Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing, widening, and rendering safe and commodious, several Roads leading from the Town of *Southmolton* in the County of *Devon*.

WHereas the several Highways and Roads in the County of Devon, herein after mentioned and described; that is to say, The Great Road leading from the Town of Southmolton in the County of Devon, through the several Parishes of Southmolton, George-Nympton, Mary-Ansley, Romansleigh, Meshaw, and East Worlington, to a certain Place called Drayford Bridge, in the Way to the City of Exeter; and also the Post Road leading from the said Town of Southmolton, through the several Parishes of Southmolton, George-Nympton, Kings-Nympton, Chulmleigh, and Chawleigh, to a certain Place called Lablands Cross, in the Parish of Chawleigh aforesaid, in the Way to the City of Exeter; and also the Road leading from the said Town of Southmolton, through the several Parishes of Southmolton, Bishops-Nympton, Rose Ash, otherwise Rose Ash, Knowstone, Creacombe, and Rackenford, to a certain Place called Crusey House, in the Way to the Town of Tiverton; Preamble.

and also the Road leading from the said Town of Southmolton, through the several Parishes of Southmolton, Filleigh, and Swimbridge, to a certain Place called Kerscott Hill, in the Way to the Town of Barnstaple; and also the Road leading from the Town of Southmolton, through the several Parishes of Southmolton and Chittle-Hampton, to a certain Place called Umberleigh Ford, in the Parish of Chittle-Hampton, in the Way to the Town of Torrington, are in many Parts thereof respectively so very narrow and steep, as to be almost impassable for Carriages, and incommodious and dangerous for Travellers, and are in so bad and ruinous a Condition, that the same cannot by the Laws now in being, be effectually amended and kept in good Repair, unless some Provision be made for raising such Sum or Sums of Money as may be sufficient for that Purpose; and in case a Power and Authority was given to vary, turn, and divert, some Parts of the said Roads, so as to avoid certain dangerous Precipices and Passages, and to make the Ascents and Descents of the Hills in the said Roads more gradual and easy, a safe and convenient Passage and Communication might thereby be made and opened, from the Town of Southmolton aforesaid, to the Towns of Tiverton, Taunton, Bridgewater, Barnstaple, and Torrington, and to the Cities of Exeter, Bath, and Bristol, which would tend to the promoting and improving Trade and Commerce in, and be of general Benefit to, that Part of the Kingdom; Wherefore for the obtaining the good Ends and Purposes aforementioned; May it please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir Thomas Dyke Acland, Sir Richard Warwick Bampfylde, Sir John Davie, Sir William Courtenay, Sir John Chichester, Sir George Yonge, Baronets; the Worshipful the Mayor, Recorder, Deputy Recorder, Capital Burgesses, Common Council Men, and Town Clerk of Southmolton for the time being; Humphry Aram, William Adams, John Adams, Dennis Abraham, James Buller, William Berry, William Barbor, Joshua Bawden, Richard Bawden, Richard Bryan, Peter Beavis, Thomas Barnes, Dennis Buckingham, John Burgess, William Baker senior, Henry Baker, John Berry, John Chichester, Peter Comyns, Thomas Colley, John Coldridge, Matthias Cruwys, Roger Chamberlin, Richard Cunningham, John Cook, Richard Cook, Samuel Dunning, Coulson Fellowes,

Trustees Names.

Fellowes, John Foot, Hugh Forteſcue, Lemuel Griffiths, Richard Gay, Thomas Harding, John Hole, Zachary Hamlyn, Nicholas Hole, Charles Hutton, William Hill, Nicholas Joce, William Karſlake, William Lyddon, William Melhuiſh, Thomas Melhuiſh, Roger Oxenham, John Parker, Joſeph Palmer, William Paulk, John Partridge, John Quick, Denys Rolle, John Reed, Richard Shortrudge, John Southcomb, George Southcomb, John Sharland, Edmund Skinner, Edmund Saunders, Philip Scot, George Saunders, Philip Tapp, John Thorne, John Tanner of Creacombe, John Tanner of Aſh, Jonathan Tanner, John Toſſell, John Rolle Walter, John Widgery, Thomas Webber, Joſeph Warren, Thomas Bury, John Elworthy, William Heywood, George Lucy, and Abel Wantner, ſhall be, and they are hereby nominated and appointed Truſtees, for ſurveying, ordering, widening, enlarging, turning, altering, amending, and repairing, the ſeveral Roads herein before-mentioned, and for putting in Execution all and every the Powers and Authorities, Rules, Orders, and Directions, hereby given, granted, preſcribed, and provided; and that they the ſaid Truſtees, or any Seven or more of them, or ſuch Perſon or Perſons, as they, or any Seven or more of them, ſhall authorize and appoint, ſhall and may erect, build, and ſet up, or cauſe to be erected, built, and ſet up, ſuch Turnpikes, Toll-gates, and Toll-houſes, in, upon, or acroſs, any Part or Parts of the ſeveral Roads herein before-mentioned, and hereby directed to be repaired, as to them ſhall ſeem requiſite and expedient; and ſhall and may demand and take, before any Horſe, Beaſt, Cattle, or Carriages, whatſoever, made chargeable and liable to any Toll or Duty, by virtue of this Act, ſhall be permitted to paſs through ſuch Turnpikes or Toll-gates reſpectively, the ſeveral Tolls and Duties following (that is to ſay)

Truſtees may erect Turnpikes and Toll-houſes,

and take the following Tolls thereat.

The Tolls.

For every Waggon, Wain, Cart, or other Carriage, carrying, or laden with, or empty, and going for, or returning immediately after having been laden with Lime only, drawn by Five or more Horſes, Oxen, or Beaſts of Draught, the Sum of Six Pence; and drawn by Three or Four Horſes, Oxen, or Beaſts of Draught, the Sum of Four Pence; and drawn by Two Horſes, Oxen, or Beaſts of Draught, the Sum of Two Pence; and drawn by One Horſe, or other Beaſt, the Sum of One Penny; and for every Horſe, Mare, Gelding, Mule, or Aſs, ſo laden, going or returning as aforeſaid, and not drawing, One Halfpenny; and for every other Waggon, Wain, Cart,

or other Carriage, not so laden, going or returning, drawn by Five or more Horses, Oxen, or Beasts of Draught, the Sum of One Shilling; and drawn by Three or Four Horses or Oxen, or other Beasts, the Sum of Eight Pence; and drawn by Two Horses or Oxen, or other Beasts, the Sum of Four Pence; and drawn by One Horse, or other Beast, the Sum of Two Pence; and for every other Horse, Mare, Gelding, Mule, or Ass, or other Beast of Burthen, not so laden, going or returning as aforesaid, and not drawing, the Sum of One Penny.

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

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

And for every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Six or more Horses, Mares, Geldings, Mules, or other Cattle, the Sum of One Shilling; and drawn by Four Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Eight Pence; and drawn by Two Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Six Pence; and drawn by One Horse, Mare, Gelding, Mule, or other Beast, the Sum of Three Pence.

Time and Place of Trustees Meeting.

And, for the better and more effectual carrying into Execution the several Trusts, Powers, and Authorities, given and granted by this Act, be it enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may assemble at the Town Hall of Southmolton, on the First Day of June, One thousand seven hundred and fifty nine, and shall then choose a Clerk or Clerks to write their Orders, and take Minutes, and make Entries of their Proceedings, and do such other Acts as they shall think necessary to be done in Pursuance and Execution of this present Act; and shall then and there adjourn themselves to, and shall afterwards meet at, the Place aforesaid, or at any other Place in or near the said Roads so to be repaired, as the said Trustees, or any Five or more of them, shall think convenient and proper, as often as it shall be necessary for putting this Act in Execution; 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 any of the said Meetings of the said Trustees appointed or to be appointed by, and in Pursuance, and for the Purposes of, this Act,

such

such Difference or Dispute shall be determined by the major Part of the Trustees then present at such Meeting, such major Part consisting of Five or more; but if it should at any Time so happen that there shall not be a sufficient Number of Trustees present at any of the aforesaid Meetings, so as to determine the said Difference or Dispute, by the major Part, to consist of Five at the least, such Difference or Dispute shall be adjourned over to, and determined at, the next Meeting, when a sufficient Number of Trustees shall happen to be present, to determine the same as aforesaid; and if it shall happen upon any Adjournment of such Meeting, that Five at least of such Trustees shall not appear on such Adjournment, such Meeting shall be deemed to be adjourned over to that Day Sevennight, and shall and may be holden at the same Place without further Notice, and so toties quoties, as often as the like Case shall happen; and that the said Trustees, at their First and all their subsequent Meetings, shall pay their own Charges.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Trustees to defray their own Expences.

Provided always, and it is hereby enacted and declared, That no Person or Persons appointed or to be appointed a Trustee or Trustees for the Purposes of this present Act, shall have or accept of any Place of Profit arising out of or by Reason of such Tolls or Duties hereby granted; but that all and every such Person and Persons respectively shall, from the Time of his and their accepting, and during his and their Enjoyment, of such Place of Profit as aforesaid, be incapable of acting as a Trustee or Trustees in or about the Execution of this Act.

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

Provided also, and it is hereby further enacted, That no Person shall be capable or qualified to act as a Trustee for the Purposes 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 in the Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds; or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Two hundred Pounds; or be possessed of Personal Estate alone, or Real or Personal Estate together, to the Amount or Value of One thousand Pounds; and unless the Person so claiming to be qualified (other than such Heir Apparent as aforesaid) shall take and subscribe the following Oath before any Three or more of the said Trustees (who are hereby authorized and required to administer the same) before he shall take upon himself to act in the said Trust; and which said Oath shall be made in the Words or to the Effect following; that is to say,

Qualification of Trustees.

Trustees to take the following Oath before they act.

I *A. B.*

The Oath.

I A. B. do swear, That I am truly and *bona fide* in my own Right, or in Right of my Wife, in the actual Possession or Enjoyment, or in the Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, lying or being in the Parish or Parishes of

in the County of *Devon*, of the clear yearly Value of Fifty Pounds, above Reprizes; or possessed of, or intitled to, a Personal Estate alone, or of Real Estate, being in the Parish or Parishes of

in the said County of *Devon*, and Personal Estate together, of the Value of One thousand Pounds.

Penalty on acting if not qualified.

And if any Person so hereby made or declared 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 that will 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, Plaint, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed.

Tolls vested in the Trustees.

And be it further enacted, That the several Tolls and Duties hereby granted, and made payable, shall and may be demanded and taken in the Name of, and as a Toll or Duty; and the Money so to be raised as aforesaid, shall be, and is hereby vested in the said Trustees, and their Successors; and the same, and every Part thereof, shall be paid, applied, disposed of, and employed, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned, ordered, provided, and directed.

Property of the Turnpikes, &c. 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 and in pursuance of this Act, shall be, and are hereby vested in the said Trustees, and their Successors; and they, or any Seven or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper, and to bring Actions in their Names, or in the Names of any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, spoil, or damage, such Turnpikes or Toll-houses, or any of them,

them, so erected and built as aforesaid, or any Part thereof respectively.

Tolls may be levied by Distress and Sale.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees for the time being, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, under their Hands and Seals, shall, from time to time, nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons, who shall, after Demand thereof, neglect or refuse to pay such Tolls and Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, upon, or on account, or in respect of, which such Toll or Duty is by this Act imposed or made payable, or by Distress of any other Goods and Chattles of such Person or Persons who ought to pay the same, and to keep and detain the same until such Tolls or Duties, with the reasonable Charges of such distraining and keeping shall be paid; and it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, such Toll or Duty, with the reasonable Charges of such distraining and keeping not being then paid, to sell the Goods so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll and Duty, and reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Distress may be sold after 4 Days.

Application of the Monies.

And it is hereby further enacted, That the Money arising from the Tolls and Duties granted and made payable by this Act, or that shall be borrowed on the Credit thereof, shall be applied and disposed of in Manner following (that is to say) The Charges and Expences attending the obtaining and passing this Act shall in the first Place be thereout paid and discharged, and afterwards for the erecting, making, and setting up, such Turnpikes, Toll-gates, and Toll-houses, in and upon the said several Roads, as the said Trustees for the time being, or any Seven or more of them, shall think proper to make, erect, and set up, in pursuance hereof, and afterwards for the amending, repairing, widening, and keeping in Repair the said several Roads, pursuant to, and according to the Tenor and true Meaning of this Act.

Penalty on Persons permitting private Passage.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying any Lands near unto any Turnpike to be erected in pursuance of this Act, shall willingly

permit, or suffer any Person or Persons whatsoever to pass through any Gate, Passage, Inclosure, or Way, with any Coach, Hearse, Waggon, Cart, or other Wheel Carriage, or riding, leading, or driving, any Horse, Mare, Mule, Ass, or any Sort of Cattle, whereby the Payment of any of the Tolls or Duties by this Act granted shall or may be avoided, every Person so permitting, and also the Person so going through to avoid paying as aforesaid, being thereof convicted upon Oath, or upon Affirmation of One of the People called Quakers, before the said Trustees, or any Three or more of them, who are hereby impowered to administer such Oath or Affirmation, or before One or more Justice or Justices of Peace for the said County of Devon, shall respectively forfeit and pay to the Trustees authorized to put this Act in Execution, or their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Three or more of them, or such Justice or Justices; and the Person or Persons making such Distress, shall render the Overplus, if any be, of the Money arising by such Sale, which shall remain after Payment of the said Penalty, and the Charges of such Distress and Sale, to be settled and ascertained by the said Trustees, or any Three or more of them, or by the said Justice or Justices, unto the Owners of the said Goods so distrained.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall direct or appoint as aforesaid, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side of any of the Highways or Roads hereby directed to be repaired, or across any Way or Lane leading out of the said Roads, or any Part thereof, to prevent Frauds and Abuses in eluding the Payment of the said Tolls, or any of them, hereby imposed and made payable, as aforesaid; and there to receive and take such Toll or Tolls, as is or are to be taken at any of the Turnpikes to be erected in pursuance hereof, so as the same do not amount to, or be a Double Charge, in case of passing through any other of the Turnpikes which shall be erected by virtue of this Act.

and take Tolls thereat, &c.

Proviso,

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That nothing herein contained shall impower the said Trustees, for repairing the

said

said Roads, or any of them, to erect or place any Turnpike or Toll-gate across the Road leading from the Town of Southmolton, to the Town of Northmolton.

And it is hereby further enacted and declared, That if any Person or Persons shall unload, or take from, or out of, any Waggon, Cart, Carriage, or Beast, any Grain, Goods, Wares, or Commodities, or any Part of the Loading of such Carriage, or Beast; or loose, unyoke, or take off, any Horse, or Beast of Draught, from any Coach, Waggon, Cart, or Wheel Carriage, at or before the same shall come to any Turnpike or Toll-gate erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed; or shall conceal or secrete any Goods, or other Things, chargeable with any such Toll or Duty; or shall put or leave in any House or Place, any Coach, Waggon, Cart, or other Wheel Carriage, Horse, Beast, or any Sort of Cattle, liable to the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the time being, the Sum of Twenty Shillings; to be recovered, levied, and applied, as aforesaid. Penalty on Persons unloading Goods, &c. or taking off Horses, &c.

Provided always, and it is hereby enacted and declared, That no Person or Persons having paid the Toll or Duty granted and made payable by this Act, at any of the Turnpikes or Toll-gates to be erected in pursuance thereof, and producing a Ticket denoting that the said Toll or Duty was paid (which Ticket the Receiver or Receivers, Collector or Collectors, of such Tolls or Duties, is and are hereby required to give gratis) shall be liable to pay any Toll or Duty on the same Day, or before Twelve of the Clock in the Night of that Day, at the same or any other Gate or Gates or Turnpike or Turnpikes, erected by virtue and in pursuance of this Act. Tolls to be paid but Once a Day.

Provided also, That if any Person or Persons driving or having the Care of any Horses, Cattle, or Carriages, which shall go unladen for Lime, through any of the Turnpikes to be erected by virtue of this Act, and shall pay the Toll for such Horses, Cattle, or Carriages, and shall produce a Ticket denoting the same, such Person or Persons shall not be charged with, or compellable to, pay any Toll or Duty for the same Horses, Cattle, or Carriages, returning laden with Lime only. Tolls to be paid but Once a Day for Carriages, &c. going for, or returning with, Lime.

And, for preventing Frauds and Abuses in the said Tolls and Duties; be it enacted by the Authority aforesaid, That if any Person or Persons having paid the Toll Penalty on disposing of Tickets to avoid Payment of the Tolls.

Toll or Duty hereby granted and made payable, and having such Ticket or Tickets signifying or denoting the Payment of such Tolls or Duties, shall give or dispose of the same to any Person or Persons, in order to avoid the Payment of the Toll or Duty, every such Person, giving, disposing, or offering, and the Person receiving such Note or Ticket, Notes or Tickets, and being thereof convicted upon Oath or Affirmation before the said Trustees, or any Three or more of them (who are hereby impowered to administer the same) or before any One or more Justice or Justices of the Peace for the said County of Devon, shall respectively forfeit and pay the Sum of Twenty Shillings; to be levied, recovered, and disposed of, as any other Penalty and Forfeiture is directed to be levied, recovered, and disposed of, by this Act.

No Toll on Election Days.

Provided also, and it is hereby enacted and declared, That during the Continuance of this Act, no Tolls shall be taken for Coaches, Chariots, Curricles, Chaises, Chairs, and Passengers on Horse-back, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Devon, on the Day or Days of such Election, or on the Day next before, and the next after such Election; any thing herein contained to the contrary notwithstanding.

Persons and Things exempted from Tolls.

Provided always, and it is hereby enacted, That no Person who shall pass through any Turnpike to be erected on any of the Roads intended to be repaired by this Act, shall be charged with, or liable to pay, any of the Tolls or Duties aforesaid, for any Cart, Wain, Waggon, or other Carriage, or any Horse, Ass, Mule, or other Cattle, laden with, carrying, drawing, or empty, or going for, or returning laden with, Gravel, Stone, or other Materials, for repairing the said Roads, or any of the Roads in the Parishes or Townships in which such Roads do lie; or loaden with, or going for, Dung, Mould, or Soil, for the manuring of Land or Ground; or in the Carriage of any Hay, Straw, or Corn in the Straw; or for any Plough, Harrow, Dray, or other Implements of Husbandry; or for any Horse, Mare, or Gelding, Ox, or other Beast, drawing the same; or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, or Cattle, going to, or returning from, Water or Pasture; or from one Pasture or 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 Arms or Baggage of Soldiers; or for Horses or Carriages passing Vagrants sent by lawful Passes;

nor

nor shall any Toll or Duty be taken or demanded from any Person or Persons residing in any such Parish or Township, who shall pass through any of the same Turnpikes or Cross-gates to or from their own proper Parish, or Parochial Church, Chapel, or other Place of Religious Worship, whereunto they usually resort on Sundays; or who shall attend the Funeral of any Person or Persons who shall die or be buried in any of the said Parishes.

Penalty on making illegal Claims.

And it is hereby further enacted and declared, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings, to be levied and recovered as aforesaid.

Trustees not to repair Pavements, nor Bridges, &c.

Provided also, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Trustees to lay out or apply any of the Monies arising by the Tolls or Duties granted and made payable by this Act, in repairing any of the pitched or paved Streets leading through the Towns of Southmoulton or Chumleigh, or any Bridges, Drains, and Sewers, lying in or upon the said Roads hereby intended to be repaired, and which have been accustomed or ought to be repaired or maintained by any particular Person or Persons, Body or Bodies Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said County of Devon, or by any Hundred, Parish, Ward, or Township, Hundreds, Parishes, Wards, or Townships, therein, or otherwise howsoever, all and every such pitched or paved Streets, Bridges, Drains, and Sewers, so lying in or upon the said Roads, shall, from time to time, be maintained and kept in Repair by such Person and Persons, Body and Bodies Politick and Corporate, County, Hundred, Parish, Ward, and Township, Hundreds, Parishes, Wards, and Townships respectively, and in such Manner, as the same were respectively maintained and kept in Repair before the passing of this Act.

Persons chargeable to the Repairs of the Highways, to continue so.

And be it further enacted by the Authority aforesaid, That the Inhabitants of the several Parishes, Hamlets, and Places, in which the several Roads do lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to do their respective Duties in the Highways for the repairing thereof, commonly called The Statute-work, shall still be subject and liable to do the same Work, and shall and are hereby required to do and perform such and so many Days Work in the said Parishes, Hamlets, or Places, and there only, in which

such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint.

And, to the end that the said Trustees may the more certainly know the Inhabitants of all the Parishes, Hamlets, and Places, wherein the Roads intended by this Act to be repaired do lie, liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for every of the Parishes, Hamlets, and Places, where, or in, or for which any such Surveyor or Surveyors usually have been or ought to be chosen, shall, and are hereby required before the Second Day of February in every Year, during the Continuance of this Act, to return and deliver unto the said Trustees at their Meetings, to be by them held, upon Oath, if required, (which Oath the said Trustees, or any Two or more of them, are hereby authorized to administer) or to the Collectors or Receivers of the Tolls by this Act made payable, at the respective Gates or Turnpikes by virtue of this Act to be set up, true and perfect Lists in Writing under their respective Hands, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, that are liable to do their Statute-duties in and upon the Highways; and shall in such Lists, and every of them, distinguish and set forth particularly what each Person is respectively chargeable with, or liable to do, for or towards the same.

Parish Surveyors to deliver in Lists of Persons who are chargeable with Statute-work.

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Parishes, Hamlets, or Places, through which the several Roads by this Act intended to be repaired, do lead, shall not deliver in Lists of the Inhabitants of their said several Parishes, Hamlets, or Places, to such Person or Persons, at or by such Time, and in such Manner, as the same is by this Act directed and required to be delivered, such Surveyor and Surveyors, and every of them, shall forfeit and pay for every such Default, the Sum of Five Pounds; and if any or either of the Inhabitants of the said several Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-duty in and upon the Highways, shall not do Statute-work in and upon the said respective Roads, at such Times and Places, and in such Manner, as they shall by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do by virtue of this Act, such Inhabitants, and every of them, shall,

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

Penalty on Persons not performing Statute-work.

for every such Default or Neglect, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep a Team or Teams, for every Day's Work, the Sum of Ten Shillings, for each and every Team; and every such Inhabitant or Person who shall keep a Carriage, Horse or Horses, or other Beast or Beasts of Burthen, for every Day's Work, the Sum of One Shilling and Six Pence for each and every Carriage, Horse, or other Beast of Burthen; and every other Inhabitant or Person chargeable or liable to be charged towards the Repairs of the Highways, and not keeping a Team or Carriage, Horse, or other Beast of Burthen, for every Day's Work, the Sum of One Shilling: And if any Person or Persons who shall come to work as a Labourer, or be sent with any Team, Carriage, Horse, or other Beast of Burthen, to work on the said Roads, shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, then in such Case, the Surveyor or Surveyors may, and is and are hereby impowered and required to turn him or them off, who shall be found idle or negligent as aforesaid; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Carriage, Horse, or other Beast of Burthen, to work on the said Road; and he, she, or they, shall be subject or liable to the respective Forfeitures and Payments above mentioned, as if he, she, or they, had neglected to refused to do or perform the said respective Days Work, so ordered and appointed as aforesaid.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, or their Surveyor or Surveyors, to be by them appointed by virtue of this Act, being authorized or impowered so to do by the said Trustees, or any Seven or more of them, may, and are hereby impowered to compound with all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick or Corporate, and the Members thereof, who, before the making of this present Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridges on the same, for a certain Sum of Money to be paid down at the Time of compounding, in lieu of the Charges to which they are subject and liable for repairing the same; and also to compound with the several Inhabitants of the several Parishes, Hamlets, and Places, in which the several

veral Roads hereby intended to be repaired, or any Part or Parcel thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, in such Proportions, and at and for such Rates or Sums of Money, by the Day, or otherwise, as they the said Trustees, or any Seven or more of them, or the Surveyor or Surveyors and Inhabitants respectively shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Three or more of them, or to their Appointment.

Surveyors may appeal to the Justices to Proportion Statute-work.

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

Trustees may appoint Officers.

And be it further enacted by the Authority aforesaid, That the said Trustees acting by virtue of and under the Authority of this Act, in and for the several Roads hereby directed and intended to be repaired, or any Seven or more of them, shall and may, at their First or any subsequent Meeting, by Writing under their Hands and Seals, elect, nominate, and appoint, One or more fit Person or Persons to be their Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall be due and payable by virtue of this Act, and take such Security for the due Execution of the Office of Treasurer or Treasurers, as the said Trustees, or any Seven or more of them, shall approve of; and also shall and may appoint One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said several Roads, and to see that the same be repaired

paired and amended, and the Money to be raised by this Act duly applied; and also shall and may, from time to time, remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as the said Trustees, or any Seven or more of them, shall see Occasion, and shall and may appoint new Ones in case of Death or such Removal; and such Person or Persons as is or are by this Act liable to pay the said Tolls or Duties, is and are hereby required to pay the same after the Rates aforesaid to such Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose; and the Treasurer and Treasurers, and all and every other Person or Persons so appointed as aforesaid to receive the said Tolls or Duties, and also such Surveyor or Surveyors as aforesaid, shall, at any Meeting of the said Trustees, to be in that Behalf appointed, or oftener, if required, during the Continuance of this Act, exhibit, give, and produce, a true, exact, and perfect Account, in Writing, under their respective Hands, of all Monies which they respectively shall, to such Time, have received, paid, and disbursed, by virtue of this Act, by reason of their respective Offices, and shall, if required, verify the same by the Oath or Affirmation of such Officer or Officers so accountable, to be had and taken before the said Trustees respectively, or any Three or more of them, or before One or more Justice or Justices of the Peace for the County of Devon, who are hereby respectively authorized and required to administer the same, without any Fee or Reward; and in case at the taking such Account, any Money shall remain in the Hands of any such Officer so liable to account as aforesaid, the same shall, within Ten Days after the taking the said Account, be paid to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same; and in case any such Treasurer, or other Person or Persons so accountable as aforesaid, shall neglect or refuse to account at the Time so appointed as aforesaid, or to pay the Balance due upon such Account, within the Time so limited, it shall and may be lawful to and for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to commit the Person so offending to the Common Gaol of the County of Devon, there to remain until he shall have made such Account, and paid the Balance thereof, as aforesaid, which shall be laid out and disbursed in amending the said Highways or Roads, according to the true Intent and Meaning of this Act, and not otherwise; and the said several

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Trustees, or any Five or more of them, shall and may, out of the Monies arising by the said Tolls or Duties to be collected in and upon the said respective Roads, make and appoint such Salary or Allowance unto the Clerks, Treasurers, Receivers, Collectors, or Officers, so appointed, for and in Consideration of their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons who shall be assisting in and about procuring the said Highways or Roads to be amended and repaired, by advancing or laying out any Monies, or otherwise relating thereto, as to them shall seem proper and reasonable; and in case any

Officers refusing to account;

of the said Treasurers, Receivers, Collectors, or Surveyors, shall not make such Account and Payment as aforesaid, pursuant to the Directions and according to the Tenor and true Meaning of this Act, then the

Justices to enquire into the Default,

said Justices of the Peace, at any Special or other Sessions to be held for the said County of Devon, may and shall make Inquiry of and concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses, upon Oath or Affirmation; and which Oath or Affirmation, they are hereby impowered and required to administer without Fee or Reward; and if any Person or Persons shall be convicted thereof by such Justices, the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the said County

and may commit the Offender to Gaol, until he shall deliver up his Accounts, &c.

of Devon, until he or they shall have made a true and perfect Account and Payment as aforesaid, or shall have compounded and agreed with such Trustees, and paid such Composition to their Treasurer for the time being; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby authorized and impowered to make.

Victuallers, &c. not to have a Place of Profit.

And be it further enacted by the Authority aforesaid, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or menial Servant to any of the Trustees appointed or to be appointed to put this Act in Execution, shall be capable of holding any Office to be made or created by virtue of this Act.

Surveyors may take Gravel, &c. from Waste Grounds, &c.

And it is hereby further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors to be appointed in pursuance of this Act, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste, Common, River, or Brook, of or in any Parish, Town, Village, or Hamlet, in or near which the said Roads, or some Part thereof,

of, doth lie (except Stones from Quarries open and in working) proper and convenient for repairing the said Roads, without paying any thing for the same; but making such Satisfaction and Allowance to the Person or Persons through whose Land such Materials shall be led and carried, for the Damage done and occasioned thereby to the said Lands; and levelling, filling up, or fencing about the Holes and Pits made about getting such Gravel, Stones, or other Materials, as to the said Trustees, or any Five or more of them, shall be deemed fit and reasonable; and where there is not a Sufficiency of such Materials in any Common or Waste Grounds, Rivers or Brooks near adjoining, it shall and may be lawful for such Surveyor or Surveyors, by Order of the said several Trustees, or any Five or more of them, to dig and gather the same in the several Grounds of any Person or Persons where any such Materials are or may be found (not being a Garden, Park, Orchard, Yard, Plantation, Nursery, planted Walk or Walks, or Avenue to a House) and, from time to time, to carry away such and so much thereof, as the said Surveyor or Surveyors shall adjudge necessary for the repairing and amending the said Highways or Roads, paying such Rate for such Materials to the Owners or Occupiers of the Ground from whence or through which the same shall be dug, gathered, and carried away, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between such Owners or Occupiers, and the said Trustees, touching the Damages aforesaid, the said Justices of the Peace at their General Quarter Sessions to be holden in and for the said County of Devon, may and shall adjudge, assess, and finally determine the same.

without paying for the same;

levelling the Pits.

Where sufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences,

Provided also, and be it further enacted by the Authority aforesaid, That in case any Owner of the Soil, or Occupier of the Ground where such Materials shall be dug or gathered, or any other Person or Persons, shall at any Time during the Continuance of this Act, load, take, or carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors acting in pursuance and under the Authority of this Act, or any Person or Persons by him appointed, have got, gathered, or digged, out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of repairing the said Roads, or any Part thereof, or shall dig, gather, get, take, lead, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made or opened, for

Owner, &c. taking away Gravel, &c. dug by Order of the Surveyor,

the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor or his Workmen shall have discontinued getting any such Materials thereout, or working therein, for the Space of Forty Days (other than and except the Owner or Occupier of such private Ground, for his own private Use) and Persons by him lawfully authorized to get Materials therein, for the proper Use of such Owner or Occupier only, and not for Sale) every Person and Persons so offending, and being thereof convicted by Confession of the Party, or Oath or Affirmation of One credible Witness, before Three or more of the said Trustees, or before One or more Justice or Justices of the Peace of the said County of Devon, shall, for every such Offence, forfeit and pay unto the said Trustees, the Sum of Forty Shillings, to be levied in Manner aforesaid.

except for his own private Use,

forfeit 40 s.

And whereas Doubts have been made of the Validity of Contracts entered into by Trustees appointed by Acts of Parliament, for surveying and amending Turnpike Roads, their Clerks, Treasurers, or other Officers, with Workmen and other Persons touching the Repair of such Roads, and whether (as such Trustees, and those acting under them, do not actually sustain any special Damage) any Damages can be recovered against the Parties making Default in fulfilling such Contracts: Now for obviating such Doubts; it is hereby enacted and declared, That all Contracts in Writing, entered into pursuant to an Order at any Meeting made by the several Trustees hereby appointed, or hereafter to be appointed, for repairing the said Road or Roads, or any Three or more of them, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workmen or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his and their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for putting the said Road or Roads into such Condition and Repair, as by the said Contracts the said Parties ought to have done, shall be the Measure of the Damages, to be recovered in any Action against such Contractor as aforesaid, and making Default in fulfilling the said Contract; any Law or Usage to the contrary in any wise notwithstanding.

All Contracts made by the Trustees, &c. deemed valid, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors to be appointed for, and to act within, the said several Roads so intended to be repaired, and

Surveyors may remove Annoyances,

such Person or Persons as he or they respectively shall, from time to time appoint, and they are hereby respectively authorized and impowered to remove and prevent Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into the said Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourse or Ditch, adjoining to the said Roads; and to cut down, lop or top, any Trees, Shrubs, or Bushes, growing in the said Highways, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in Case the Owners or Occupiers shall, for the Space of Twenty Days next after Notice in Writing given for that Purpose, under the Hands of Three or more of the said Trustees, or their Surveyor or Surveyors, neglect to cut down and remove such Trees, Shrubs, or Bushes, or to remove such other Annoyances.

turn Watercourses,

and cut down Trees, &c.

the Owners neglecting to remove the same after Notice;

And it is hereby enacted and declared, That the Charges and Expences of such Works to be done by, or by Order of, such Surveyor or Surveyors, shall and may be settled and ascertained by the Trustees of the said Roads, or any Three or more of them, and shall be reimbursed to such Surveyor or Surveyors, by such Owner or Occupier's neglecting or refusing to remove such Annoyances as aforesaid; and in case such Owner or Occupier, or such other Person or Persons, shall not, upon Demand, pay and reimburse to the Surveyor of the said Roads such Charges as aforesaid, it shall and may be lawful to and for such Surveyor as aforesaid, by Warrant or Warrants under the Hands and Seals of the Trustees of the said Roads, or any Five or more of them, or under the Hand or Hands, Seal or Seals, of One or more Justice or Justices of the Peace for the County of Devon, to levy the said Charges by Distress and Sale of the Goods and Chattles of the Person so offending as aforesaid, returning the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattles shall be so distrained as aforesaid; and if, after Removal of any such Annoyances, such Person or Persons shall again offend in the like Kind, every such Person or Persons so offending, and being thereof convicted upon Oath or Affirmation made before the said Trustees, or any Three or more of them, or before One or more Justice or Justices of the Peace for the said County of Devon, and which the Trustees, or such Justice or Justices respectively, is and are hereby impowered to administer such Oath or Affirmation,

Surveyors to be reimbursed the Charges,

to be levied by Distress and Sale.

Penalty of a Second Offence.

tion, shall, for every such Offence, forfeit and pay unto the said Trustees the Sum of Forty Shillings.

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

And whereas divers Parts of the said Roads are very steep and dangerous for Travellers, and it would tend greatly to the Safety and Ease of Passengers, that the same, or some Parts thereof, should be turned and varied; be it therefore further enacted, That it shall and may be lawful to and for the said Trustees, or their Successors, or any Seven or more of them, and they are hereby authorized and impowered from time to time, to purchase of, or agree for, any Lands, Grounds, Tenements, or Hereditaments, lying contiguous or near to the said Roads, and which the said Trustees shall think necessary to be made Part of the Roads hereby intended to be repaired, with the Owners or Proprietors thereof (if such Owners and Proprietors shall be willing to sell and dispose of the same) and to pay for such Lands and Grounds out of the Tolls and Duties by this Act granted, or out of the Money to be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners or Proprietors, and the said Trustees, or any Seven or more of them, to be paid for the Purchase of such Lands, Grounds, Tenements, or Hereditaments, with the Costs and Charges attending such Purchase; and such Lands and Grounds, Tenements, and Hereditaments, when purchased as aforesaid, shall, by Order and Direction of the said Trustees, or any Seven or more of them, be laid into and made Part of the said Roads so directed to be amended by this Act, in such Manner as the said Trustees, or any Seven or more of them, shall think convenient, and shall by them, or such Person and Persons as they, or any Seven or more of them, shall order and appoint, be sufficiently ditched and fenced out for that Purpose.

Surveyors may make Causeways,

cut Drains, &c.

and widen the narrow Parts of the Roads;

And it is hereby further enacted, That it shall and may be lawful to and for the several Surveyor or Surveyors, and such Person or Persons as shall be appointed by Order of the Trustees of the said Roads, or any Seven or more of them respectively, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds, lying contiguous to the said Roads, and to erect, rebuild, and keep in Repair, Arches of Brick, Timber, or Stone thereupon, and to divert and turn the said Roads and Highways, over any Part of the Moors or Waste Grounds, contiguous and adjoining thereto, or through which the said Roads do, or any Part thereof doth now pass; and also to widen any of the narrow Parts of the said Highways or Roads, by opening, clearing,

ing, and laying into the said Highways or Roads, any Grounds of any Person or Persons, lying contiguous thereto (not being a House, Garden, Orchard, Plantation, Nursery of Trees, planted Walk, or Avenue to a 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 Seven or more of them respectively, shall adjudge necessary for the better amending and keeping the said Road or Roads in good Repair.

And whereas some Parts of the said Roads in this present Act mentioned are so very narrow, that, during the Time of amending the same Roads, there will not be Room sufficient for the passing of the Coaches, Waggons, and Carriages, that shall then be drove through the same, without hindering and disturbing the Workmen who shall be there employed, and prejudicing the Work before it is perfected and completed; be it therefore further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall have Power to make a temporary Road whenever the same may be necessary, so as the same shall not exceed Thirty Feet in Breadth, and so as the same be not employed for any longer Time than shall be reasonably required; and that the said Power doth not extend to pull down any House, or take away the Ground of any Garden, Orchard, Park, Court, or Yard, or of any Avenue to any House already planted; making such reasonable Satisfaction to the Owners or Occupiers, or others, interested in the Ground so taken in for that Purpose herein last-mentioned, or in any Rent or Charge thereon, as the Trustees appointed by this Act, or any Five or more of them, shall respectively judge reasonable, for the Use only of such Lands or Grounds, during the Term of the Amendment and Repair of the said Roads as aforesaid; and in case any Difference shall arise between such Owners, Occupiers, or Persons interested, and the said Trustees, touching such reasonable Satisfaction to be made as aforesaid, the Justices of the Peace at the next General Quarter Sessions of the Peace for the County of Devon, shall and may adjudge, assess, and finally determine the same.

Trustees may make a temporary Road;

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

And it is hereby further enacted and declared, That if any Owners or Occupiers of any Watercourse, Ditch or Ditches, adjoining to any of the said Roads so intended to be repaired, shall neglect or refuse to cleanse or 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 such Notice shall be given for that Purpose

by such Surveyor or Surveyors, or such Person or Persons as shall be appointed by him or them by virtue of this Act, to such Owners or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to set any Man or Men to work to scour, cleanse, and make the same, and, by Warrant from any Five or more of the said Trustees, to levy the Charge thereof upon the Owner or Owners, Occupier or Occupiers, of such Watercourse, Ditch or Ditches, by Distress and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Occupier, after all Charges paid.

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

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

And whereas it may happen that some Persons, or Bodies Politick, Corporate, Collegiate, Feoffees in Trust, or others, are seised 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 Roads, either for extending, widening, enlarging, 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 all Bodies Politick, Corporate, Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them respectively, for Satisfaction to be made to them respectively for such their Land, Grounds, Tenements, and Hereditaments, to be had, taken, and used, for the Purposes aforesaid, or any Part thereof, or any Interest therein, and to sell and convey the same, as Occasion shall

Bodies Politick, &c. may contract for the Sale of Lands, &c.

be

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 any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And that all the Feoffees in Trust, Executors, Administrators, Guardians, and 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 or in pursuance of this Act.

Where Persons refuse or neglect to treat, &c. for the Sale of such Lands;

And it is hereby further enacted, That if any Body Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or other Person or Persons, being Owner or Occupier, or interested in any Lands, Grounds, Tenements, or Hereditaments, which the said Trustees, or any Seven or more of them, shall think necessary to be purchased, for the making any new Road or Roads, or to add to the old Roads, or any Part thereof, upon convenient Notice to them given or left in Writing, at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate or Collegiate, or at the House of the Tenant in Possession thereof, shall, for the Space of Forty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the same, or by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Seven or more of them respectively, shall cause it to be inquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of Devon (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain, for or by reason of the taking of any such Land, Ground, Tenements, or Hereditaments, and what Recompence and Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons suffering thereby, shall respectively have and receive, by reason or on account thereof; and for that Purpose, and in order thereto, the said Trustees, or any Seven or more them, are hereby impowered and required from time to time, as Occasion shall be or require, to summon and call before them all and every Person and Persons whatsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses, and shall examine all such Witnesses before the said Jury upon Oath (which Oath the

Jury to assess Damages.

Witnesses may be summoned, and examined on Oath.

said Trustees, or any Two or more of them, are hereby impowered and required to administer;) and they shall also 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 Jury's Information in the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so ascertained or assessed by the 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 Verdict or Inquisition of the said Jury; which said Verdict or 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 whatsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any way interested in such Land, Grounds, Tenements, and Hereditaments, shall thereby from thenceforth be barred and divested of all Right, Title, Claim, Interest, or Property, of, into, or out of, the same, to all Intents and Purposes whatsoever: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Seven or more of them respectively, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County of Devon, or in case the said Sheriff should be interested in the said Lands, then to the Coroner of the County of Devon, thereby requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place, as in such Warrant shall be appointed; and such Sheriff or Coroner is hereby required thereupon, to impanel, summon, and return, such Twenty four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Seven or more of them, shall swear, or cause to be sworn, Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies, or the said Coroner, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Verdict of the Jury to be final.

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

And be it further enacted by the Authority aforesaid, That all and every such Sum or Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be and are hereby charged and chargeable upon the said Tolls, and Monies which shall be raised, received, and borrowed thereon, and shall be paid thereout unto the Persons respectively intitled to the same, or to their respective Agents; and that upon Payment or Tender thereof to the said Persons so respectively intitled thereto, and in case of Refusal to accept the same, then upon leaving of the same in the Hands of the Clerk for the time being of the said Trustees, for the Use of such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint the same to be paid unto; and after Fourteen Days Notice thereof given to such Person or Persons, it shall and may be lawful for the Trustees of and for the said Roads, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take and enter upon such Land for the Purposes aforesaid, and to do all and every such Act, Matter, or Thing, with relation thereto, and to ditch and fence out the same, as the said Trustees, or any Seven or more of them, shall think fit; and the said Ground or Grounds and Lands, so to be taken, when the same shall be so ditched and fenced as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth, become and be, and shall, for ever thereafter, be deemed and taken to be, a publick and common Highway, and shall be repaired, and kept in Repair, by such Ways and Methods, and in all respects in such Manner, as other Highways are by Law to be repaired; and after such Purchase shall be so made as aforesaid, and such new Road completed, the Lands or Grounds comprized in or constituting the old or former Road, in lieu whereof the Land or Ground for such new Road or Way shall be purchased as aforesaid, shall or may be sold or disposed of by the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to purchase the same, for the best Price that can be reasonably had or gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing and amending the said Roads hereby directed to be repaired.

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

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

Old Road may be sold.

Provided always, That this Act, or any thing herein contained, shall not extend to authorize, enable, or impower, any Person or Persons whatsoever, to take down or destroy any Dwelling-house, or other Building, or to take in, or lay open, any Yard, walled Garden, Park, Paddock, planted Walk, or Avenue to any House,

Buildings, &c. not to be injured.

or

or to divert or turn the Road leading from Chulmleigh Bridge to the Town of Chawleigh aforesaid, on the Northern Side of the said Road; but such Diversion or Turning, if necessary, shall be to the Southern Side thereof; any thing herein contained to the contrary notwithstanding.

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 be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action brought or to be brought, depending or to be depending, in any of his Majesty's Courts of Record at Westminster, is or shall be by Law intitled to; and the said Trustees, or any Seven or more of them, are hereby impowered, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Bailiff, or Coroner 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 after having been sworn, shall refuse to give, or not giving his or their Verdict, of and upon the Matter in Question, or the Damages he or they shall be sworn to try or inquire of, or in any other Matter 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.

Penalty on Sheriff, &c. neglecting to return a Jury;

and on Witnesses refusing to give Evidence.

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 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.

Commencement and Continuance of this Act.

And it is hereby further enacted by the Authority aforesaid, That the Tolls and Duties hereby granted and made payable, shall take place from and after the First Day of June, One thousand seven hundred and fifty nine, and shall continue and be paid from thenceforth for the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

If before the Expiration of the Term, the Road shall be sufficiently repaired, &c. Tolls to cease.

Provided also, That if at any Time before the Expiration of the said Term, the said Roads shall be sufficiently repaired and amended, and so adjudged by the Justices of the Peace for the said County of Devon, at their

their General Quarter Sessions; and all such Monies as shall have been borrowed upon the Credit of the said Tolls and Duties, and all Interest for the same, shall have been paid, satisfied, and discharged, then, and in such Case, and from thenceforth the Tolls and Duties hereby granted and made payable, shall cease and determine; any thing herein before contained to the contrary notwithstanding.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Trustees acting for the said several Roads, or any Seven or more of them, on giving Notice in Writing to be fixed on all the Turnpike-gates which shall be then erected and set up within such Roads respectively, of their Intent to let and set such Tolls or Duties, at least Fourteen Days before their Meeting for such Purpose, from time to time, by Writing under their Hands and Seals, to demise and lease the Tolls and Duties granted and made payable within such Roads respectively, or any Part thereof, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Three Years, for the best yearly Rent or Sum that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Seven or more of them, shall direct or appoint; which yearly Rent or Sum of Money so to be paid, shall be applied and disposed of as the Tolls and Duties granted by this Act, and arising within such Roads, are directed to be applied to, and disposed of, and to no other Use or Purpose whatsoever.

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

And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for any of the 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 County of Devon, to act as Justice or Justices of the Peace, in all such Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution of the several Authorities and Powers in this Act mentioned and contained.

On Death, &c. of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That for the continuing a sufficient Number of fit and able Persons to be Trustees for putting in Execution all and every the Powers in this Act contained, it shall and may be lawful for the said Trustees appointed and to be appointed for the said several Roads, or any Seven or more of them, upon the Death, Removal, or Refusal to act as any of the said Trustees, by Writing or Writings under their Hands and Seals, from time to time, during

the Term aforesaid, to elect, nominate, and appoint, in the Room of such Trustee or Trustees so deceased, removed, or refusing to act, such and so many other fit and able Person or Persons living and residing in the County of Devon, to be added to, and joined with, the said Trustees so elected, in the Execution of the several Powers in them respectively reposed by virtue of this Act, Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees being given by the Clerk to the said Trustees, who is hereby required to fix, or cause to be fixed, such Notice in Writing at or on all the Turnpike-gates which shall be then erected by virtue of this Act, at least Fourteen Days before such Election; and all and every Person and Persons so to be chosen Trustee or Trustees to join in putting this Act in Execution, shall and may, and are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees so electing are by this Act impowered to do, and so from time to time, as Occasion shall be or require.

14 Days Notice to be given of such Election.

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

Provided always, and be it further enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Township, Hamlet, or Place, for which any such Composition shall be made for any Statute or Day's Work, as aforesaid, shall pay the Composition-money, all and every such Surveyor or Surveyors shall and may be reimbursed the Composition-money he shall so pay, in the same Manner as, by the Laws in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended, in buying Materials for mending the Highways.

Roads to be measured, and Mile-stones erected.

And it is hereby further enacted, That the said Trustees for the said Roads, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be erected and set up, in or near the Sides of such Roads; One Stone or Post to be placed at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from such Place, as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person or Persons shall wilfully and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up as aforesaid, or for protecting any Horse Causeway, or Foot Causeway, or for any other Purpose whatsoever, in pursuance of this Act, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraven or inscribed thereon, or shall wilfully drive, or cause to be driven, any Cart, Waggon, or other Carriage,

Penalty on defacing Mile-stones, &c.

riage, upon or over any Horse or Foot Causeway in the said Road, where the Carriage Way is p[illegible] for Wheel Carriages, and shall be convicted thereof by the Confession of the Party, or on Oath or Affirmation of One or more credible Witness or Witnesses before the said Trustees, or any Five or more of them, or One or more Justice or Justices of the Peace for the said County of Devon; every Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of such Trustees, Justice or Justices, before whom such Conviction shall be made, such Sum of Forty Shillings to be applied in repairing the Stones or Posts so broken and defaced, or in the supplying new Ones in their Stead; and if there shall be any Overplus of such Sum of Money, the same shall be laid out in repairing the said Roads; and in case the Person or Persons so offending and convicted shall have no Goods and Chattles, then it shall and may be lawful to and for such Trustees, Justice or Justices respectively, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol for the said County of Devon, for the Space of One Calendar Month, to be computed from the Day of such Commitment; and the Person and Persons so offending and convicted, shall not be discharged till he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

And, forasmuch as the Money to be collected by Receipt of the Tolls and Duties by this Act made payable, will not probably be sufficient for the speedy repairing of the said Roads; be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and are hereby impowered from time to time, by any Writing or Writings under their Hands and Seals, without any Stamp thereupon, to assign over and mortgage the said Tolls and 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 Term for which the same are hereby made payable, or for any Part of such Time or Term, as a Security for the Repayment of such Sum or Sums of Money to be borrowed, to such Person or Persons as shall advance and lend such Money, or his, her, or their Trustee or Trustees, together with Interest for the same; which said Money so to be borrowed, shall be applied and disposed of as the said Tolls

Tolls may be assigned for Money borrowed.

or

or Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

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 Seven or more of them.

Notice to be given of borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the said Tolls hereby granted, unless Notice for that Purpose be affixed in Writing under the Hand or Hands of the Clerk or Clerks to the said Trustees, upon all the Turnpike Gates that shall then be erected by virtue of this Act, and publick Notice being likewise given in One of the Exeter News Papers; and in case such Exeter News Paper shall be discontinued, then in such publick Papers as the Trustees shall appoint, at least Fourteen Days before the borrowing such Money.

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

And it is hereby also further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments, or other Security or Securities, shall be made by the said Trustees, or any Seven or more of them respectively, by virtue and in pursuance of this Act, as a Security for any Sum or Sums of Money, by any Person lent and advanced on the Credit of the said Tolls and Duties, who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed on his, her, or their Security, or by any other Writing or Writings without Stamps, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign and transfer, his, her, or their Right, Title, and Interest, in and to the Principal and 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 said Clerk or Clerks so to be appointed, as aforesaid, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for entering the said original Assignments or other Securities, for which the said Clerk or Clerks shall be paid the Sum of Two Shillings and Six Pence, and no more; and after such Entry made, such

Clerk's Fee.

Assignment

Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall make such Assignment, thenceforth to make void, release, or discharge the same, or any Monies due, or any Part thereof.

Proceedings to be entered in a Book,

And be it further enacted by the Authority aforesaid, That Minutes of the Dates, Parties, and Contents, or Substance of all and every Assignment or Assignments, or other Security or Securities, Lease and Leases, made by the said Trustees, and the Transfers of such Securities, and of all Orders and Proceedings or Compositions with the said Trustees, or any of them, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees; which said Book or Books shall and may be seen and perused at all seasonable Times, by any Person or Persons whomsoever, without Fee or Reward; and such Orders so entered being signed by such Clerk or Clerks, at any Meeting of Five or more of the said Trustees, as the Case shall require, shall be deemed, and taken to be, Original Orders, as if the same were under the Hands and Seals of Five or more of the said Trustees; which said Book or Books, shall and may be produced and read in Evidence, in all Cases of Suits or Actions touching any thing done in pursuance and by the Authority of this Act.

and signed by the Clerk.

Books may be read in Evidence.

Method prescribed for borrowing and securing Money.

Provided always, and it is hereby enacted by the Authority aforesaid, That the said Trustees, or the major Part of them, such major Part not being less than Five, at their First or other Meeting or Meetings, shall and may, if they shall think fit, pursue the Method herein after prescribed for borrowing and securing Monies on the Credit of the said Tolls (that is to say) That the said Trustees, or the major Part of them, such major Part not being less than Five, at such First or other Meeting or Meetings, shall and may resolve on and declare what gross Sum of Money they shall think requisite to be borrowed on the Security of the said Tolls, and what Part of such Sum shall be forthwith raised and paid in, and into whose Hands, and what Rate of Interest shall be allowed for the same, and also in what Manner the Money to be forthwith raised, or any Part thereof, shall be applied; which Resolution and Declaration shall, at the same Meeting, be entered by the Clerk of the said Trustees in a Book to be provided for that Purpose, and shall, at the same Meeting, be signed by the said Trustees, or any Three or more

of them, so concurring in such Resolution and Declaration; and the Person or Persons to whom such Part of the said gross Sum shall be appointed to be paid as aforesaid, may and are hereby authorized to receive the same Money from such Person or Persons as shall be willing to advance the same, and upon Receipt thereof to execute respective Deeds Poll unto the Person or Persons so advancing such Money, in the respective Sums of Fifty Pounds each, according to the Amount of the Sums by them respectively advanced; each of which said Deeds Poll shall purport, that the principal Sum of Fifty Pounds therein mentioned, is in Part of the Sum directed to be raised at such Meeting of the said Trustees, or the major Part of them, such major Part not being less than Five, on the Credit of the Tolls appointed to be collected for the Purposes of this Act, and that the said Sum of Fifty Pounds, with Interest for the same, is payable out of the said Tolls, to the Person named in such respective Deeds Poll, or the Bearer thereof; and the said Person or Persons so appointed to receive such Part of the said gross Sum, shall, at the Time of issuing the said Deeds Poll, or any of them, cause the same respectively to be sealed with such Seal as the said Trustees, or the major Part of them, such major Part not being less than Five, at such Meeting, shall direct; and the said Trustees, or any Three of them, as aforesaid, shall sign their Names to each of the said Deeds Poll; which signing and sealing shall be attested by the Clerk of the said Trustees, or in any other Manner as the said Trustees, or the major Part of them, such major Part not being less than Five, at such Meeting, shall think necessary and direct; and that at the next Meeting of the said Trustees, the said Persons appointed to receive such Money as aforesaid, shall produce or account for the same to the said Trustees then assembled; and such Part thereof as shall not be accounted for, shall be disposed of as they, or the major Part of them, such major Part not being less than Five, shall direct; at which Meeting the Persons possessing the Deeds Poll shall produce the same before the Trustees then assembled, and thereupon the Clerk of the said Trustees shall make Entries in the said Book wherein such Resolution and Declaration shall be entered as aforesaid of the respective Dates of the said Deeds Poll, and the Names of the Persons to whom they purport to be issued, and by whom they are signed and attested, and shall mark the said Deeds Poll in this Manner;

(Entered

(Entered Number One, and so on, as they stand in Course in such Book.

A. B. Clerk of the Trustees.

And after such Entries shall be made in the said Book, in a Series one after another, the said Trustees at such Meeting, or any Three or more of them, shall subscribe their Names thereto in the said Book, in Manner as above directed; and may, at the same or any other subsequent Meeting or Meetings, direct the Residue of the said gross Sum, or such Part or Parts thereof, as, from time to time, they shall think necessary to raise, to be borrowed and received by such Persons as, at such Meeting or Meetings, shall by the said Trustees, or the major Part of them, such major Part not being less than Five or more of them, then assembled, be appointed for that Purpose, who may, and are hereby authorized accordingly to receive the same, and to execute respective Deeds Poll for the same, to the Purport, and in Manner, before directed; which Money so, from time to time, received, shall be produced or accounted for at the next Meeting of the said Trustees after the Receipt thereof, and such Part thereof as shall not be accounted for, shall be disposed of as the said Trustees shall direct, in Manner before-mentioned; and the said last-mentioned Deeds Poll shall be also then produced, and Entries shall be made in the said Book of such further Resolution and Declaration, or Resolutions and Declarations, of the said Trustees, and of the said Deeds Poll, in Manner before-mentioned, and the Numbers to be marked as aforesaid on the said last-mentioned Deeds Poll, shall go progressively from the last Number in the last preceding Entry.

All Creditors to be deemed equal in Degree.

And it is hereby declared and enacted, That there shall be no Preference given to the Persons advancing any Part or Parts of the said gross Sum, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Proprietors of the said Deeds Poll, so far as the said gross Sum shall extend, shall be, and are hereby declared to be, Creditors on the said Tolls in an equal Degree one with another: And in case the said Trustees, or the major Part of them, such major Part not being less than Five, shall pursue this Method of borrowing Money on the said Tolls, then, and in such Case, for the Security of the Lenders or Persons intitled to the said Deeds, it shall not be lawful to borrow any further Sum of Money on the Credit of the

the said Tolls beyond the gross Sum so first resolved to be raised, without the Consent of the Proprietors of the said Deeds Poll, to be signified by their Subscription on the Face of the said Deeds Poll, to be witnessed by the Clerk to the Commissioners, and of a proper Entry for that Purpose in such Book, wherein such Entries shall be made, as aforesaid, or unless the Money due to the Proprietors of the Deeds Poll, or such of them as will not give their Consent, shall be first paid off and discharged; and then, and in such Case, it shall be lawful for the said Trustees, or the major Part of them, such major Part not being less than Five at a Meeting or Meetings, to borrow such Sum or Sums of Money on the Security of the said Tolls, and to pursue the same Method therein, or any other Method they shall think more expedient.

Trustees not subject to the Payment of Debts contracted upon this Act.

Provided, 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 Money, or any Part thereof, to any Payment of the same, by reason of their, or any of their, signing the said Entries, or signing or sealing the said Deeds Poll, or any or either of them.

Proviso.

Provided also, That the said Deeds Poll, or any of them, shall not be liable to be stamped, nor be subject to any Duty or Duties on that account.

Clause for paying off the Creditors, if the major Part in Number and Value of them shall signify their Desire for that Purpose.

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

No Order made shall be repealed, unless Nine Trustees be present.

Provided always, and it is hereby enacted and declared, That no Order made by the Trustees of the said Roads, or their Successors, or any Five or more of them, in, for, or concerning, the executing the Trusts, Powers, and Authorities, of this present Act, or any of them, shall be revoked,

voked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Nine or more Trustees shall be present at the Time of repealing of such Order.

Provided, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Fourteen Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction, or a Tender thereof hath been made, to the Party or Parties aggrieved, or after Six Months next after the Fact committed; and every such Action shall be laid in the County of Devon, and not elsewhere; and the Defendant and Defendants, in every such Action or Suit, shall and may plead at his Election specially, or 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 and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, as aforesaid, or shall be brought in any other County, Place, or Places, than where the Fact was committed, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred, touching which no other Provision is by this Act 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 of His Majesty's Justice or Justices of the Peace of or for the County of Devon; which Warrant or Warrants the said Justice or Justices are hereby impowered and required to issue, upon the Information of One or more Witness or Witnesses upon Oath (which Oath the said Justice or Justices are hereby impowered and required to administer without Fee or Reward;) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) to the Party

Penalties and Forfeitures how to be recovered and applied.

b

or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall go, and be applied, and be laid out, if not otherwise disposed of by this Act, for and towards amending the Roads hereby directed and intended to be repaired.

Convictions to be in the following Form.

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted by the Authority aforesaid, That all and every the Justice or Justices of the Peace, Trustee or Trustees, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words, to the same Effect:

BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace, for the aforesaid, or before us of the Trustees, nominated and appointed for putting in Execution the Powers contained in an Act of the Thirty second Year of the Reign of His Majesty King *George* the Second, intituled, *An Act for repairing, widening, and rendering safe and commodious, several Roads leading from the Town of* Southmolton *in the County of* Devon, [*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be.*]

Given under our Hands and Seals, the Day and Year aforesaid.

Proceedings not to be quash'd for want of Form,

Which said Form and Conviction, or any Proceeding or Proceedings to be had touching the Conviction of any Offender or Offenders, against this present Act, or Order made touching any of the Matters aforesaid, by virtue of this Act, shall not be vacated or quashed for want of Form,

nor removeable by *Certiorari.*

or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, in any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Publick Act.

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

FINIS.