, any Lane or Way leading into or out of the same, and there to receive and take such Tolls

Trustees may erect Sidegates, &c.

and take Tolls thereat, &c.

Tolls as are by this Act granted and appointed to be taken, at any Turnpikes to be erected by virtue thereof, so as the same do not extend to a Double Charge on any Person or Persons passing through any other of the Turnpikes or Gates to be erected by virtue of this Act upon the said Road on which such Side-gate or Gates shall be erected.

so as the same do not extend to a Double Charge.

Trustees to appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or the major Part of them present at their first or any other subsequent Meeting had by Adjournment or otherwise, such Meeting to consist of Nine Trustees at the least, may and are hereby authorized and impowered, from time to time, to elect, and by any Writing under their Hands and Seals appoint, One or more fit and proper Person or Persons, to be Receiver or Receivers, Collector or Collectors, of the Tolls by this Act made payable; and also One or more fit and proper Person or Persons, to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officer or Officers, as they the said Trustees, or the major Part of them, at any Meeting to be had according to the Directions of this Act, such Meeting to consist of Nine at the least, shall think necessary or convenient; and such Collectors or Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, or any or either of them, from time to time, to remove or displace as they shall think fit, and to chuse and appoint One or more Person or Persons in the Room and Place of such of them as shall be so removed, or shall die; Notice of such Election being first given and fixed on the Market-house, or some other Publick Place within the said Town of Tiverton, and on all the Turnpike-gates erected by virtue of this Act, within Three Miles of the said Town of Tiverton, at least Ten Days before such Election; and the said Trustees, at such or other subsequent Meeting as aforesaid, may and are hereby authorized and impowered, by and out of the Money which shall arise from the several Tolls aforesaid, to contract, allow, and pay to the said several Officers, or to either of them so appointed as aforesaid, and to such other Person or Persons as shall be assistant to them or either of them, in and about the Repair of the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Services, in those Respects, as to the said Trustees, or any Nine or more of them, shall seem reasonable; and such Person or Persons as is or are by this Act liable to pay any Tolls or

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Duties

Duties as aforesaid, is and are hereby required to pay the same to such Receiver or Receivers, Collector or Collectors, of such Toll or Duty, as from time to time, shall be so appointed as aforesaid.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all and every the Collectors and Receivers of the said Tolls, and all and every the Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officers, who shall be appointed as aforesaid, and all and every Person or Persons who shall have or receive any of the Money which shall be collected, borrowed, raised, or received, by virtue of this Act, shall, from time to time, when and as often as he or they shall be thereunto required by the said Trustees, or any Nine or more of them, produce, render, and give up to the said Trustees, or any Nine or more of them, or to any Person or Persons whom they, or any Nine or more of them, shall appoint, a full, true, fair, and perfect Account in Writing, under their respective Hands, of all Monies which shall be by them respectively had, collected, or received, and how, to whom, and for what, such Money, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Money as upon the Balance of such Accounts shall appear to be in their respective Hands, to the said Trustees, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall direct or appoint; and all and every the Collectors and Receivers of the several Tolls and Duties aforesaid, shall and are hereby required to make and render such Account and Payment as aforesaid, on Monday in every Week, or oftner, if required, during the Continuance of this Act, to the Treasurer or Treasurers for the time being, so as aforesaid appointed, or to such other Person or Persons as the said Trustees, or any Nine or more of them, shall, for that Purpose, appoint; and that all and every the said Officers and Persons so accounting, or to account, as aforesaid, shall, if required, upon their several Oaths (which Oath the said Trustees, or any Three or more of them, or any Justice of the Peace, are hereby authorized and impowered to administer and take without Fee or Reward, and without any Stamp thereon) verify their Accounts, and the particular Items thereof, and the several Receipts and Payments which shall be therein contained; and if any or either of the Officers or Persons so accounting, or to account, as aforesaid, being required

Officers not making Account and Payment,

so to do, shall refuse or neglect to render or give in such Account or Accounts as aforesaid, or to produce or deliver to the said Trustees, or to any Nine or more of them, the Receipts or Vouchers relating to the same, or to verify the Items or Articles thereof, upon his or their Oath or Oaths as aforesaid, or shall refuse or neglect to pay such Money as upon the Balance of any Account or Accounts shall appear to be in his or their respective Hands, to the said Trustees, or any Nine or more of them, or as they, or any Nine or more of them, shall direct and appoint, then, and in either of these Cases aforesaid, such Trustees, or any Nine or more of them, or any other Person or Persons by their Order and Direction, may cause such Officer or Officers so refusing or neglecting as aforesaid, to appear before any Two of his Majesty's Justices of the Peace of the Town and Parish of Tiverton aforesaid, or before any Two other of his Majesty's Justices of the Peace of and for the Counties of Devon or Somerset, by the Summon or Summons of such Justices as aforesaid; and such Two Justices shall make Enquiry of and concerning such Default, and shall settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Nine or more of them, by virtue of this Act, might have done; and if upon Confession of the Party, or otherwise upon due and proper Evidence, it shall appear to such Justices that the Officer or Officers against whom such Complaint shall have been made as aforesaid, has or have made Default in Payment, as aforesaid, such Justices may, and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied and raised by Distress and Sale of the Goods of such Officer or Officers, together with the Charges and Expences of levying and raising the same; and if no Goods or Chattels can be found upon which such Distress may be made, the said Justices shall and may, by their Warrant as aforesaid, commit such Officer or Officers, Person or Persons, to the common Gaol of the said Town and Parish of Tiverton, or of the said Counties of Devon or Somerset, there to remain without Bail or Mainprize, until he or they have made a true and perfect Account and Payment as aforesaid, together with the Charges and Expences of raising and levying the same as aforesaid, and of obtaining such Conviction and Commitment as aforesaid, or until such Officer or Officers shall have compounded with the said Trustees, or any Nine or more of them, for the same, and paid the Money which shall be by them agreed

Justices upon Complaint to enquire into the Default;

and levy the Balance by Distress and Sale;

and for want of Distress, or refusing to appear,

to be committed.

to be accepted; which said Composition the said Trustees, or any Nine or more of them, are hereby authorized and impowered to make and receive.

Surveyors may dig Gravel, &c. in Waste Grounds, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors so appointed by the said Trustees as aforesaid, or such Person or Persons as he or they shall appoint and employ for that Purpose, to dig, cut, gather, take, and carry away, or cause to be dug, cut, gathered, taken, and carried away, any Gravel, Chalk, Furze, Heath, Sand, Stones, and other Materials, out of any River or Brook, Waste or Common, in any Parish, Town, Village, or Hamlet, lying near the said Roads, proper and convenient for repairing and amending the Roads aforesaid, to be used, disposed of, and applied in repairing the said Roads, without paying any thing for the same; they the said Trustees, Surveyor or Surveyors, or other Person or Persons filling up the Pits, or levelling or fencing round the Ground, from which such Materials shall be taken as aforesaid, or causing the same to be done; and for want of sufficient Gravel, Chalk, Furze, Heath, Sand, Stones, or other Materials, in such Wastes or Commons, River or Brook, as aforesaid, it shall and may be lawful for them the said Trustees, Surveyor or Surveyors, or other Person or Persons as aforesaid, to dig and gather the same out of the several Grounds of any Person or Persons, not being a House, Garden, Orchard, Yard, planted Walk or Walks, Park, or Avenue to an House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used as a Plantation or Nursery for Forest or Apple Trees, or Lime Quarry, where any such Materials can or may be found, and from time to time to carry away so much thereof as the said Surveyor or Surveyors in their respective Place or Places, shall adjudge necessary for repairing and amending the Roads aforesaid; paying such Rates, and making such Satisfaction, for Damage done such Ground, only to the Owner or Owners of the Ground, where and from whence the same shall be dig-ged, cut, gathered, taken, or carried away, or over which the same shall be carried, as the said Trustees, or any Nine or more of them, shall adjudge reasonable; and in case of any Difference concerning the same, between such Owner or Occupier and the said Trustees, touching such Damage as aforesaid, the Justices of the Peace at their next General Quarter Sessions to be holden in and for the said Town and Parish of Tiverton, and Liberty thereof, or in and for the said Counties of Devon or Somerset, in which the said Lands shall respectively lie and be

without paying for the same;

levelling the Pits;

and where there is not sufficient of such Materials to be had there, they may be taken from private Grounds;

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

be situate, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same; the Person or Persons who shall think himself or themselves aggrieved or injured by such Determination of the said Trustees, giving Ten Days Notice of such Application to the Sessions, to the Clerk or Clerks of the said Trustees, or the Surveyor of the said Road, where such Lands lie, or to the Owner or Occupier of such Grounds or Lands, or to any One of his or their Family, to be left at their respective Houses, and order such Money or other Recompence to be paid and given by the Treasurer or Treasurers for the time being, out of the Money arising by the said Tolls, collected on the Road where the Matter in Dispute shall arise, or by such other Person or Persons as they shall think proper; and in case no Appeal shall be made from the Determination of the said Trustees, at the next General Quarter Sessions after such Determination, then the same shall be final.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, and such other Person or Persons, as they shall direct and appoint, 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, without paying or making any Satisfaction for the same; the Owner or Occupier, or some Person appointed by him, being present, or Notice being given to such Owner or Occupier, or his known Servant, or left at the usual Place of Abode of such Owner or Occupier, at least Twenty four Hours before such taking and carrying away as aforesaid.

Surveyors may remove Annoyances.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, by the Direction of the said Trustees, or the major Part of them, at any publick Meeting; which major Part shall consist of Nine at least; under their Hands and Seals, from time to time, to prevent and remove, or cause to be prevented and removed, all Filth, Dung, Ashes, Rubbish, and all other Annoyances, Nusances, or other Obstructions whatever, which are or shall be, in or upon any Part or Parts of the Roads aforesaid, or lying in or near the said Roads, or by Watercourses, Sinks, or Drains, laid or running into and from the same, to the Prejudice thereof; and shall and may open, scour, or cleanse, any Ditch or Ditches, Watercourse or Watercourses, adjoining to, or running from, or leading into, through, or from the said Roads, or

any

any Part thereof, and make the same as deep and large as they shall think proper and necessary, and shall and may cut down, top, or lop, any Tree, or Trees, Boughs of Trees, or Bushes, growing in the said Roads, or in the Hedges or Banks near or adjoining thereto, and take and carry away any such Tree or Trees, Boughs or Bushes, in case the Owners or Occupiers of the Premisses where such Annoyances as aforesaid shall happen to be, or such Trees or Bushes shall grow, or such Person or Persons as shall have occasioned the same, shall neglect to remove the same, or to cut down or carry away such Tree or Trees, Boughs or Bushes as aforesaid, or to open, scour, or cleanse, their Watercourse or Watercourses, Ditch or Ditches, as aforesaid, within the Space of Six Days next after Notice given in Writing for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, or of such Trustees, or any Nine or more of them; the Charges whereof, to be settled by such Trustees, or any Five or more of them, by Writing under their Hands, shall be reimbursed and paid to the said Surveyor or Surveyors by such Owners or Occupiers respectively neglecting or refusing to remove such Annoyances as aforesaid, and to scour, open, or cleanse such Ditches or Watercourses as aforesaid; and in case such Owners or Occupiers, or the Person or Persons occasioning the same, as aforesaid, or who ought to remove the same, or to cut, top, or lop, and carry away such Trees, Boughs or Trees, or Bushes, or to open, scour, or cleanse such Ditch, Drain, or Watercourse, shall, after such Notice, as aforesaid, refuse or neglect so to do, or if such Person or Persons shall not, upon Demand, pay and reimburse the said Surveyor or Surveyors such Charges aforesaid, it shall and may be lawful to and for such Surveyor or Surveyors, or the Constable of the Parish or Place where such Offence shall be committed, by a Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, or One or more Justice or Justices in and for the said Town and Parish of Tiverton, and Liberty thereof, or in and for the said Counties of Devon or Somerset, wherein such Watercourse or Watercourses, Ditch or Ditches, Drain or Drains, Trees or Bushes, shall lie respectively; which Warrant or Warrants the said Trustees and Justice or Justices, are hereby impowered and required to grant; from time to time to levy the said Charges upon the Person or Persons so offending, as aforesaid, by Distress and Sale of his and their respective Goods and Chattels, returning the Overplus thereof, if

Owners neglecting to remove Annoyances, &c. after Notice given them;

Surveyors to be reimbursed the Charges;

to be levied by Distress and Sale.

if any be and demanded, after deducting the reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained, as aforesaid; and if after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every Person so offending, and being thereof convicted, upon Oath, before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace in and for the said Town and Parish of Tiverton, and Liberty thereof, or before any One or more Justice or Justices of the Peace for the said Counties of Devon or Somerset, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, over and beyond making such reasonable Satisfaction and Recompence as aforesaid, as a Penalty or Forfeiture for such second Offence as aforesaid; to be levied and recovered in such Manner, as any other Penalty or Forfeiture is to be levied and recovered by this Act.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors of the said Roads, or any other Person or Persons whom the said Surveyor or Surveyors, or the said Trustees, or any Nine or more of them, shall nominate and appoint for that Purpose, to make, or cause to be made, any Causeway or Causeways, Ditches, Drains, or Trenches, in or along the Side or Sides of any Part or Parts of the said Roads hereby intended to be repaired, or through and across the same; and to make, erect, or build, or cause to be made, erected, or built, any Bridge or Bridges, Arch or Arches, of Stone, Brick, or Timber, upon, in, or across, the said Roads, or any Part thereof; and to dig, cut, or make, or cause to be digged, cut, or made, any Ditches, Drains, or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part thereof, from being overflowed with Water; and to erect Bridges over such Drains, Ditches, and Watercourses, if necessary; and also to make, or cause to be made, a Road or Way by, through, or over, the Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and until such Time as it shall be safe and convenient for Passengers and Carriages to travel through the same; making such Satisfaction to the Owners or Occupiers of such Lands and Grounds as shall be made use of, or through

Surveyors may make Causeways,

and erect Bridges, &c.

cut Drains,

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

through which any such Ditches, Drains, or Water-courses, shall be cut, or on which any such Bridge or Bridges shall be erected, or through which such Road or Roads shall be made, for the Damages they may thereby respectively sustain, as by the said Trustees, or any Nine or more of them, shall be adjudged reasonable; which Satisfaction the said Trustees, or any Nine or more of them, are hereby impowered to pay out of the Money which shall be borrowed, collected, or raised, by virtue of this Act: And in case of any Differences between the said Trustees, Surveyor or Surveyors, or Person or Persons by them appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages, or the Satisfaction to be made for the same, the Justices of the Peace at their next General Quarter Sessions to be holden in and for the said Town, Parish, and Liberty of Tiverton, or the major Part of them present at such Sessions, or the Justices of the Peace in and for the Counties of Devon or Somerset, at their next General Quarter Sessions held in and for the Counties of Devon or Somerset, within whose Jurisdiction the same shall respectively lie, on Ten Days Notice thereof to be given in Writing by the said Surveyor or Surveyors, Clerk or Clerks, to the said Trustees, or either of them, to the said Owner or Occupier, Owners or Occupiers, or by them to the said Surveyor or Surveyors, Clerk or Clerks, respectively, or either of them, or to be left at their or either of their respective Place or Places of Abode, with some or One of their respective Families, shall hear, settle, adjudge, and finally determine the same.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Nine or more them, shall, at any Time or Times during the Continuance of this Act, think proper to enlarge, widen, or alter, any Part or Parts of the said Roads, by taking into the same any Lands or Grounds for the better Accommodation or Conveniency of Travellers, it shall and may be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered, to enlarge, widen, alter, turn, or divert, the same, or any Part thereof, or to cause the same to be enlarged, widened, altered, turned, or diverted, as they shall think fit, provided that such Part or Parts of the said Roads as shall be so enlarged, widened, or diverted, be not thereby made wider than, or extended beyond, the Breadth of Thirty Feet; and, for that Purpose, to treat, contract, and agree, with the Owner or Owners, Occupier or Occupiers, of any such Lands or Grounds, for the absolute Purchase of so much,

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

much, or such Part or Parts, thereof, as they the said Trustees, or any Nine or more of them, shall think necessary, or for the Loss or Damage which the said Owners or Occupiers shall or may receive by the enlarging, widening, altering, turning, or diverting, any Part or Parts of the said Roads.

Buildings, &c. not to be injured by this Act.

Provided always, and be it enacted by the Authority aforesaid, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House, Yard, walled Garden, Park, Paddock, Plantation, or Nursery of Forrest Trees, or Avenue to any House.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, who are seised or possessed of some Lands or Grounds, Tenements or Hereditaments (which, according to the Powers given by this Act, may be necessary or proper to be taken in, added to, or made Part of, the said Roads) may be willing to treat and agree to sell such Lands, Grounds, Tenements, and Hereditaments, for the Purposes aforesaid, but are incapable of selling, granting, and conveying the same, by reason of Infancy, Intails by Wills or Settlements, or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Ideots, Lunaticks, and Husbands, or Trustees whatsoever, for or on Behalf of themselves, and of any Infants, Feme Coverts, or Cestuique Trusts, Ideots, Lunaticks, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Grounds, Tenements or Hereditaments, to treat, contract, and agree with the said Trustees, or any Nine or more of them, for Sale of such Lands or Grounds, or any Part or Parts thereof, for the Purposes aforesaid, or for Satisfaction to be made them respectively for such their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid; and to sell and convey the same, as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, as if the said Disabilities had never been; and that without any Fine or Fines, Common Recovery or Common Recoveries, or other Act or Acts of Record whatsoever; any Law, Statute, or Usage, or

Bodies Politick, or Corporate, &c. impowered to sell Lands to be taken into the Roads.

any

any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And that all and every Person and Persons so making and conveying the same, are and shall be hereby indemnified for what they shall respectively do by virtue or in pursuance of this Act.

Persons neglecting to treat for the Sale of such Lands.

And be it further enacted, That if any such Owner, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husband, Guardian, Trustee, Committee, or other Person or Persons, interested in such Lands, Grounds, Tenements, and Hereditaments (upon convenient and reasonable Notice to them given, or left in Writing at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, or Hereditaments, so to be taken in, and added to, either of the said Roads as aforesaid, or into which such Way or Road shall be so diverted, turned, or altered, as aforesaid; or, in case such Ground or Land be untenanted, affixed on the Door of the Dwelling-house, if any, or some other most publick Place on the Tenement to which such Land or Ground so intended to be purchased shall belong) shall, by the Space of Forty Days after such Notice given or left as aforesaids neglect or refuse to treat for such Lands or Grounds, or shall not agree for the same, or, by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Nine or more of them, shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of One, some, or all the Parishes in which the said Roads do lie, or others residing near the said Roads (which Oaths the said Trustees, or any Two or more of them, are hereby impowered and required to administer) what Damages shall be sustained by, and what Recompence or Satisfaction shall be made to, such Owners, Proprietors, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into any of the said Roads: And in order thereto, the said Trustees, or any Nine or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before them all and every Person or Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses; and shall examine all such Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them,

The Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined upon Oath.

them, are hereby impowered and required to administer; and they shall also order and cause the said Jury to view the said Place or Places in question, if that shall be thought necessary by the said Trustees aforesaid, and to use all other lawful Ways and Means, as well for their own, as for the said Jury's Information in the Premisses, as they the said Trustees, or any Nine or more of them, shall think fit and proper; and after the said Jury have so enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Nine or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owner or Occupier or Proprietors of the said Lands, Grounds, Tenements, and Hereditaments, or other Person interested therein, according to such the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made, shall be final and binding, and conclusive to all Intents and Purposes, against all Parties or Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors; and, for summoning and returning such Jury or Juries, the said Trustees, or any Nine or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of Devon, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, qualified by Law to serve on Juries, to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrant shall be appointed; which Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impanel, summon, and return, such Twenty four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to, or upon such Summons, the said Trustees, or any Nine or more of them, shall swear, or cause to be sworn, Twelve Persons, chosen out of the said Twenty four Persons so returned by Lot, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that speedily can be procured or summoned, qualified as aforesaid, to attend the said Service, so as to make up a Jury to the Number of Twelve, for the Purposes aforesaid.

Verdict of the Jury to be final.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

Jurors may be challenged.

Provided always, and it is hereby enacted and declared, That all Persons concerned in Interest in the said Determination, shall, from time to time, and at all Times,

or have

have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner, as any Party in any Action brought, or to be brought, depending, or to be depending, in any of his Majesty's Courts of Record at Westminster is or shall be by Law intitled unto; and the said Trustees, or any Nine or more of them, are hereby impowered, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Bailiff respectively, who shall make Default in the Premisses, such Fine not exceeding the Sum of Ten Pounds on any One Person, for any One single Offence; and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or, after having appeared, shall refuse to be sworn on the said Jury, or, after having been sworn, shall refuse to give, or not giving his or their Verdict of and upon the Matter in question, or the Damages he or they shall be sworn to try, or to inquire of, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act; and on every or any of the Persons, who being required to give Evidence or Testimony before the said Jury touching the Premisses, shall refuse or neglect to attend, or be examined, or give Evidence or Testimony touching the same; and such Fine shall be levied, recovered, and applied, in such and the like Manner, and to and for such and the like Purposes, as any other Fine or Penalty is hereby directed to be recovered and applied.

Trustees may impose a Fine on Sheriff, &c. making Default in the Premisses.

Trustees to return Names to the Sheriff of the County to impanel a Jury.

And be it further enacted by the Authority aforesaid, That all and every such Sum or Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and is, and are hereby charged and chargeable upon the respective Monies, which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly, to the Persons respectively intitled thereto, or their Agents, and that upon Payment or Tender thereof, to the respective Owner or Owners of the said Lands or Grounds, or to the Person or Persons interested therein, or to their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk for the time being to the Trustees, for the Use of such Person or Persons, and after Fourteen Days Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Nine or more of them, their Surveyors, Workmen, or Agents,

Money allowed for Lands, &c. how to be charged and tendered.

to

Lands, &c. purchaſed to be made Part of the Roads,

to take into, and add to the ſaid Roads, ſuch Grounds, Lands, or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Grounds, Lands, and Hereditaments, as the ſaid Truſtees, or any Nine or more of them, ſhall think fit; and after the Purchaſe of the ſaid Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment as aforeſaid, and Notice given as aforeſaid, ſuch Lands, Grounds, and Hereditaments, and every Part thereof, ſhall be, is, and are hereby veſted in the ſaid Truſtees, and their Heirs, without any Fine or Recovery, notwithſtanding the ſame ſhall be limited and ſettled, to, for, or upon, any Uſe, Truſt, Limitation, Intail, Remainder, or otherwiſe, and ſhall be laid into, and made Part of, the Roads, in ſuch Manner as the Truſtees, or any Nine or more of them, ſhall order and direct, and ſhall be by them, or by ſuch Perſon or Perſons as they, or any Nine or more of them, ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe; and after ſuch draining, ditching, fencing, and ſetting out, the ſaid Lands, Grounds, and Hereditaments, ſhall, to all Intents and Purpoſes whatſoever, become and be, and ſhall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the ſaid Roads for ever hereafter, and ſhall be for ever repaired and kept in Repair, by ſuch Ways and Methods, and in all Reſpects in ſuch Manner, as the old Way or Ways to widened, altered, or turned, was, were, or ought to have been kept in Repair; and after ſuch new Roads ſhall be completed, the Lands and Grounds comprized in, or conſtituting the old or former Roads, in lieu whereof the Lands, Grounds, or Hereditaments, for ſuch new Roads ſhall be purchaſed as aforeſaid, ſhall be veſted in, and ſhall and may be ſold by the ſaid Truſtees, or any Nine or more of them, to ſuch Perſon or Perſons as ſhall be willing to become Purchaſer or Purchaſers thereof, for the beſt Price that can be gotten for the ſame, and the Money ariſing by ſuch Sale, ſhall be applied and diſpoſed of, for the repairing and amending the ſaid Roads; and the Sale or Sales, Conveyance or Conveyances, to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees, or any Nine or more of them, and inrolled with the Clerk of the Peace of the ſaid Town and Pariſh of Tiverton, or County in which the old Road, or any Part thereof, doth lie, ſhall be good and effectual in the Law, to all Intents and Purpoſes whatſoever.

and eſteemed as publick Highways.

Old Road may be ſold.

And

And it is hereby further enacted and declared by the Authority aforesaid, That if any Person or Persons shall pay the respective Tolls or Duties by this Act granted and made payable, for the passing of any Carriage, Horse, or Cattle whatsoever, at either of the Gates or Turnpikes that shall, by virtue of this Act, be set up or erected, such Person or Persons, upon producing a Note or Ticket of the Day denoting such Payment, shall be permitted to pass, return, and repass, at any Time or Times during that Day, to be computed and reckoned from Twelve of the Clock in One Night, to Twelve of the Clock in the next Night, through any of the said Gates or Turnpikes, with the same Carriage, Horse, or Cattle; which said Notes or Tickets the said Collectors or Receivers of the Tolls or Duties, at the several Gates or Turnpikes, to be erected or set up by virtue of this Act, are hereby directed to give gratis. Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may order and direct, and they are hereby required to cause the said Roads to be measured, and Stones or Posts to be set up, in or near the Sides of the said Roads, at the Distance of One Mile from each other, beginning to measure such Miles from the several Places in and near the Town of Tiverton aforesaid, where the Amendment and Repair of the said Roads is by this Act directed to begin, or from such other Place as the said Trustees, or any Nine or more of them, shall, at any publick Meeting to be had, pursuant to this Act, order, direct, or appoint, denoting the Number of Miles and Distances of Places, as to the said Trustees, or any Nine or more of them, shall seem meet; and if any Person or Persons shall wilfully or maliciously destroy, pull down, dig up, injure, erase, obliterate, or deface, any or either of the said Stones or Posts, or any Part thereof, which shall be so erected or set up, or any of the Inscriptions which shall be made thereon, or any Part thereof, or cause or procure the same to be so done, and shall be convicted thereof by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace of and for the said Town and Parish of Tiverton, and the Liberty thereof, or of the County where the said Offence shall be done and committed (which Oath the said Trustees, or any Two or more of them, and the said Justice and Justices, is and are hereby impowered and authorized to administer) every such Person and Persons so offending, Roads to be measured, and Mile-stones erected. Penalty on defacing Mile-stones, &c.

ing, shall forfeit and pay the Sum of Forty Shillings, for each Stone or Post so wilfully, maliciously, and designedly destroyed, pulled down, dug up, broken, injured, obliterated, or defaced, to be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands and Seals of the said Trustees, or any Five or more of them, or of the Justice or Justices before whom such Conviction shall have been made, in the Manner as any other Penalty or Forfeiture is by this Act directed to be levied and recovered; such Forfeitures to be laid out and applied in repairing the Stones or Posts so obliterated, broken down, or defaced, as aforesaid, or of supplying new Ones in their Stead, and the Residue, if any, in repairing the said Roads; and in case the Person or Persons so offending, have not, or hath not, any Goods or Chattels, on which the said Penalties or Forfeitures may or can be levied, then it shall and may be lawful to and for the said Trustees, or any Five or more of them, as aforesaid, or the said Justice or Justices, by Warrant under his and their Hand and Seal, or Hands and Seals respectively, to commit such Person or Persons to the House of Correction for the said Town and Parish of Tiverton, or Counties of Devon or Somerset, there to remain for One Calendar Month, to be reckoned and computed from the Day of Commitment; and such Person or Persons shall not be discharged, until he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

And be it further enacted by the Authority aforesaid, That the several Trustees appointed or to be appointed for the said several and respective Roads, by this present Act, or any Nine or more of them, shall and may, if they think proper, erect or cause to be erected at any of Toll-gates, set up or to be set up by virtue of this present Act, or at such other convenient Place or Places upon the said several Roads by this Act to be amended, as they the said several Trustees, or any Nine or more of them, shall think fit, any Crane, Machine, or Engine, which they shall think proper, for the Weighing of Carts, Waggons, or other Carriages, which shall pass or repass on any Parts of the said Roads (the Charges and Expences of erecting such Crane, Machine, or Engine, to be paid and defrayed by and out of the Tolls to be collected in pursuance of this Act) and shall and may, by Writing under the Hands of the said Trustees, or any Nine or more of them, order and direct all and every or any of such Carts, Waggons,

Trustees may erect Weighing Engines, &c.

or

or other Carriages, which shall pass or repass on the Roads by this Act to be amended, together with the Loading thereof, to be weighed: And if any Person or Persons shall unload or cause to be unloaded any Goods or Merchandizes, before he, she, or they, shall come to any of the Gate or Gates, Turnpike or Turnpikes, Machine or Engine, erected or to be erected by virtue of this Act, or with Force, or otherwise, attempt to prevent, hinder, or obstruct, the Weighing of any such Cart, Waggon, or Carriage, with Intent to avoid the Payment of the Sum or Sums of Money directed to be paid, received, and taken, by any Statute of this Realm, which now is or which hereafter shall be made and in Force for the Preservation of the Publick Roads of this Kingdom; for every Cart, Waggon, or other Carriage, which shall weigh more than by Law they ought to weigh, every such Person so offending shall forfeit to the said Trustees, or their Treasurer or Treasurers, for the time being, in the Manner as is by this Act directed, the Sum of Forty Shillings; to be recovered and levied in such Manner as is by this Act directed.

Penalty on Persons unloading Goods, &c.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Tills, Hamlets, Tythings, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making of this Act hath or have been used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridge or Drain lying in or upon the same, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Part or Parts of the said Roads, Bridges, or Drains, in the same Manner as they, every, or any of them, have or hath heretofore usually done, or ought to do; and that the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Roads lead, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to work on the said Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable thereto, and shall and are hereby required to do and perform such and so many Days Work on such Parts of the said Roads by this Act directed to be repaired, lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Nine or more of them, or

Bodies Politick, &c. liable to the Repair of the Roads, to continue so.

Inhabitants to do Statute-work.

or their Surveyor or Surveyors by them for this Purpose authorized and appointed, shall direct and appoint; and that every such Inhabitant of the said Parishes, Hamlets, and Places, who shall rent, hold, and occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Parishes, Hamlets, and Places, in which they shall respectively live, as Persons keeping Teams are by Law obliged or ought to do.

Parish Surveyors, &c. to deliver in Lists of Persons liable to perform Statute-work.

And, to the end that the said Trustees may know the Inhabitants of all the Parishes, Hamlets, and Places, who are liable to do the Statute-work on the said Roads hereby directed to be repaired, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for every of the said Parishes, Hamlets, and Places, where, or in, or for which any such Surveyors usually have been or ought to be chosen, shall, and they are hereby required, within Fourteen Days after any Notice in Writing, signed by the Clerk to the said Trustees, shall be given to him or them, or left at his or their House or Houses, or last Place of Habitation, for that Purpose, to return and deliver in to the said Trustees, at any Meeting to be by them held, true and perfect Lists in Writing, upon Oath, under their respective Hands, and signed by them, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, that are liable to do their Statute-work or Duties in and upon the said Highways (which Oath the said Trustees, or any Three or more of them, are hereby impowered to administer) and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall and by this Act shall be deemed to keep a Team or Teams, and which of them keep Pack-horses, or other Beasts of Burthen, and how many in Number, and which of them are Labourers, or liable to do their Statute-duties as Labourers only; and also Lists of all the Roads liable to be repaired within the said Parishes, by the Statute-work or Labour, and the Extent thereof.

Trustees to determine the Repairs to be done on the Roads.

And, in order to ascertain what Part of the Statute Labour or Duty shall or ought to be done by any Parish, Place, or Division, on the Roads directed to be repaired by this Act; be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Trustees nominated and appointed according to the Directions of this Act, or any Nine or more of them, met and assembled

pursuant

pursuant to the Direction of this Act, for that or any other Purpose, to adjudge and determine what Part or Proportion of the Statute Labour shall be done on the said Turnpike Roads by such Parishes, Hamlets, or Divisions, in which the Roads by this Act repaired, or directed to be repaired, do lie; and the said Trustees, or any Nine or more of them, shall, at that or any other subsequent Meeting, give or cause to be given a Notice in Writing to such Parish Surveyor or Surveyors, at what Time or Place, and on what Road within the said Parishes or Hamlets, such Proportion of the said Statute Labour or Duty so appointed as aforesaid, shall be done and performed, and how many Persons shall be sent out on each Day; and such Surveyor or Surveyors so nominated and appointed by the said several and respective Parishes, are hereby required and directed to give proper and usual Summonses to such Person or Persons who by the Laws of this Realm, or by this Act, are obliged, or ought to do and perform the Statute Labour aforesaid, according to the said Directions of the said Trustees; and every such Person or Persons so summoned and warned out, as aforesaid, are hereby required to do and perform such Work by himself, his Waggon, Cart, or Horses, in such Parts of the said Roads by the said Act directed to be repaired, as the Trustees so nominated as aforesaid, or any Nine or more of them, or as the Surveyor or Surveyors by the said Trustees authorized and appointed to act on the said Road or Roads, shall direct or appoint.

Penalty on Surveyors neglecting to deliver in such Lists, &c.

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Parishes, Hamlets, or Places, through which the said respective Roads do lead, shall not deliver in such List as aforesaid respectively, at or before such Times and in such Manner as by this Act are required and directed to be delivered; or if in such Lists so delivered in as aforesaid, the Name or Names of any Person or Persons who ought to have been therein inserted, are by Design omitted; or if such Surveyor or Surveyors shall refuse or decline to give such proper and usual Summons to, or to make Oath, or give proper Evidence before One or more of His Majesty's Justices of the Peace, or any Three or more of the said Trustees for such respective Turnpike Roads (which Oath the said Justice or Justices, or any Three or more of the said Trustees, are hereby impowered to administer) of his having properly and legally summoned and warned such Person or Persons as ought by Law to do and perform such Statute Labour or Duty as

aforesaid, according to the aforesaid Directions of the said Trustees, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Five Pounds; and if any or either of the Inhabitants of the said several Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute Duty in and upon the Highways, shall not do so much Statute-work in and upon the said respective Roads, at such Times and Places, and in such Manner, as they shall, by the said Trustees, or any Nine or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do by virtue of this Act, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereafter mentioned; that is to say, Every such Inhabitant or Person who shall keep, or, by virtue of this Act, shall be deemed to keep a Team, shall forfeit and pay, for every Day's Default, the Sum of Ten Shillings; and every Inhabitant or Person keeping a Pack-horse or Pack-horses, or other Beast of Burden (and no Team, nor by this Act deemed to keep a Team) shall forfeit and pay for every Day's Default, for every such Horse or Beast, and Driver, the Sum of Three Shillings; and every other Inhabitant or Person liable to work on the said Roads as a Labourer only, shall forfeit and pay for every Day's Default, the Sum of One Shilling and Six Pence: And if any Person or Persons, who shall come as a Labourer or Labourers, or be sent with any Team or Draught, Pack-horse, or Beast of Burden, to work on the said Roads, shall not attend at the Time and Place appointed, or shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person or Persons; and in that Case the respective Forfeitures and Payments, before mentioned, shall be incurred and made payable, as if such Person or Persons had refused or neglected to come, or such Team or Draught, Horse or Beast, had not been sent out.

Penalty on Persons not performing their Statute-work.

Persons found idle to be discharged and forfeit.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, or the several Surveyors to be by them appointed, being authorized or impowered so to do by the said Trustees, or any Nine or more of them, may, and are hereby authorized and impowered to compound with the several Inhabitants of the several Parishes, Hamlets, or Places, through which the respective Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work

Trustees may compound with Persons for Statute-work.

to be by them respectively done upon the said Roads, at and for such Rates or Sums of Money, by the Day or otherwise, as they the said Trustees, or any Nine or more of them, or the Surveyors appointed by the said Trustees, and the Inhabitants respectively, shall agree upon; or with the Surveyor or Surveyors of the said several Parishes, for any gross Sum to be paid by the said Parishes for or in lieu of the Statute-work or Duty to be done and performed by the whole Parish; which said Money shall be instantly paid to the said Trustees, or any Nine or more of them, or to their Appointment; and such Surveyor or Surveyors of the said several Parishes aforesaid, so compounding and paying any gross Sum as aforesaid, for the whole Statute-Labour of the Parish, shall be repaid or reimbursed the same in such Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be repaid or reimbursed the Monies by them expended in buying Materials for mending the Highways.

Surveyors may appeal to Quarter Sessions to portion Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being of any of the Parishes, Hamlets, or Places, wherein the said respective Roads directed by this Act to be repaired do lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work, in any Parish, Hamlet, or Place, to be done on any of the said Roads by this Act directed to be repaired, it shall and may be lawful for such Surveyor or Surveyors of the Highways of the several Parishes, Hamlets, and Places aforesaid, which lie within the said Parish of Tiverton, to appeal to the Quarter Sessions of the Peace, next after such Direction or Appointment, to be held for the said Town and Parish of Tiverton, and Liberty thereof, and for such Surveyor or Surveyors of any other Parishes, Hamlets, or Places, to appeal at the Quarter Sessions of the Peace next after such Direction or Appointment, to be held for the County wherein such Highway lies; and the Justices in their said respective Quarter Sessions are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired, such Surveyor or Surveyors of the Highways aforesaid, having first given Ten Days Notice in Writing of such Appeal, to the Clerk to the said Trustees, or to the Surveyor or Surveyors, authorized by the said Trustees as aforesaid; and such Surveyor or Surveyors of the said

Parish or Parishes so appealing as aforesaid, shall not cause such Proportion of the said Statute-work or Duty to be done on any other of the Roads in the said Parish or Places, until such Appeal shall be finally heard and determined.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all and every the Penalties and Forfeitures imposed or made payable by this Act, and which shall be incurred thereby, or by reason of any thing therein contained, and every Part thereof (other than and except such for the Recovery whereof any other Method or Methods is or are herein before prescribed) upon Proof thereof upon Oath, and of the several Matters, Causes, or Things, for which the same Penalties and Forfeitures, shall be incurred respectively, before the said Trustees, or any Five or more of them, or before any Justice of the Peace of the said Town and Parish of Tiverton, and Liberty thereof, or of the County or Place where the respective Party or Parties who shall incur such Penalties and Forfeitures shall live or reside, either by the Confession of such Party or Parties, or by the Oath of One Witness (which Oath the said Trustees, or any Three or more of them, or the said Justice or Justices, are hereby impowered to administer) shall be levied by Distress and Sale of the Goods, Chattels, and Effects, of the Party or Parties so incurring the same, by a Warrant or Warrants under the Hands and Seals of such Trustees, or any Five or more of them, or of such Justice or Justices; which Warrant or Warrants such Trustees, or any Five or more of them, or such Justice or Justices, is and are hereby authorized and required respectively to grant for these Purposes, and to direct the same to the Constable or Constables of the Parish or Parishes, Place or Places, where such Goods and Chattels, and Effects, of the Person or Persons incurring such Forfeitures or Penalties shall be, and be kept, or where he, she, or they shall respectively live and reside, or to such other Person or Persons, as they the said Trustees, or Justice or Justices shall think proper; and to administer such Oath gratis; and the same Penalties and Forfeitures being so levied as aforesaid, or otherwise paid, and every Part thereof (other than and except such Parts thereof, as are hereby directed to be paid to Informers against Persons for Offences which shall be by them committed in Breach of this Act) shall from time to time be paid to the said Trustees, or any Nine or more of them, and shall be laid out and applied, in and towards the repairing and widening the Roads by this Act intended to be repaired and widened, or in mak-

ing a new Road or Roads through private Grounds, within the respective Divisions of the said Roads, as aforesaid, and keeping the said Roads in Repair, where the Offences for which such Penalties and Forfeitures were incurred respectively shall be committed; and such Constable or Constables of the several and respective Parishes or Places, and such other Person or Persons as aforesaid, to whom such Warrant or Warrants shall be so directed as aforesaid, is and are hereby directed and required to execute the same, truly and faithfully according to the best of their Skill and Abilities, or in Default or Refusal thereof, he or they shall forfeit and pay for every such Default or Refusal, any Sum not exceeding the Sum of Ten Pounds, to be levied and raised as is above directed, with Respect to any other Penalty or Forfeiture.

Overplus of the Monies raised to be paid to the Owner.

Provided always, and be it further enacted, That the Overplus of the Money which shall be raised and levied by such Distresses and Sales as aforesaid, after Payment or Deduction of the respective Penalties and Forfeitures, for which the same shall be taken and made, and of the reasonable Charges of taking and making the same, shall (if demanded) be paid to the respective Owners of the Goods, Chattels, and Effects, which shall be so distrained and sold; and if no Goods, Chattels, and Effects, of the Person or Persons who shall incur the said Penalties and Forfeitures can be found, sufficient to answer the same, and the Charges of such Distresses and Sales as aforesaid (if any such shall be taken or made) then and in such Cases, the said Trustees, or any Nine or more of them, or such Justice or Justices aforesaid, may and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, directed as aforesaid, to cause such Person or Persons to be committed to the Common Gaol of Tiverton, or of the said County or Place where such Offender or Offenders can be found, or shall reside, for any Time not exceeding Three Months for the First Offence, or until such Penalties or Forfeitures, and Charges of such Distresses and Sales (if any such there be) shall be paid, and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Six Months, nor less than One Month, or until such Penalties or Forfeitures by him, her, or them incurred, and the reasonable Charges of the said Distresses and Sales (if any such there be) shall be fully satisfied and paid.

For want of Distress the Offender to be committed.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved by any Act, Order, or Judgement, of the said Trustees, or any Five or more of them, as aforesaid, or of any of the Justice or Justices of the Peace which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices at the next General Quarter Sessions of the Peace for the Town and Parish of Tiverton, and Liberty thereof, or of the County where the Matter or Thing for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, was or were committed or done, or where the respective Party or Parties who shall incur such Penalties or Forfeitures, shall live or reside, and which shall be holden next after the doing, making, or awarding of such Act, Order, or Judgement, he, she, or they, causing reasonable Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oaths or Evidence such Act, Order, or Judgement, shall be so done, made, or awarded, and to the Clerk of the said Trustees, or to One of the Collectors or Receivers of the Tolls within the respective Division of the said Roads; which said Justices at their Sessions, upon due Proof of such Notice being given as aforesaid, shall proceed in, and hear and determine the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Order, &c. not to be quashed for want of Form,

Provided always, and be it further enacted by the Authority aforesaid, That any Conviction, Judgement, or Order of the Justices of the Peace at their General Quarter Sessions, or of any Justice or Justices of the Peace, which shall be by them respectively awarded or made in pursuance of this Act, or in the Execution of the Powers hereby to them respectively given, shall not be quashed, vacated, or discharged, for or on account of Form only; nor shall be removed by Certiorari into any of his Majesty's Courts of Record at Westminster.

nor removeable by *Certiorari*.

Provided always, and be it further enacted by the Authority aforesaid, That where any Person shall for any Offence committed against this Act be liable to pay any pecuniary Penalties, or Sum of Money, it shall and may be lawful for the said Trustees, or any Nine or more of them, to proceed to recover such Penalty or Sum of Money, by the Ways and Means herein before for that

Purpose prescribed, or to sue for the same in their own Name or in the Name or Names, of any One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, for the time being, by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at Westminster, or in any other Court which can hold Plea or Cognizance thereof, wherein the Plaintiff or Plaintiffs, if he, she, or they, recover in such Action, shall recover also his Treble Costs; provided, that no such Offender shall be doubly prosecuted for the same Offence.

Property of the Turnpikes, &c. vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right, Interest, and Property, of all and every the Toll-houses, Turnpikes, Toll-gates, and Engines, erected or to be erected by virtue of this Act, shall be vested in the Trustees appointed and to be appointed to put this Act in Execution; and they, or any Nine or more of them, at their General or other Meetings assembled, are hereby authorized and impowered to bring Actions in their Names, or in the Name of the Clerk or Clerks for the time being, and to prefer Bills of Indictment or other Prosecutions against any Person who shall steal, take away, break down, or spoil such Turnpikes, Toll-gates, or Toll-houses, or Engines, or any or either of them, so erected and built as aforesaid.

On Death or Removal of Trustees, others to be chosen.

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, and all and every the Powers herein contained; be it enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die or refuse to act, it shall and may be lawful for such of the said Trustees as shall survive, or any Nine or more of them, by Writing or Writings under their Hands and Seals, from time to time, during the Continuance of this Act, to elect, nominate, and appoint One or more Person or Persons to be a Trustee or Trustees in the Room or Place of such of them as shall so die or refuse to act; and such Person or Persons so elected, nominated, and appointed, shall be joined with the surviving and remaining Trustees, in the Execution of all and every the Powers in them reposed by virtue of this Act; Notice of such Election being first given in some Publick Journal or News Paper, and affixing a like Notice in Writing at or on all and every the Turnpikes or Toll-gates erected or to be erected in pursuance of this Act, at least Fourteen Days before such General Meeting; and all and every Person or Persons so chosen to join in putting this Act in Execution, shall and may, and they are hereby impowered to act to all Intents and Purposes, in as full, large, and ample Manner, as the said

Notice to be given of future Elections of Trustees.

Trustees

Trustees herein before nominated and appointed, are by this Act impowered to act and to do.

Trustees in the Commission of the Peace may act as Justices.

Provided always, That no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of, any Toll or Duty by this Act laid or granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees during his Enjoyment of such Place of Profit as aforesaid.

Times and Places of Trustees Meetings.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet together at the Town Hall of the said Town and Parish of Tiverton, in the said County of Devon, within Thirty Days after the passing of this Act, and shall then chuse a Clerk or Clerks to write their Orders, and for other Purposes; and shall then adjourn themselves, and shall afterwards meet at the Place aforesaid, or at any other Place or Places within the said Town of Tiverton, as the said Trustees, or the major Part of them so assembled, such major Part not being less than Nine, shall think proper or convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act at such Meeting, such Number to consist of Nine or more, and to adjourn to any other Day; then, and in such Case, the said intended Meeting shall stand adjourned to that Day Sevennight, 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 adjourn the same to some other Time and Place; and that the Trustees at their First Meeting, and all their subsequent Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act, Notice to be given of future Meetings.

Trustees to bear their own Expences

And, for the better and more effectual carrying into Execution the several Powers and Trusts given and granted to the said Trustees in and by this Act, and answering the good Purposes hereby intended; be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may assemble at the Town Hall of the said Town and Parish of Tiverton, on the First Monday in every Year after each of the respective Days hereafter mentioned; that is to say, The Twenty fourth Day of June, the Twenty ninth Day of September, the Twenty fifth Day of December, and the Twenty fifth Day of March, in every Year, unless such Day shall happen on a Sunday, and then on the next Day, during the Continuance of this Act; which Meetings are hereby declared to be General Meetings of the said Trustees

Quarterly Meetings of Trustees.

stees for the Purposes of this Act; and the said Trustees, or the major Part of them then present, shall and may adjourn such General Meetings, from time to time, as they shall think proper for the Purposes aforesaid; and in case any Difference or Dispute shall arise among the said Trustees relating to the Trust reposed in them by virtue of this Act, at such General Meetings, or at any other of the said Meetings of the said Trustees appointed and held, from time to time, for the carrying of this Act into Execution, or by virtue thereof, such Difference or Dispute shall be determined by the major Part of the Trustees then present at such Meeting, such major Part consisting of Nine or more; but if it should at any Time so happen that there shall not be a sufficient Number of Trustees present at any of the aforesaid Meetings, so as to determine the said Difference or Dispute by the major Part, to consist of Nine at the least, such Difference or Dispute shall be adjourned over to, and determined at, the next Meeting when a sufficient Number of Trustees shall happen to be present to determine the same as aforesaid.

And whereas it is necessary that the said Trustees should begin to repair the said Roads from some certain Place, and from thence carry them on regularly and progressively, as far as the Produce of the said respective Tolls will admit; be it enacted by the Authority aforesaid, That the said Trustees shall begin to repair the Roads in the first Place, from the respective Places in or near the said Town and Parish of Tiverton, where mentioned in this Act to begin; and from thence shall regularly and progressively carry them on, as far as the Produce of the said respective Tolls will admit of; and that the Tolls arising from each respective Road as aforesaid, shall be laid out and expended upon such respective Roads from whence such Tolls or Monies shall arise; and the same Proportion shall be observed with respect to the Monies to be borrowed and laid out on the said Roads respectively.

Repairs to be begun near *Tiverton*.

And, forasmuch as the Money to be collected by Receipt of the Tolls and Duties by this Act made payable, will not probably be sufficient for the speedy Repair of the said Roads; be it further enacted by the Authority aforesaid, That the said Trustees, or the major Part of them, present at any publick Meeting by them had pursuant to the Directions of this Act, such major Part not being less than Nine, shall and may resolve on and declare what gross Sum of Money they shall think requisite to be borrowed on the Security of the said Tolls, and what Rate of Interest shall be allowed and paid for the same, not exceeding the Sum of Four Pounds by the Year for every

Trustees may borrow Money on the Credit of the Tolls.

Interest not to exceed 4 *l. per Cent.*

One hundred Pounds so borrowed; and how much of the said gross Sum shall be borrowed and taken up on the Tolls arising on each respective Road, by this Act to be amended, and into whose Hands such gross Sum or Sums shall be paid; which Resolution and Declaration shall, at the same Meeting, be entered by the Clerk of the said Trustees, in a Book or Books to be by him provided for that and the other Purposes of this Act, and shall, at the same Meeting, be signed by the said Trustees, or any Nine or more of them, so concurring in such Resolution and Declaration; and that then it shall and may be lawful for the said Trustees, or any Nine or more of them, at that, or any other subsequent Meeting had pursuant to this Act, to borrow, from time to time, the several Sums so directed to be borrowed and taken up on the several and respective Tolls on each respective Road; and the Money, so borrowed, shall be borrowed and taken up on the Credit of such respective Road only; and the said Trustees, or any Nine or more of them, may, and they are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, without any Stamp thereupon, to assign over or mortgage the said Tolls or Duties arising upon the said respective Roads, or any Part thereof; the Costs and Charges of assigning the same to be borne and paid out of such Tolls or Duties; for any Time or Term for which the same are hereby made payable, or for any Part of such Time or Term, as a Security for the Repayment of such Sum or Sums of Money, so to be borrowed, to such Person or Persons as shall advance and lend such Money, or his, her, or their Trustee or Trustees, together with Interest for the same; which said Money, so to be borrowed, shall be applied and disposed of, as the said Tolls or Duties by this Act are directed to be applied and disposed, and to no other Use or Purpose.

Tolls may be assigned for Money borrowed.

And it is also further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Nine of them, as the Security for any Sum or Sums of Money by him, her, or them lent or advanced on the Credit and for the Purposes of this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on his, her, or their Security or Securities, or by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two credible Witnesses, assign and transfer the same Security or Securities,

Assignments may be transferred, and the Manner of doing so.

Securities, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest, to the Principal and Interest-money thereby secured, or any Part thereof, to any other Person or Persons whomsoever; and such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Estates of Trustees not subjected to Debts secured by executing any Assignments.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to subject or to charge the Trustees, who shall execute the said Mortgages or Assignments, or the Person or Persons who shall make and execute Assignments thereof, as aforesaid, or any or either of them, their, or any or either of their Lands or Tenements, Goods or Chattels, to or with the Payment of the Money thereby secured or received, on making such Assignments, or any Part thereof, by reason of their, or any or either of their signing or sealing the same, or any or either of them, but that the Money mentioned in such Mortgages or Assignments shall be considered, to all Intents and Purposes, as borrowed upon the Credit of the said Tolls.

Limitation of the Sum to be borrowed.

Provided also, and be it enacted by the Authority aforesaid, That no more than the Sum of Twelve thousand Pounds shall be borrowed on the Credit of the said Tolls, unless the Person or Persons intitled to Four Fifths of the Money which shall at that Time be due and owing on the Credit thereof, shall consent thereto, and shall signify such Consent under his, her, or their Hand or Hands, to the said Trustees, or any Nine or more of them, at some publick Meeting.

All Creditors deemed as such in an equal Degree.

And be it enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons whatsoever advancing any Part or Parts of the gross Sum so to be borrowed, or of any other further Sum, with such Consent as aforesaid, in respect to the Priority of advancing his, her, or their Part or Parts thereof, but that all such Lenders shall, so far as the said several Sums, or either of them, shall extend, be, and are hereby declared to be, Creditors on the said Tolls, in equal Degree one with another.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit

10 Days Notice to be given of borrowing Money.

dit of the Tolls hereby granted, unless Notice for that Purpose in Writing under the Hand or Hands of the Clerk or Clerks, or Treasurer or Treasurers, to the said Trustees, be, by Order of such Trustees, or any Nine or more of them, affixed at the Market House within the said Town of Tiverton, and be also advertised in some publick News Paper, of the Time or Times of borrowing such Money, at least Ten Days before borrowing the same.

Creditors not being paid on proper Notice, may take the Tolls in Payment.

And it is hereby enacted by the Authority aforesaid, That in case any Person or Persons, who shall lend and advance Money on the Credit of the said Tolls, shall at any Time be desirous to be repaid the Money due to them, and shall deliver a Notice in Writing, signed by them, signifying such their Desire, to the Clerk or Clerks of the said Trustees, at any Meeting of the said Trustees had, in pursuance of this Act, then, and in such Case, unless the Principal and Interest due, and to accrue due, to them on the Security of the said Tolls, shall be fully paid unto, or tendered to such Creditors so signing such Notice, within Three Months after the Delivery thereof as aforesaid, it shall and may be lawful to and for the said Creditors to receive and collect, or cause to be received or collected, the Tolls and Duties granted by this Act, in respect of the said Roads, and to apply the same rateably and proportionably to the Payment of the Principal and Interest of their Debts.

Tolls to be applied in Repair of the respective Roads on which they are taken.

And be it further enacted by the Authority aforesaid, That after the Charges of passing this Act, and also the Charges of erecting the Turnpikes, Gates, and Toll-houses, and other necessary Expences attending the Execution thereof, shall have been fully discharged, the several Tolls and Duties arising and levied on the said several Roads respectively, shall be deemed so many separate Funds for the Repair of the respective Roads whereon the same shall arise and become due, and for the Repayment of the Money borrowed thereon, and the Interest thereof, as the same shall, from time to time, become due and payable, and shall, from thenceforth become vested in the Trustees for the Use of such Roads respectively, and shall be applied for the Repairs thereof, and not elsewhere.

When any of the Roads are sufficiently repaired, the Tolls arising thereon to be applied in Repair of the other Roads.

Provided always, and be it enacted by the Authority aforesaid, That when any One or more of the said separate Roads shall be sufficiently amended, and the same shall be so determined by the said Trustees, or the major Part of them present at any General Meeting, such major Part not being less than Nine; and the Money borrowed on the Credit of the Tolls or Duties to be collected on such

Road,

Road, shall be repaid, together with all Interest due for the same, it may and shall be lawful for the said Trustees or any Nine or more of them, to apply any Part of the Tolls or Duties collected on such Road towards the amending all or any of the other Roads hereby directed to be amended; any thing herein before contained to the contrary notwithstanding.

Treasurer &c. to give Security.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their said Office or Offices, and for duly accounting for and paying over such Money as he shall, from time to time, be intrusted with, as to the said Trustees, or any Nine or more of them, shall seem meet.

Persons and Things exempted from Toll.

Provided always, and be it enacted, That this Act, nor any Thing herein contained, shall extend to charge any of the Coaches, Chariots, or other Carriages of His Majesty, or His Successors, or of any of the Royal Family, or of any Horses, Coaches, or other Carriages, attending on them; and that no Person or Persons shall be charged with, or compellable to pay, any of the Tolls or Duties made payable by this Act for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing, or not drawing the same, which shall be used or employed in the Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Lime, or Culm for burning Lime, Dung, Mould, Soil, or Compost, of any Kind, for the manuring of any Garden, or other Land or Ground, and to be actually used in manuring thereof, or that shall be used or employed in the plowing, sowing, tilling, or cultivating, any Land or Ground; or in the Carriage of any Hay, Straw, Corn in the Straw, or Wood, not sold or disposed of, but to be laid up in the Houses, Outhouses, Gardens, Yards, or Backsides, of the Owner or Owners thereof, or for any Plough, Harrow, Dray, or other Implement of Husbandry, or for any Horse, Mare, Gelding, Ox, or other Beast, drawing or carrying the same, in order for the repairing thereof, or using the same in Husbandry, or any Thing whatsoever that shall be used or employed in Husbandry, or manuring of Land; or for any Horse, Mare, Gelding, Ox, Ass, Mule, or other Beast, or Cattle, going to, or returning from, Water or Pasture, or in order to be shoed; or for any Post-horse carrying any Mail or Packet; or for the Horses of Soldiers,

diers upon their March, or for any Waggon, or other Carriage, or Horse, or other Beast, drawing, or not drawing, the same, which shall be loaden with, or employed in, carrying the Arms or Baggage of such Soldiers; or for any Horse, or other Beast, which shall be employed in the Carriage of Serges, or other Woollen Goods, to or from the House or Houses of any Inhabitant of either of the said Parishes in which the said Road lies, to or from the Fulling Mills, Tenter, or Rack, belonging to, or occupied by, such Inhabitant where the same shall be manufactured or dried; or for any Horse, or other Beast, employed in the Carriage of Raw Hides, Skins, or Leather, to or from the House or Houses of any such Inhabitant, to or from any Tan-pit, Yard, or Work-house, occupied by such Inhabitant, or carrying any Dye Stuff to or from the Rasping or Grinding Mills; or for any Carriage, Horse, or other Beast, employed in passing Vagrants travelling with lawful Passes; nor shall any of the Tolls hereby laid be demanded or taken from any Inhabitant of either of the said Parishes, who shall pass through any of the said Turnpikes to or from any Church, Chapel, or other Place of Religious Worship, on Sundays, or who shall attend the Funeral of any Person to be buried in any of the said Parishes.

Penalty on Persons making illegal Claims.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall claim any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer or Treasurers for the time being, the Sum of Ten Shillings; One Moiety whereof shall go and be applied to the Use of the Informer upon whose Oath such Offender shall be convicted, and the other Moiety towards amending the said Road.

Penalty on haling Timber, &c. otherwise than on Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, upon, in, or along, any Part of the said Roads hereby intended to be repaired, any Tree or Trees, Piece or Pieces of Timber, or any other Thing, otherwise than and except upon Wheel Carriages, every such Person and Persons, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

Trustees may erect Turnpike and toll-houses at the *White Ball*, &c.

Provided always, That the said Trustees, or any Nine or more of them, at any Meeting to be by them had pursuant to the Directions of this Act, may and are hereby impowered, if they see it to be proper and convenient, immediately, or as soon as they shall think proper, to set up

any

any Gate or Gates, Turnpike or Turnpikes, and a Toll-house or Toll-houses, at the White Ball at the End of the Road to be by this Act repaired, leading to the Town of Taunton, or at any Place near thereunto, and may take and collect, or cause to be taken and collected, the said Tolls and Duties by this Act made payable and granted as aforesaid, at the said Gate or Gates, Turnpike or Turnpikes; and in such Case, the said Trustees, or any Nine or more of them, shall begin to repair, or cause to be repaired, the said Road and Highway, as well from the said Gate or Gates, Turnpike or Turnpikes, so set up at or near the White Ball as aforesaid, as from the Town of Tiverton as aforesaid; any thing herein before contained to the contrary thereof in any wise notwithstanding. and take Tolls thereat.

And be it enacted by the Authority aforesaid, That when any Toll-gate or Turnpike shall be erected at or near the White Ball aforesaid, and the Road from thence to the Way-post or North-east End of Lennard Moor, shall be amended, the Tolls or Duties arising at such Toll-gate or Turnpike shall, after the Expences of keeping the said Road in Repair are paid, be laid out and applied in amending and keeping in Repair the Road from the said Way-post to the Town of Tiverton, and also the Road from the said Way-post to the Town of Cullumpton, in Proportion to the Income of the said respective Roads. Surplus of the Tolls, after Repair of particular Parts of the Road, to be applied then in Repair of other Parts.

Provided always, That nothing in this Act contained shall extend or be construed to extend, to enable the Trustees hereby appointed, or to be appointed, to erect or cause to be erected any Toll-gate or Turnpike upon, across, or on the Sides of such Parts of the Road hereby directed to be repaired, as lie within Two Miles of the Town of Crediton. No Gate to be erected within 2 Miles of *Crediton*.

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at any General Meeting of the said Trustees to be had pursuant to the Directions of this Act, to order and direct the Treasurer or Treasurers nominated and appointed by, and acting under this Act, for the time being, to pay and defray out of the Money in his Hands arising from the Tolls and Duties collected by virtue hereof, all such Tolls, Charges, and reasonable Sums, as they the said Trustees, or any of them, or any Justice or Justices of the Peace, shall have been at, and put unto, or shall have expended in the due Execution of this Act, and of the Powers and Authorities given and granted thereby, or in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information, Expences in the due Execution of this Act, and defending, &c. of Suits, to be defrayed out of the Tolls.

Information, or other Prosecution whatsoever, for or on account thereof, or for or concerning any Matter or Thing whatsoever, which he or they shall have done or ordered to be done, in the Execution thereof.

Proceedings and Orders of the Trustees to be entered in Books.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Monies that shall be borrowed, collected, and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees in pursuance thereof, and in Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in a Book or Books which shall be kept by the Clerk or Clerks to the said Trustees, for those Purposes; which said Book or Books any of the said Trustees shall and may have Recourse to, and peruse the same without Fee or Reward, and take Copies thereof by their Clerk or Clerks for the time being; paying such Clerk or Clerks for every Copy not exceeding Two hundred Words, Six Pence; and so proportionably for any greater or less Number of Words.

Copies may be taken thereof

Limitation of Actions.

Provided, That all Suits and Actions shall be brought before the End of the next Term after the Offence committed; and that no Offender against this Act shall be prosecuted for the same Offence both by Way of Information or Conviction, before Two or more Justices of the Peace aforesaid; and also by Action of Debt, or on the Case, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, as aforesaid; and that in case of any Second Prosecution, the Person so Doubly Prosecuted, may plead in his Defence the former Prosecution pending, or the Conviction or Judgement thereupon had.

Trustees who are in the Commission of the Peace, may act as Justices,

And be it further enacted by the Authority aforesaid, That if any of the Trustees appointed, or to be appointed to put this Act in Execution, is, are, or shall be, in the Commission of the Peace for the said Town and Parish of Ilfracombe, and Liberty thereof, or of the said County of Devon, or elsewhere, such Trustee or Trustees shall and may act as a Justice or Justices of the Peace, within his or their respective Divisions or Jurisdictions, for the more effectual putting in Execution the several Authorities and Powers in this Act granted, notwithstanding such Justice or Justices is, are, or shall be a Trustee or Trustees, as aforesaid, except in such Matters, Things, and Respects, in which he or they shall be personally interested; in any or either of which said Matters, Things, or Respects, such Person or Persons shall

except where interested.

not

not be intitled or impowered to act either as a Trustee or as a Justice of the Peace.

And be it further enacted by the Authority aforesaid, That no Person or Persons keeping any Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of taking, holding, or enjoying, any Place or Places of Trust or Profit, under this Act, or of receiving the Tolls hereby granted and made payable, during such Time as he or they shall keep such Inn, Alehouse, or other publick House of Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail. No Victualler, &c. capable of being a Trustee.

Provided always, and be it further enacted, That no Warrant, Appointment, Information, Judgement, Assignment, or any Writing or Writings whatsoever, under the Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, concerning or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Matter or Thing done, or to be done, in pursuance of this Act, or in the Execution thereof, every such Action or Suit shall be commenced within Six Calendar Months after the Fact committed, and not afterwards; and shall be laid and brought in the Counties of Devon or Somerset, or Town and Parish of Tiverton, and Liberty thereof, where such Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance, and by Authority of, this Act; and if the same shall appear to have been so done; or if any such Action or Suit shall be brought in any other County or Place, then and in such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions; or Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, upon Affidavit made, or the Certificate of the Judge before whom such Cause shall be tried, whereby it may appear Limitation of Actions. General Issue. Treble Costs.

pear that such Suit was prosecuted against the Defendant or Defendants, for Matters contained in this Act, and shall have such Remedy for the same, as any Defendant or Defendants have or hath for Costs of Suit in any other Case of Law whatsoever.

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

FINIS.