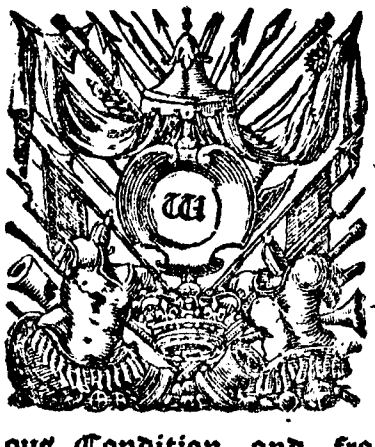
Anno tricesimo primo

# Georgii II. Regis.

An Act for repairing the High Road leading from *Brent Bridge*, in the County of *Devon*, to *Gasking Gate*, in or near the Borough of *Plymouth*, in the said County.



WHEREAS the High Road leading from Brent Bridge, in the Parish of South Brent, in the County of Devon, through the Parishes of South Brent, Ugborough, Harford, Ermington, Plympton Saint Mary, Plympton Maurice, Eggbuckland, and the Tything of Compton Gifford, to Gasking Gate, in or near the Borough of Plymouth, in the said County, is in a very ruinous Condition, and, from the Nature of the Soil, and Narrowness of the Passages in several Parts thereof, is become very ruinous and dangerous for Travellers, and, in the Winter and rainy Seasons, impassable for Wheel Carriages; and the same cannot, by the ordinary Course of Law, be effectually repaired, and kept in good Repair: May it please your Majesty, that it may be enacted; Preamble.



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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 Right Honourable Lord Viscount Barrington in the Kingdom of Ireland, the Honourable Richard Edgcumbe Esquire, the Honourable George Edgcumbe Esquire, Sir Francis Henry Drake, Sir John Cary, Sir William Courtenay, Sir Richard Warwick Bampfylde, Sir Henry Trelawney, Sir Boucher Wray, Sir John Rogers, Sir John Molesworth, Sir John Saint Aubin, Baronets; Philip Austin, Addis Archer, Esquires; Jacob Austen, Tristram Avent, Tristram Avent junior, Gentlemen; William Baker, William Bastard, Mark Batt, Arscot Bickford, Edmund Bastard, Pollexfen Bastard, Thomas Bewes, Esquires; Robert Bradford, George Baker, William Brent, John Bedford, Gregory Bridgman, Clerks; Richard Beach, Samuel Brent, William Brent, John Bailey, William Batt, Joseph Brent, Thomas Bowen, Gentlemen; Warwick Calmady, Shilston Calmady, William Cholwich, John Hipply Cox, Thomas Cholwich, John Culme, Esquires; William Cholwich, William Cookson, Clerks; Peter Culme, William Cookworthy, Joseph Collier, Philip Cookworthy, Sampson Carkett, Jacob Chaille, Gentlemen; William Davis, Samuel Dicker, John Dunning, Richard Doidge, Francis Drew, Esquires; John Dunning, Francis De Lacombe, John Deer, John Derby, Richard Dunning, Gentlemen; Thomas Bligh Derracott, William Derby, Edward Dundridge, Thomas Elworthy, Thomas Edwards, Gentlemen; John Fowell Esquire, John Forrest, Philip Facey, John Forteſcue, John Fage, James Froude, John Fry, John Fox, Joseph Freeman, Silas Forster, Gentlemen; John Genny, William Graves, Thomas Graves, Esquires; John Gennys M. D. William Goddard Clerk, John Hollis, Thomas Hankerson, Thomas Harrison, John Harris of Radford, John Hawkins, Alexander Huscombe, Esquires; John Huxham M. D. William Corham Husham Clerk, George How, John Herring, William Hambly, Lampen Harris, Christopher Harris, Joseph Howell, Hodder, Humphry Hole, Henry Hewer, John Hill, William Hern, Gentlemen; William Isaac, John Julian, Francis Kirkham, Esquires; John Kerly Gentleman, John Luscombe, John Luscombe junior, Alexander Luscombe, Esquires; Lear, George Langworthy Clerk, John Lewis, Elias Lang, George Leach, Garland Langworthy, Trefuses Lovell, Trefuses Lovell junior, Gentlemen; John Molesworth, William Molesworth, Humphry

Trustees Names.

phry Morrice, John Morshead, William Mallet, Esquires; Zachary Mudge Clerk, William Martin M. D. Jonas Morgan, John Mudge, George Marshall, Stephen Mignan, Nicholas Mills, Ralph Mitchell, Orlando Manley, Thomas Mangles junior, George Woodward Mallett, Gentlemen; Newton Esquire, Michael Nicholls, John Nicholls, Richard North Gentleman, Thomas Naylor Clerk, John Ommaney, Henry Paul Oury, Esquires; John Parker, John Parker junior, Montague Parker, John Pritchard, Samuel Pater, Reginald Poole, Prideaux Humphry Phillips, Esquires; Robert Phillips, Thomas Pearse, Robert Palmer, John Palmer, John Palmer junior, Abraham Pike, Arthur Parnell, Roger Phillips, Anthony Porter, James Parsons, Henry Popham, Gentlemen; Frederick Rogers, Walter Radcliffe, John Roberts, Esquires; George Rhodes, John Rule, Arthur Rogers, Jonathan Ridout, Gentlemen; William Strode, Waeth Savery, John Savery, Esquires; Humphry Savery, John Sowter, Peter Symons, Thomas Splatt, Jacob Shaw, Gentlemen; Thomas Smirdon Clerk, William Trelawney, George Treby, George Heale Treby, Charles Taylor, Esquires; Walter Taylor Clerk, Henry Tolcher, Robert Triggs, Digory Tonkin, Joseph Tolcher, Peter Tonkin, Peter Travers, Nicholas Trype, Tripe, Thomas Tetlowe, Gentlemen; Thomas Vincent M. D. Thomas Vivian Clerk, Thomas Veale, William Veale, Gentlemen; John Woollcombe, John Wise, Esquires; John Winter, Samuel Willmott, John Windsor senior, William Windsor, Gentlemen; James Yonge, John Yonge, Esquires; John Yonge Clerk, Charles Yonge, and Samuel Yonge, Gentlemen; shall be, and are hereby nominated and appointed, Trustees for the surveying, ordering, amending, widening, and keeping in Repair, the said Road, and for putting in Execution all the Powers by this Act given; and that they, and the Survivors of them, or any Eleven or more of them, or such Person or Persons as they, or any Eleven or more of them, shall direct or appoint, shall and may, and they are hereby directed and authorized to erect and set up, or cause to be erected and set up, a Gate or Gates, Turnpike or Turnpikes, or Toll-gates and Toll-houses, in, upon, or across, any Part or Parts of the said High Road; and shall demand, receive, and take the Tolls and Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatsoever, shall be permitted

Trustees to erect Toll-gates and Toll-houses, &c.

and take the following Tolls thereat.

mitted to pass through any of the Gates or Turnpikes so to be erected; that is to say,

The Tolls.

For every Coach, Chariot, Landau, Berlin, Phaeton, 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 and Six Pence.

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

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

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

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

For every Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four Horses, Oxen, or other Beasts, the Sum of Two Shillings; and by Three Horses, Oxen, or other Beasts, the Sum of Eight Pence; and by Two Horses, Oxen, or other Beasts, the Sum of Six Pence; and by One Horse, or other Beast, the Sum of Four Pence.

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

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

And 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.

Which said several Sums of Money shall be demanded and taken in the Name of, and as, a Toll, Duty, Tolls or Duties; and the Monies so to be raised and collected, shall be, and are hereby, vested in the said Trustees; and the same, and every Part thereof, shall be paid and applied to, and disposed of, or assigned, in Manner following; that is to say, In the first Place, for paying and defraying the Charges and Expences of procuring and obtaining this Act, and erecting such Turnpikes, Side Gate

Tolls vested in Trustees.

Application of the Tolls.

or Gates, and Toll-houses, on the said Road, as they the said Trustees, or any Five or more of them, shall think proper; and afterwards, for repairing, widening, making, mending, and keeping in Repair, the Road hereby intended to be made, widened, and repaired; and to and for the several other Uses, Ends, Intents, and Purposes, and in such Manner as is herein after declared and directed; and the said Trustees, or any Five or more of them, are hereby impowered, by themselves, or by any Person or Persons by them, or any Five or more of them, under their Hands and Seals, thereunto authorized, to levy the Tolls and Duties, hereby required to be paid, upon any Person or Persons who shall, after Demand thereof made, refuse or neglect to pay the same, by Distress of any Horse, or other Cattle or Goods, upon which such Toll or Duty is by this Act imposed, or upon any other the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and the Cattle or Goods so distrained, to detain and keep, until such Tolls and Duties, with the reasonable Charges of distraining and keeping the same, shall be paid; and such Person or Persons, so distraining, after the Space of Four Days after such Distress made and taken, shall and may sell the Cattle and Goods, so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Toll-duties, and the reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid thereout.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

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 cause to be erected One or more Turnpike or Turnpikes on the Side or Sides of the Road hereby intended to be repaired, and upon, in, near unto, or cross, any Lane or By-way, that shall, may, or doth, lead unto, or out of, any Part of the said Road; and at such Turnpike or Turnpikes, to receive and take such Tolls as are by this Act granted and made payable at any Turnpike or Turnpikes, by virtue thereof; so as the same do not extend to a Double Charge upon any Person passing through any other of the Turnpikes to be erected by virtue of this Act.

Trustees may erect Sidegates, &c.

and take Tolls thereat.

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

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 passing any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Caravan, Chair, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage,

Tolls to be paid but Once a Day.

Carriage, at either of the Gates or Turnpikes that shall be by virtue of this Act erected or set up, the same, upon producing a Note or Ticket of the Day, denoting such Payment, shall be permitted to pass, return, or repass, at any Time or Times during that Day, to be computed and reckoned from Twelve of the Clock of one Night to Twelve of the Clock of the next Night, through any of the said Gates or Turnpikes so to be erected; which said Notes or Tickets the Collector or Receiver 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.

Penalty on Persons permitting, or using private Passage,

And be it further enacted by the Authority aforesaid, That if any Person or Persons owning or occupying any Land near to any of the Turnpikes, Toll-gates, or Side-gates, to be erected by virtue of this Act, shall, during the Continuance thereof, permit any Person or Persons to pass through such Land with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, Carriage, Horse, Mare, Gelding, Mule, Ass, or any Sort of Cattle; or if any Person or Persons shall pass through such Land with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, Carriage, Horse, Mare, Gelding, Mule, Ass, or other Cattle, with or without such Permission, as aforesaid; or if any Person or Persons shall, at any Time or Times, unload, or cause to be unloaded, any Sorts of Goods or Merchandize; or take off, or cause to be taken off, any Horse or Horses, or other Cattle, from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, or Litter, or any Horse or Horses, Ox or Oxen, or other Beast of Draught, from any Waggon, Wain, Cart or other Carriage; or unload, or cause to be unladen, any Sort of Corn, Grain, or other Sort of Goods or Merchandize, from any Waggon, Wain, Cart or other Carriage, Horse, Mare, Gelding, Mule, Ass, or other Beast of Carriage, or Cattle; or shall conceal or secrete any Goods or other Things chargeable with, or liable to pay, the said Tolls or Duties; or shall put or leave in any House or Place, any Coach, Chariot, Berlin, Landau, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or other Cattle, chargeable with, or liable to pay, the said Tolls or Duties, with an Intent to avoid paying the Tolls or Duties hereby imposed; every such Person or Persons, so offending in every, any, or either, of the Cases aforesaid, and being thereof convicted upon Oath by the Testimony of One or more credible

or unloading of Goods, &c.

or taking off Horses, &c. to avoid Payment of the Tolls.

dible 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 the said County of Devon, where such Offence shall be so committed (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is or are hereby required and impowered to administer) shall forfeit the Sum of Twenty Shillings for every such Offence, and shall pay the same to the said Trustees, appointed or to be appointed to put this present Act in Execution, or to their Treasurer for the time being; which said Sum, in case it be not forthwith paid, shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or of the said Justice or Justices; rendering the Overplus to the Owner, on Demand, after deducting the reasonable Charges of making such Distress and Sale; to be settled by the said Trustees, or any Five or more of them, or by the said Justice or Justices.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, present at their First, or any succeeding Meeting, by any Writing under their respective Hands and Seals, shall and may choose and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls and Duties aforesaid; and also shall and may in like Manner choose and appoint One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Road, and to see that the same is repaired, and also that the Money raised by this Act be duly applied; and from time to time to remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as they shall see Occasion; and appoint new ones in case of Death, or such Removal; and such Person and Persons, as is or are hereby made liable to pay the said Tolls or Duties, shall pay the same, after the Rates aforesaid, to such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, as shall be, from time to time, appointed for that Purpose: And that the Person or Persons so appointed to receive the said Tolls and Duties; and also such Surveyor or Surveyors, so appointed as aforesaid, shall, upon Oath, or, being of the People called Quakers, upon their solemn Affirmation, if thereunto required by the said Trustees, and before them, or any Five or more of them, or before One or more Justice or Justices of the Peace of the said County of Devon (which Oath or Affirmation the said Trustees,

and remove them, and appoint others;

Officers to account upon Oath.

or any Two or more of them, or the said Justice or Justices, is and are hereby required and impowered to administer, on the First Wednesday in every Month, or oftener, if required, during the Continuance of this Act, give in a true, exact, and perfect Account, in Writing, under their respective Hands, of all Monies which he and they, and every or any of them, shall to such Time have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices, for which Oath or Affirmation no Fee shall be taken, and the same may be taken in Writing, without any Stamp thereupon: And in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing or Writings under their Hands, authorize and impower to receive the same; and shall be disbursed and laid out in mending the said Road, according to the true Intent and Meaning of this Act, and not otherwise: And the said Trustees, or any Eleven or more of them, shall and may, out of the Money arising by such Tolls or Duties, make such Allowance to the Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, and other Officers, by the said Trustees, or any Eleven or more of them, so appointed, as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Office or Offices, and to such other Person or Persons as have been or shall be assisting in and about procuring the said Road to be amended and repaired, as to the said Trustees, or any Eleven or more of them, shall seem meet; And in case the said Receiver or Receivers, Collector or Collectors, of the said Tolls or Duties, so to be paid as aforesaid, or the Surveyor or Surveyors of any of them, shall not give and make such Account and Payment as the said Trustees, or any Five or more of them, shall order or direct, that then any Two or more Justices of the Peace, at any Special Sessions or Monthly Meeting to be held for the said County where such Receiver, Collector, or Surveyor, shall inhabit or dwell, who shall refuse to give and make such Account or Payment as aforesaid, shall make Enquiry of or concerning such Default, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby impowered and required to administer without Fee or Reward): And, if any Person or Persons shall be thereof convicted by such Justices, they

Trustees to allow Officers Salaries.

Officers not making Account and Payment,

Justices to enquire into the Default,

they shall, upon such Conviction, commit the Party to the Common Gaol of the said County, there to remain without Bail or Mainprize, until he, she, or they, shall have made a true and perfect Account and Payment as aforesaid, or until he, she, or they, shall have compounded, or agreed with the said Trustees for the same, and have paid such Composition-money; which Composition-money the said Trustees, or any Five or more of them, are hereby authorized and impowered to make: And such Receiver, Collector, or other Person, so to be committed for not accounting, or for not paying over the Money in his, her, or their Hands, shall remain and continue under such Commitment, and shall not be discharged, or admitted to Bail upon his, her, or their accounting, as aforesaid, until he, she, or they, shall also pay over the Money which, on such Account or Composition, as aforesaid, shall appear to be due unto such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same, and also all Costs, Charges, and Expences, attending such Commitment. may commit the Offender to Gaol.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, to be appointed for the Purposes of this Act, for the due Execution of their said Offices, as to the said Trustees, or any Eleven or more of them, shall seem meet: And that the said Trustees, or any Eleven or more of them, shall and may, by any Writing under their Hands, from time to time appoint such Treasurers, Receivers, and Collectors, as they shall think fit; which Treasurers, Receivers, and Collectors, the said Trustees, or any Eleven or more of them, may at any Time discharge from his or their Office or Offices. Treasurer to give Security.

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 Person or Persons as he or they shall appoint, to dig, gather, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, or out of or from any Waste or Common, of or in any Parish, Tything, Town, Village, or Hamlet, in the said County, proper and convenient for the repairing and amending the Road aforesaid; and that, for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials, then to dig, gather, take, and carry away the same, in or out of any River, Brook, Waste, or Common, of any neighbouring Parish, Town, Village, or Hamlet, without paying any thing Surveyors may dig Gravel, &c. in Waste Grounds, &c. without paying for the same;

levelling the Pits;

thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits where such Materials, as aforesaid, shall be digged, gathered, or taken, and from whence the same shall be carried away:

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

And where there is not sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste Grounds, as aforesaid; it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Ground whereon any Houses Hand, or Garden, Orchard, Yard, or Park, Paddock, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery for Trees) where such Materials are or may be found, and from time to time to carry away the same, or so much thereof, as the said Surveyor or Surveyors shall judge necessary for repairing and amending the Road aforesaid; paying such Rates for such Materials,

making Satisfaction to the Owners of the Ground.

and for the Damage done to the Owners or Occupiers respectively of the Ground where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as also for the Damage done to the Owners or Occupiers of the private Grounds over which such Materials got in any River, Brook, or Waste Grounds, shall be carried, as the said Trustees, appointed or to be appointed for repairing the said Road, or any

Justices to determine Differences

Five or more of them, shall judge reasonable: And in case of any Difference concerning the same, between such Owners or Occupiers, and the said Trustees, touching such Damages, as aforesaid, the Justices of the Peace, in their next General Quarter Sessions to be holden in and for such County wherein the Place from whence such Materials shall have been taken, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same.

To take Chippings of Limestone, &c. without paying for the same.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person and Persons as he or they shall direct or appoint, from time to time, to enter into any Lime Quarry, or Slate Stone Quarry, or other Quarry or Quarries, and to take and carry the Chipping, Refuse, and Rubbish thereof, without paying or making any Satisfaction for the same, the Owner or Owners, Occupier or Occupiers, or some Person or Persons appointed by him or them, being present; on Notice being given to such Owner or Occupier, Owners or Occupiers, or his, her, or their known Servant or Servants,

bants, or left at the usual Place or Places of Abode of such Owner or Owners, Occupier or Occupiers, 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, to be appointed as aforesaid, or any other Person or Persons by him or them appointed or employed (having a Warrant or Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively) from time to time, to remove, or cause to be removed, all Annoyances, Filth, Dung, Ashes, or Rubbish, and all other Nuisances or Obstructions whatsoever, which are or shall be in or upon any Part or Parts of the said Road hereby intended to be repaired; and to cut down, top, or lop, and carry away, any Trees, Boughs of Trees, or Bushes, growing in the said Road, or in the Hedges or Banks adjoining thereto; and to open, scour, or cleanse, any Ditch, Drain, or Watercourse, lying or which shall lie in, or leading, or which shall lead into or out of the said Road, or any Part thereof, in case the Owners or Occupiers, or Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cut, top, or lop, and carry away, such Trees, Boughs of Trees, or Bushes, or to open, scour, or cleanse, such Drain, Ditch, or Watercourse, shall refuse or neglect so to do for the Space of Ten Days after Notice in Writing to him, her, or them respectively given for that Purpose, or left at his, her, or their respective Place of Abode, under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, or of their Clerk or Clerks for the time being; the Charges whereof, to be settled by the said 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 the respective Person or Persons so refusing or neglecting as aforesaid; and in case such Person or Persons so refusing or neglecting, shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors, such Charges as aforesaid, it shall and may be lawful to and for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or of One or more Justice or Justices of the Peace for the said County (which Warrant or Warrants the said Trustees, Justice or Justices, are hereby impowered and required to grant) from time to time levy the said Charges upon the Person or Persons so offending as aforesaid,

lop or top Bushes;

cleanse Ditches &c.

the Owners neglecting to remove the same, after Notice;

Surveyors to be reimbursed the Charges.

and to levy the same by Distress and Sale

said by Distress and Sale of his and their respective Goods and Chattles; returning the Overplus (if any be) after all Charges paid, to the Owner or Owners thereof, upon Demand; and if, after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted, upon Oath before the said Trustees, or any Five or more of them, or before any Justice or Justices of the Peace of the said County, shall, for every such Offence, forfeit and pay to the said Trustees, or to any Five or more of them, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be recovered in Manner aforesaid.

Persons neglecting to scour their Ditches, after Notice given for that Purpose.

Surveyors may let Men to cleanse the Ditches.

Surveyors may make Causeways,

cut Drains,

and erect Arches of Brick;

and widen the narrow Parts of the Road,

and no Ground be diminished, in Breadth, by Ditches not liable to repair the same.

Bodies Politick &c. making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors to be appointed in pursuance of this Act, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains in and through any Grounds lying contiguous to the said Road; and make, erect, and keep in Repair, Arches of Brick, Timber, or Stone, thereupon; and to divert and turn the said Road and highway over any Part of the said Commons or Waste Grounds contiguous and adjoining, or lying near thereto; and also to widen any of the narrow Parts of the said Highway or Road, by opening, clearing, or laying into the same any Grounds of any Person or Persons lying contiguous to or near such Highway or Road, not being a House, Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to an House; and also to cause Ditches or Trenches to be made, in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary, for the better diverting, turning, amending, and keeping the said High Road in good Repair; making such reasonable Satisfaction to the Owner or Occupier, Owners or Occupiers, of such Ground as shall be so used in diverting or turning the said Road, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which he, she, or they shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them; and in case any Difference shall arise between the said Trustees, and such Owner or Occupier, Owners or Occupiers respectively, concerning the same; that then it shall and may be lawful to and for the Justices of the Peace, or the major Part of them, at their next General Quarter Sessions to be holden for

Justices to determine Differences.

the said County in which the Matter in Dispute shall lie to hear, adjudge, and finally determine the same; and if any Owner or Occupier, Owners or Occupiers, of any Watercourse, Ditch or Ditches, adjoining to the said High-way or Road, shall neglect or refuse to clean and scour such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such Manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after Ten Days Notice shall be given for that Purpose by such Surveyor or Surveyors to be appointed, or by such Person or Persons as shall be appointed by him or them to such Owners or Occupiers; it shall and may be lawful to and for such Surveyor or Surveyors, to set a Man or Men to work to scour and cleanse, and make the same; and by Warrant from any Five or more of the said Trustees, or One or more Justice or Justices of the Peace for the County wherein such Watercourse or Ditch shall lie, to levy the Charge thereof on the Person or Persons, Goods or Estate, of the Owner or Owners of such Watercourse or Watercourses, Ditch or Ditches, and by Distress and Sale of his and their Goods and Chattles; rendering the Overplus (if any be) after all Charges of such Distress and Sale thereout deducted, to the said Owner or Owners, Occupier or Occupiers, when by him, her or them demanded.

Persons neglecting to scour their Ditches, &c. after Notice given for that Purpose;

Surveyors may set Men to cleanse the same;

and levy the Charges by Distress and Sale;

Provided always, That if the antient and former Way over any Ground shall, by virtue and in pursuance of this Act, be turned or diverted, and discontinued, the Inhabitants of the Township, Parish, Tything or Hamlet, wherein the old Road which shall be thereby left and discontinued shall lie, shall not be obliged to repair such old Road, unless the said old Road lead to some other Village, Town, or Place, than the new Road doth.

If the Way over any Ground be discontinued, Inhabitants, &c. not liable to repair the same.

And whereas it may happen, that some Person or Persons, Bodies Politick, Corporate or Collegiate, Feoffees in Trust, or others, are seised in Trust, or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present Act, may, by the said Trustees, be thought necessary or proper to be taken in, and added to the said Road, either from the extending, widening, enlarging, diverting, turning, altering, or amending the same, as aforesaid, and they 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, or conveying the same, by reason of Infancy, or other Disability: be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for

Bodies Politick, &c. enabled to contract and convey to the Trustees.

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all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Ideots, Lunaticks, Husbands, or Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trust, 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, Grounds, Tenements, or Hereditaments, to treat, contract, and agree with such Trustees, or any Nine or more of them, for Satisfaction to be made them respectively for such their Lands, Grounds, Tenements, or Hereditaments, or any Part thereof, or 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; any Law, Statute, Usage, or other Matter or Thing whatsoever, to the contrary notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians, Committees, or Trustees, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Persons neglecting to treat for the Sale of such Lands;

And it is hereby further enacted, That if any such Owner, Proprietor, or Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Committees, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given, or left in Writing at the Dwelling House, or Place of Abode, of such Person or Persons, or the Head Officer of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of such Lands, Grounds, Tenements, or Hereditaments, so to be taken in, or added, to the said Road, as aforesaid, or into which such Way or Road shall be so turned or altered, as aforesaid, shall, by the Space of Forty Days after such Notice given, or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then,

The Damage and Recompence to be assessed by a Jury.

and in every such Case, the said Trustees, or any Nine or more of them, shall cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of One, some, or all of the Parishes in which the said Road doth lie (which Oath the said Trustees,

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stees, or any Two or more of them, are hereby impowered and required to administer) what Damages shall be sustained by, and what Satisfaction and Recompence shall be made to, such Owners, Proprietors, or other Person or Persons interested for or upon Account of the taking such Lands, Grounds, and Hereditaments, into the said Road; 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 warn before them all and every Person and Persons whomsoever, who shall be thought needful and proper to be examined as a Witness or Witnesses touching or concerning the Premisses, and shall examine all the said Witnesses before the said Jury, upon Oath (which Oath the said Trustees, or any Nine or more of them, are hereby impowered and required to administer) and they shall order and cause the said Jury to view the said Places in Question, and to use all other lawful Ways and Means, as well for their own as the said Jurors Information in the Premisses, as they the said Trustees, or any Nine or more of them, shall think fit; and, after the said Jury have enquired of, ascertained, and settled, such Damages and Recompence, they the said Trustees, or any Nine or more of them, shall thereupon adjudge, order, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors, of the said Lands, Grounds, Tenements, and Hereditaments, or other Persons interested therein, according to such the Verdict or Inquisition of the said Jury; which said Verdict, Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties or Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person and Persons any wise interested in such Lands, Grounds, Tenements, and Hereditaments; and all such Person and Persons shall be thereby, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of the same: And for summoning and returning such Jury or Juries, the said Trustees, or any Nine or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of D[illegible] of

Witnesses may be summoned and examined upon Oath.

Verdict of the Jury to be final.

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

of the said County of Devon, thereby commanding and requiring him to impannel, 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, or Times and Places, 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 impaneled, 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, who shall be of the Jury for the Purposes aforesaid; and, in Default of such Number of Jurymen, the said Sheriff, his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned, qualified as aforesaid, to attend the Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and it is hereby enacted and declared, That all Persons concerned shall, from time to time, and at all Times, have their lawful Challenges against any of the Jurymen to 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 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, or his Deputy or Bailiff, respectively, who shall make Default in the Premisses; 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, 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 inquire after, 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.

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

Fine not to exceed 10 l.

Provided always, and it is hereby further enacted and declared, That no such Fine shall exceed the Sum of Ten Pounds upon any Person for One single Offence; and such Fine shall be levied, recovered, and applied in such

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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.

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

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby charged and chargeable upon all Tolls and Monies which shall be raised, received, collected, or borrowed, for the Purposes of this present Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their respective Agents; and that upon Payment or Tender thereof to the said Persons so respectively intitled thereto, or their Agents, and, in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk to the said Trustees for the time being, for the Use of such Person or Persons as the said Trustees, or any Nine or more of them, shall appoint the same to be paid unto; and, after Three Months Notice thereof given to such Person or Persons, it shall and may be lawful to and for the said Trustees, or any Nine or more of them, their Surveyors, Workmen, Servants, or Agents, to take into and add to the said Road such said Grounds, Lands, or Tenements, and to do all and every Act, Matter, or Thing, with relation to the said Ground, Lands, Tenements, or Hereditaments, so taken into and added, or to be taken into and added, to the said Road, and to ditch and fence out the same, as the said Trustees, or any Nine or more of them, shall think fit: And the said Ground, Lands, or Tenements, so taken in, or to be taken in, when the same shall be so ditched and fenced out as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth become and be, and shall be deemed and taken to be, a Publick and Common Highway, and be from thenceforth Part of the said Road, not only during the Continuance of this Act, but for ever after; and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as other Highways are to be by Law repaired and kept in Repair: And, after such Purchase shall be made as aforesaid, and the same shall be made Part of the Road, and completely repaired and finished, the Lands or Grounds comprised in, or constituting, the old or former Road, in lieu whereof the Land or Ground for which such new Road or Way shall be purchased, obtained, and made, as aforesaid, shall or may be sold or disposed of by the said Trustees, or any Nine or more of them, to such Person or Persons as shall

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

and esteemed as publick Highways.

Old Road may be sold.

shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be had or gotten for the same; and the Money arising by such Sale shall be applied and disposed of for repairing and amending the said Road; and such Conveyance or Conveyances to be made of the said Lands and Grounds comprised in the said new Road, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace for such County wherein such old Road lies, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Owners of the Lands taken into, or near the old Road, to have the Preference in the Sale thereof.

Provided always, That the Person or Persons whose Lands or Grounds shall be so taken in to make Part of the said new Road, or the Person or Persons whose Lands or Grounds shall adjoin unto the said old or discontinued Road, shall always have the Preference as a Purchaser in the Sale or Sales of such Land or Ground so directed to be sold.

Trustees not to act where interested.

Provided always, That no Person or Persons shall act or act as a Trustee or Trustees in any Case, relating to the contracting for, or purchasing, of any Ground, Lands, Tenements, and Hereditaments, so to be taken into the said Road, where he or they are concerned in Interest.

Surveyors may make a temporary Road;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, a Road or Way through, over, or along, any Grounds adjoining to any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired (not being the Grounds wherein any Houses or Buildings stand, or Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to any House, or Piece or Parcel of inclosed Ground, planted, set apart, or used as a Plantation or Nursery of Trees) 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 till such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired, and no longer; making such Satisfaction to the Owners or Occupiers of such Grounds respectively, through, over, or along which, such temporary Road or Roads shall be made, for the Damages such Owners or Occupiers respectively shall or may sustain thereby, or shall be adjudged by the said Trustees, or any Five or more of them: And in case any Difference shall arise between such Owners or Occupiers and the said Trustees touching such Damages,

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

nages, that then it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Sessions, or at their next Session at the farthest, to be holden for the County in which such temporary Road shall lie, or the major Part of them then present at such Quarter Sessions, and they are hereby required to settle, adjust, and finally determine the same.

And forasmuch as the Money to be collected by the Receipt of the Tolls and Duties by this Act made payable as aforesaid, will not, for some Time, be sufficient for the speedy repairing the said Road; be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to assign over or mortgage the Tolls or Duties arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be borne and paid out of such Tolls and Duties) for any Time or Times, during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money, so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Payment thereof, with Interest not exceeding the Rate of Four Pounds and Ten Shillings per Centum per Annum; which Money, so to be borrowed, shall be applied and disposed of as the said Tolls and Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

Interest not to exceed 4 *l.* 10 *s. per Cent.*

Provided nevertheless, That such Mortgages, Assignments, or other Securities, so to be made, or any of them, shall not be liable to be stamped, or subject to any Duty or Duties whatsoever on that Account.

Mortgages to be without Stamps.

And provided also, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Monies, or any Part thereof, to any Payment of the same, by reason of their, or any of their, signing, sealing, or delivering, the said Mortgages or Assignments, or any or either of them.

Trustees not subjected to Debts secured by executing any Assignments.

And be it further enacted by the Authority aforesaid, That Copies of all and every the Assignments and Mortgages so to be made by the said Trustees, as aforesaid, shall be registered or entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books, shall and may be seen and perused, at all reasonable Times,

Entries to be made of all Assignments.

by any Person or Persons whomsoever, without Fee or Reward.

10 Days Notice to be given of such Meeting.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees, or any of them, upon the Credit of the Tolls to be collected by virtue of this Act, after the First Meeting of the Trustees for putting this Act in Execution, unless Notice, before, for that Purpose, is fixed in Writing, under the Hand of the Clerk or Clerks to the said Trustees, upon all the Turnpike Gates then erected by virtue of this Act; and publick Notice be likewise given in the Yeovill Mercury, or Journal; and in case such Journal shall be discontinued, then, in such publick Papers as the said Trustees shall appoint, at least Twenty one Days before the borrowing such Money.

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

And it is also further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Assignment, Mortgage, or Mortgages, of the said Tolls or Duties, shall be made by the said Trustees, or any Eleven or more of them, as a Security for any Sum or Sums of Money by any Person or Persons lent and advanced on Credit, and for the Purposes mentioned in this Act, or shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignments, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of, and attested by, Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Benefit, or Interest, to the Principal or Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and Notified to the Clerk or Clerks, Treasurer or Treasurers, appointed, or to be appointed, by the said Trustees, or any Eleven or more of them, within Three Months after the Date thereof; who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Parties, and Sums of Money therein mentioned to be transferred, in the said Book to be kept for entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence, and no more: And after such Entry made, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of such

Clerks Fee.

Person

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Person or Persons who shall have made such Assignment, to make void, release, or discharge the same, or the Monies thereby due, or any Part thereof.

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

Provided, and it is hereby enacted by the Authority aforesaid, That in case any Person or Persons, who shall lend and advance Monies on the Credit of the said Tolls, or the Possessors of any of them, or of the said Mortgages or Assignments, at any Time shall be desirous to be repaid the Money due to him, her, or them, and shall deliver Notice in Writing, signed by him, her, or them, signifying such his, her, or their Desire, to the Clerk or Clerks to the said Trustees, at any General Meeting of the said Trustees; then, and in such Case, unless the Principal and Interest due, and accrued due to him, her, or them, on Security of the said Tolls or Duties, shall not be fully paid unto, or rendered unto, and refused to be accepted by, such Creditor or 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 Creditor or Creditors, so giving such Notice, to receive and collect, or cause to be received and collected, the Tolls and Duties granted by this Act in respect of the said Road, and apply the same to the Payment of the said Principal Money and Interest, or rateably and proportionably to the Payment of the Principal and Interest of their Debts, in case more than One of such Creditors shall apply for Payment at the same Time.

Penalty on giving or receiving Tickets to avoid Payment of the Tolls.

And, for preventing Frauds and Abuses in the said Tolls and Duties hereby granted; be it enacted by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this Act payable, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same to any Person or Persons, in order to avoid the Payment of the said Toll or Duty; every such Person giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving the same, being thereof convicted by the Confession of the Party, 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 for the said County of Devon, where such Offence shall be committed (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is or are hereby impowered to administer) shall respectively forfeit and pay the Sum of Twenty Shillings, to be levied and recovered in such Manner as the other Penalties are herein before or hereinafter mentioned; One Moiety whereof shall go to the Informer,

Informer, and the other Moiety shall be applied towards repairing the said Road.

Persons and Things exempted from Toll.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That no Person or Persons shall, during the Continuance of this Act, 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, Mule, Ass, Ox, or other Beast, drawing or not drawing the same, which shall be used or employed in the Carriage of any Stone, Gravel, or other Materials, for repairing of any Road or Highway; or in the Carriage of any Lime, Culm for burning of Lime, Dung, Mould, Soil, or Compost of any Kind, for manuring of any Garden, or other Land or Ground; or that shall be used or employed in plowing, sowing, tilling, or cultivating of 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, Out-houses, Yards, or Back-sides, of the Owner or Owners thereof; or of any Plough, Harrow, Dray, or other Implements of Husbandry; or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast or Cattle drawing 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 Land; or for any Horse, Mare, Gelding, Mule, Ass, Ox, or other Beast or Cattle, going to, or returning from, Water or Pasture, or from one Pasture Field to another, in the Possession of the Owner of such Cattle, or in order to be shoed; or for any Post Horse carrying the Mail or Packet; or for the Horses of Soldiers upon their March, or for Carriages loaden with the Arms or Baggage of Soldiers; or for Horses or Carriages passing with Vagrants sent by lawful Passes; or from any Person or Persons residing in any of the said Parishes in which the said Road hereby directed to be repaired doth lie, who shall pass through to and from Church, or other Place of Worship tolerated by Law, on Sundays; or who shall attend the Funeral of any Person to be buried in any of the said Parishes.

Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected and built by virtue of this Act, shall be vested in the said Trustees appointed, or to be appointed, to put the same in Execution; and that they, or any Eleven or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper; or to bring Actions, or prefer Bills of Indictment,

Indictment, in their Names, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or any One or more of them, against any Person or Persons who shall steal, take away, break down, damage, or spoil such Turnpikes or Toll-houses, or any of them, so erected and built as aforesaid.

Persons and Offences exempted from Penalties.

Trustees may apply Money in building or repairing Bridges, &c.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, nominated and appointed by this Act for the Purposes aforesaid, or their Successors, or any Five or more of them, to lay out and apply so much and such Part of the Money to be raised and levied by Force and Virtue of, and on the Credit of this Act, as they shall, from time to time, think requisite and necessary in that Behalf, for and towards the building, supporting, maintaining, and repairing such Bridges, and the Way and Passages over the same, over which the Road intended to be repaired by this Act doth lead.

Persons chargeable to the Highways, to continue so.

Provided always, and be it further enacted by the Authority aforesaid, That all and every Person and Persons, who are by Law chargeable towards the building, repairing, and amending, the said Road and Bridges hereby intended to be repaired, shall still remain chargeable, and do their respective Days Work, in the several Parishes, Tythings, Townships, and Places, in which the said Road and Bridges do respectively lie, in such Manner as he, she, or they ought to have done before the passing of this Act.

Trustees may determine the Statute-work to be done on the Roads.

And, to prevent Differences which may arise between the said Trustees, and the Surveyors of the Highways for the Time being, of the several Parishes or Places through which the Road aforesaid doth lead, touching what Part of the Statute-work in any Parish, Place, or Division, ought to be done, on the Road by this Act intended to be repaired; be it further enacted by the Authority aforesaid, That it shall and may, yearly and every Year, during the Continuance of this Act, be lawful for any Eleven or more of the said Trustees, at any of their publick Meetings, upon Application to be made to them by any of the Turnpike Surveyor or Surveyors, to adjudge and determine what Part or Portion of the said Statute-work shall be done on the Road aforesaid, by the Inhabitants of each or any of the Parishes in which the said Road hereby directed to be amended doth lie, so that the same, in the Whole, doth not exceed Three Days Statute-work in each Year, nor to be done in Hay-Time or Harvest.

Provided also, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said

Trustees may compound with Parishes, &c.

Trustees, or any Nine or more of them, from time to time, during the Continuance of this Act, to compound and agree with any of the Parishes, Tythings, or Townships, to which the said Road doth belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Road, for a certain Sum of Money, or otherwise by the Year, as the said Trustees, or any Nine or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Parish or Parishes, Tything or Tythings, Township or Townships, or such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments chargeable as aforesaid: Copies of all which Compositions or Agreements, so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may, at all seasonable Times, be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Compositions to be entered in a Book.

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

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways, for the time being, of all and every the Parish and Parishes in which the Road intended to be repaired by this Act doth lie, shall yearly and every Year, during the Continuance of this Act, within Fourteen Days after Demand made to him or them, in Writing, by the Turnpike Surveyor or Surveyors, appointed, or to be appointed, by the said Trustees, or any Eleven or more of them, give and deliver to the said Turnpike Surveyor or Surveyors, an exact List or Account in Writing, under his or their Hands, of the Christian and Surnames of all and every Person and Persons, in the said respective Parish or Parishes, who are by Law chargeable towards repairing the Roads in any of the said Parishes; and shall set forth and specify in such List, what each Person is respectively chargeable with for and towards the same; and the said Parish Surveyor or Surveyors for the time being respectively, within Twenty Days after Notice shall be given them, or either of them, by the said Turnpike Surveyor or Surveyors, of the Time when (except in Hay or Corn Harvest) and how many of the Persons chargeable as aforesaid, he or they would have to do such their respective Statute or Days Work, so adjudged or appointed as aforesaid, in or upon any Part or Parts of the said Road, shall summon and give publick Notice thereof

may be lawful to and for the said Trustees, or any Eleven or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall so neglect or refuse to make such Payment as aforesaid; and such Rents and Profits, when recovered and received, shall be applied, from time to time, for and towards amending that Part of the said Road, to which the said Lands and Rents were liable before the passing this Act, and the Bridges there, and to no other Use or Purpose whatsoever.

Penalties and Forfeitures when recovered, how to be applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, touching which no other Provision is hereby made, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County where the Offence shall happen; which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to grant, upon Information of One or more credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods or Chattles shall be sold or distrained, the Charges of such Distress and Sale being first deducted, shall go, and be applied and laid out, if not otherwise directed to be applied by this Act, towards amending the Road hereby directed to be repaired.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, appointed or to be appointed to put this Act in Execution, shall, during the Continuance thereof, take care to have all Receipts, Payments, Debts, Orders, and Contracts, had or made, or contracted or entered into, for, or on Account of, making and amending, widening, and diverting, or turning, the said Road, and all other the Proceedings of them the said Trustees, to be fairly written and entered in One or more Book or Books, to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall or may be seen and perused at all seasonable Times, without Fee or Reward, by any Person or Persons whomsoever; and also that any of the said Trustees, so appointed, shall and may take Copies of all or any Part thereof, paying for every Copy, not exceeding One hundred Words, Six Pence, and so proportionably for a

Copies may be taken thereof.

greater



thereof to the said Person or Persons so chargeable as aforesaid; and if any Parish Surveyor or Surveyors aforesaid, shall neglect or refuse to do as they are hereby required and directed to do, he or they, for every such Neglect or Refusal, shall forfeit the Sum of Forty Shillings, to be levied and recovered in such Manner as any other Forfeitures or Penalties is or are by this Act directed to be levied and recovered; which said Sum of Forty Shillings shall be applied towards repairing the said Highways; and if any Person or Persons, keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Road, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, each Team or Cart containing not less than Three good Horses or Beasts of Draught, with One able Man to attend the same, to do and perform their respective Days Work on the said Road; he, she, or they, so neglecting or refusing, shall respectively forfeit the Sum of Ten Shillings for every Team, Draught, or Cart, making Default each of the said respective Days: And if any Labourer, or other Person, so as aforesaid chargeable towards repairing the said Road, shall at any Time neglect, or refuse (after such Summons or publick Notice) to do and perform the said appointed Days Work on the said Road; he, she, or they, shall respectively forfeit the Sum of One Shilling and Six Pence, for each of the said Days such Labourer, or other Person or Persons, shall make Default; and if any Person or Persons, who shall, according to such Summons or publick Notice as aforesaid, come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road, be found idle and negligent by the said Turnpike Surveyor or Surveyors respectively where the Work is to be done; in such Case the said Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required, to remove and turn him or them off who shall be found idle or negligent as aforesaid; and it shall be esteemed and taken as if such Person or Persons had not come as a Labourer, or had not come with, or sent any Team, Draught, or Cart, to work on the said Road; and he, she, or they, shall be subject and liable to do their respective Days Work, so ordered and appointed as aforesaid.

Penalty on Surveyors neglecting to deliver in such Lists;

and on Persons not performing Statute-work.

Penalty on Labourers Neglect.

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition-money, agreed to be paid in lieu of any Statute or Days Work of the Inhabitants of any Parish, Tything, Township, or Hamlet, wherein the Road to be amended by virtue of this

Composition-money how to be recovered.

Act

greater or less Number of Words; and that all such Orders, so entered, shall be signed by the Clerk to the said Trustees, at any Meeting of any Nine or more of the Trustees aforesaid assembled, as the Case shall require; and such Orders shall be deemed and taken original Orders, as if the same were under the Hands and Seals of any Eleven or more of the Trustees: Which said Book or Books, and also the Book directed to be kept for registering and entering the said Assignments and Transfers, shall and may be produced and read in Evidence, in all Cases of Appeal, Suits, or Actions, touching anything done in Pursuance and by the Authority of this Act.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves, aggrieved by anything done in pursuance of this Act, it shall and may be lawful to and for him, her, or them, within the Space of Four Months, to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace, to be held for the County where the Matter in Question shall arise; who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved; and, if they see Cause, shall and may, by Order of such Sessions, mitigate all or any of the Penalties and Forfeitures incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Party or Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and to levy, by their Order or Warrant, such Costs so awarded, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall refuse to obey the same; and, for want of such Distress, to commit the Party or Parties to the Common Gaol, or House of Correction, of the County wherein such Appeal shall be heard and determined, for any Time not exceeding One Month, or until Payment of such Costs shall be made; but the Person or Persons so appealing as aforesaid, shall, and they are hereby directed to give Notice in Writing to the Treasurer or Treasurers for the time being, of the Tolls and Duties granted by this Act, where the Offence was committed, of such their Intention of bringing or prosecuting any Appeal, at least Fourteen Days before the said Quarter Sessions; and shall, within Five Days after such Notice given, enter into a Recognizance before One or more

10 Days Notice of Appeal to be given,

and Recognizance to be entered into.



Act hereof, shall not be paid within One Month next after the same shall become payable according to such Composition or Agreement; that then it shall and may be lawful to and for any Justice of the Peace of the County wherein such Person or Persons so compounding as aforesaid shall reside, by Warrant under his Hand and Seal, to impower the Person authorized by the said Trustees, or any Nine or more of them, to receive such Composition Money (Oath being first made that the same hath been demanded, and remains unpaid; which Oath the said Justice is hereby authorized to administer) to levy the same by Distress and Sale of the Goods of the Person or Persons who shall so compound, for or in respect of the Statute or Days Work, or the Surveyors of the Highways for the time being of such Parish, Village, Tything, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made; returning the Overplus, after the Charges of such Distress and Sale thereout first deducted.

Surveyors, paying the Composition-money, to be reimbursed.

Provided also, and be it enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Tything, Township, or Hamlet, for which any such Composition shall be made for any Statute or Days Work as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be levied on him, in the Manner herein before provided; all and every such Surveyor and Surveyors shall and may be reimbursed the Composition money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the said Highways.

Lands chargeable to the Highways, to continue so

Provided always, and be it hereby enacted and declared, That if it shall appear to the said Trustees, or any Eleven or more of them, that any Lands, Tenements, or Hereditaments, or any Rents or Profits arising out of any Lands, Tenements, or Hereditaments, now are or hereafter shall be, liable and chargeable to the amending the Road and Bridges by this Act directed to be repaired, or any Part thereof; such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits to such Person and Persons as the said Trustees, or any Eleven or more of them, shall appoint to receive the Tolls and Duties granted by this Act; and, upon Default of Payment thereof, it shall and may

more Justice or Justices of the Peace of such County, with Two Sureties, to try such Appeal at the Quarter Sessions of the Peace, which shall be held for such County, next and immediately after giving Notice of such Appeal; and every such Appeal shall, at the next General Quarter Sessions, to be there heard, and finally determined.

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

Provided always, and be it further enacted by the Authority aforesaid, that no Order made touching or concerning any of the Matters aforesaid, or any other Proceeding to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ, or Process whatsoever, into any of His Majesty's Courts of Record at Westminster, any thing herein contained to the contrary notwithstanding.

nor removeable by *Certiorari*.

Writings to be without Stamps.

Provided, and it is hereby further enacted and declared, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, or other Determination whatsoever, under the Hands and Seals of any of the Trustees of this Act, or under the Hand and Seal or Hands and Seals of, or exhibited before, any Justice or Justices of the Peace, touching, concerning, or in the Execution of, any Power or Authority hereby vested in them, or some or any of them, respectively, shall be charged or chargeable with any Stamp Duty.

Trustees, with Consent of the Creditors, may lessen the Tolls.

And it is further enacted and declared by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, are hereby authorized and impowered, from time to time, in case it shall appear requisite and expedient, to lessen the several Tolls and Duties hereby granted and made payable; and to order and direct such Tolls and Duties, so to be lessened and reduced, to be collected, received, and taken, laid out and applied, for the Purposes of this Act, in such Manner, Parts, and Portions, as they shall think fit; so as such Reduction be of no Prejudice to, or be with the Consent of, the several Persons who shall have advanced any Money secured thereby; any thing herein contained to the contrary notwithstanding.

Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforesaid, That the Tolls or Duties hereby granted, shall take Place from and after the First Day of May, One thousand seven hundred and fifty eight; and continue and be paid from thenceforth, subject to such Reductions, 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 Road shall be adjudged to be sufficiently amended, &c. Tolls to cease.

Parliament: But if, at any Time before the Expiration of the said Term, all the said Road shall be sufficiently repaired and amended, and so adjudged by the Justices of the said County of Devon, at their General Quarter Sessions to be held for the said County; that then, from and after such Adjudication made, and Repayment of all such Monies as shall have been borrowed on the Credit of the said Tolls and Duties hereby granted, with Interest for the same, and the Costs and Charges thereof, and of obtaining this Act of Parliament, the aforesaid Tolls and Duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

Limitation of the Sum to be borrowed.

Provided always, That no more than the Sum of Four thousand Pounds shall be borrowed on the Credit of this Act; unless the Person or Persons intitled to Four Fifths of the Money, which shall at that Time be owing upon the Credit thereof, shall consent thereto, and shall signify the same, under his or their Hand or Hands, to the said Trustees, or any Eleven or more of them.

Tolls not to be applied in paving Streets.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to impower the said Trustees to lay out or apply any of the Monies, arising by the Tolls or Duties granted or made payable by this Act, in repairing any of the paved or pitched Streets leading through any Town in the Road aforesaid; but that such Streets shall continue to be repaired, and kept in Repair, by such Ways and Means as they have been heretofore repaired; any thing in this Act contained to the contrary notwithstanding.

Coaches, &c. of the Royal Family exempted.

Provided always, That this Act, nor any thing herein contained, shall extend, or be construed to extend, to charge any of the Coaches, Chariots, or other Carriages of the Royal Family, or any Horses of his Majesty's Guards, Coaches, Chariots, or other Carriages, attending his Majesty, or the Prince, or Princess Dowager of Wales, or any of the Royal Family.

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

Real and Personal Estate together, to the Amount or Value of Fifteen hundred Pounds; and unless the Person claiming to have Fifty Pounds a Year, or Fifteen hundred Pounds alone, Personal, or Real and Personal Estate together, as aforesaid, shall, not being 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 of this Act; which said Oath shall be in the Words, or to the Effect, following:

Trustees to take the Oath following before they act.

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 Fifteen hundred Pounds.

The Oath.

*So help me God.*

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 and 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 acting as Trustees, who are disqualified.

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 for answering the good Purposes hereby intended; be it further enacted by the Authority aforesaid, That the several Trustees hereby appointed, or any Eleven or more of them, shall meet together at the House of John Snell, known by the Sign of the George Inn, in the Village of Ridgeway, in the Parish of Plympton Saint Mary, in the County of Devon, on the Twenty ninth Day of April next, and proceed to the Execution of this Act; and shall then, and from time to time, adjourn themselves to meet again there, or at any other Place, in, upon, or near unto, the Road hereby intended to be repaired, as the said Trustees, or any Eleven or more of them, shall see convenient

Time and Place of Trustees Meeting.

venient and proper, and as often as it shall be necessary, to put this Act in Execution; and that a General Meeting of the said Trustees shall, yearly and every Year, during the Continuance of this Act, be held at the George Inn aforesaid, or at such other Publick Inn or Tavern in or near the said Road, as the said Trustees, or any Eleven or more of them, shall direct or appoint, on the said Twenty ninth Day of April, unless such Day shall happen to be 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, for the Purposes directed to be carried into Execution at General Meetings; and the said Trustees, or the major Part of them then present, shall and may adjourn such General Meeting, from time to time, as they shall think proper, for the Purposes aforesaid: And in case any Difference or Dispute shall arise amongst the said Trustees, relating to the Trust reposed in them by virtue of this Act, at such General Meeting, or at any other of the Meetings of the said Trustees, appointed or held, from time to time, for carrying 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 Six, 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 Meetings, as aforesaid, so as to determine such Difference or Dispute by the major Part, to consist of Six at the least; such Difference or Dispute shall be adjourned over, and be determined at the next Meeting when a sufficient Number of Trustees shall happen to be present to determine the same, as aforesaid.

Differences of Trustees to be determined by a Majority.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, appointed, or to be appointed, to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the said County in which the said Road hereby intended to be repaired doth lie, to act as a Justice or Justices of the Peace, in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Powers in this Act mentioned and contained.

No Trustee to accept of any Place of Profit arising from the Tolls.

Provided always, and be it further enacted and declared, That no Person or Persons appointed, or to be appointed, by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept any Place of Profit arising out of, or by reason of, any Tolls or Duties by this Act laid or granted; but such Person or Persons shall be incapable

capable of acting as a Trustee or Trustees, from the Time of accepting, and during the Enjoyment of such Place of Profit, as aforesaid.

Roads to be measured, and Mile-stones erected.

Provided always, and it is hereby further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby required to cause the said Road to be measured, and Stones or Posts to be set up thereon, or near the Sides of the said Road, each Stone or Post at the Distance of One Mile from another, denoting the Distance of any Stone or Post from any other Place, as to the said Trustees shall seem meet; And if any Person or Persons shall voluntarily or maliciously break any of the said Stones or Posts, or any Part thereof, which shall be so erected or set up, or shall obliterate or deface any of the Letters, Words, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof, by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the County where such Offence shall be committed; every such Person or Persons so offending, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so voluntarily or maliciously obliterated, broke, or defaced; to be levied by Distress and Sale of the Goods and Chattels of every such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices before whom such Conviction shall be made; One Moiety whereof to go to the Informer, and the other Moiety thereof shall be applied in repairing the said Road, and making good such Stones or Posts so broken and defaced: And in case the Person or Persons, so offending and convicted, shall have no Goods or Chattels; then it shall and may be lawful to and for One or more Justice or Justices, by Warrant under his Hand and Seal, or their Hands and Seals, respectively, to commit such Person or Persons to any Goal, or House of Correction, in such County where such Offence was committed, there to remain for the Space of One Calendar Month.

Penalty on defacing Mile-stones,

to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

At the preceding Meeting to the annual one, Accounts to be passed.

Provided always nevertheless, and it is hereby enacted by the Authority aforesaid, That at the preceding Meeting of such General Meeting to be held annually, as aforesaid, during the Continuance of this Act, the said Trustees, or any Eleven or more of them, shall give Notice in Writing, at least Fourteen Days before such General Meeting, of the Place where such General Meeting is to be had and held; and such Notice thereof being given in Writing, and affixed to all the Turnpike-gates, and on the

Pillars of the Guildhalls of the Towns of Plymouth and Plympton, the said Trustees, or any Eleven or more of them, shall and may, and they are hereby authorized and appointed to pass and settle all Accounts of the Receivers, Collectors, Toll-bar Keepers, and other Officers, belonging or relating to the said Road: And if there shall not appear at such yearly General Meeting, or any other Meeting so appointed, a sufficient Number of Trustees to act at such yearly General Meeting so appointed; that then the said Trustees, or such of them as shall then appear, shall adjourn to another Day; of which Adjournment the Clerk or Clerks to the said Trustees shall give publick Notice, in Writing, to be affixed to all the Turnpikes, at least Fourteen Days before the next Meeting, denoting that the said Trustees intend to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in or near the said Road; and the said Trustees, at their First, and every other subsequent Meeting, shall defray their own Expences.

Penalty on drawing Timber otherwise than on Wheel 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 Road hereby intended to be repaired, any Tree or Trees, or Piece or Pieces of Timber, otherwise than and except upon Wheel Carriages; every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings, to be levied and recovered by such Ways and Means as the other Penalties and Forfeitures are hereby directed to be levied and recovered.

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

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, during the Continuance thereof; be it further enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees, named or to be named by virtue of this Act, shall die, or refuse to act; it shall and may be lawful to and for the surviving or remaining Trustees, or any Eleven or more of them, by any Writing or Writings under their Hands and Seals, from time to time, and at all Times hereafter, during the Term aforesaid, at such yearly General Meetings, to be held as aforesaid, to elect, nominate, and appoint, One or more fit Person or Persons, living or residing in the said County of Devon, to be a Trustee or Trustees in the room of such Trustee or Trustees so dying, or refusing to act; and such Person or Persons so elected and appointed, shall be joined with the surviving or remaining Trustees, in the Execution of all and every the Powers in them reposed by virtue of this Act; Notice

in Writing, of the Time and Place of Meeting for such Election of such new Trustees, being fixed at or on all the Pillars of the Guildhalls of Plymouth and Plympton, and at or on all and every the Turnpike-gates erected in pursuance of this Act, at least Ten Days before the Meeting for such Election: And all and every the Person and Persons so chosen and appointed to be joined with the surviving or remaining Trustees, in putting this Act in Execution, shall and may, and is and are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees, herein before named and appointed, are by this Act impowered to do. Notice to be given of future Elections of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee named or appointed, or which shall be named or appointed, in or by virtue of this Act, shall act as such, or be impowered to do any Act in the Execution of the Powers hereby given to the said Trustees (except only in appointing Meetings) unless it be at a Meeting to be by them held in pursuance of this Act. Trustees not to act but at a Meeting held in pursuance of this Act.

Provided always, That no Toll-gate or Turnpike, to be erected or set up across or on the Side of the aforesaid Road, as by this Act is directed, shall be taken down or removed, or any other new Gate or Turnpike shall hereafter be erected or set up, in, across, or on the Side of, any Part of the said Road, except by Order of the Trustees, or any Eleven or more of them, at a Meeting for that Purpose to be appointed; whereof Fourteen Days Notice shall be given in Writing by the said Clerk or Clerks, to be affixed to all the Turnpike-gates to be erected on the said Road by virtue of this Act. No Gate to be taken down or removed but by Order of 11 Trustees.

Provided always, and be it further enacted, That no Person or Persons keeping a Publick House, or retailing and selling any Spirituous or other Liquors, shall be capable of acting as a Collector or Collectors of the Tolls and Duties to be collected by virtue of this Act. No Victualler, &c. to accept of a Place of Profit.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance of this Act; every such Action or Suit shall be brought within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the said County of Devon, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, Not Guilty, 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 of and by the Authority of this Act; and if the same Limitation of Actions. General Issue.



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same shall appear to be done, or if such Action or Suit shall be brought in any other County, Place, or Places, that then the Jury shall find for the Defendant or Defendants; and, upon Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant and Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law.

Treble Costs.

Publick Act.

And it is hereby 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 by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.