Anno tricesimo secundo

# Georgii II. Regis.

## An Act for amending, widening, and keeping in Repair, the Road from the *Hollow Way* on the West Side of Lord *Clifford's* Park Gate, where the *Exeter* Turnpike Road ends, to a Place called *Biddaford*, in the County of *Devon*.

WHEREAS the High Road leading from the Head of the Hollow Way on the Western Side of Lord Clifford's Park Gate, where the Exeter Turnpike Road ends, in the Parish of Ideford, in the County of Devon, through the Towns and Boroughs of Newton Bushell, Newton Abbott, and Totnes, to a Place called Biddaford, in the Parish of Ugborough, in the said County, and lying in the several Parishes of Ideford, Kingsteington, Teingraze, Highweek, Borough of Newton Bushell, Borough of Newton Abbott, Woolborough, Abbottscarswell, Ipplepen, Littlehempston, Berry-pomeroy, the Borough and Parish of Totnes, Harberton, South Brent, North Huish, and Ugborough, is, by reason of the Narrowness thereof, and the Nature of the Soil, very incommodious and dangerous Preamble.

to Travellers, and cannot be repaired and widened by the ordinary Course of Law: For Remedy whereof, and to the Intent that the said Road may be well and sufficiently amended, widened, and kept in good Repair; May it please Your most Excellent 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 William Courtenay Baronet, Sir Richard Warwick Bampfylde Baronet, the Right Honourable Webb Seymour, commonly called Lord Webb Seymour; the Right Honourable William Seymour, commonly called Lord William Seymour; the Right Honourable and Reverend Francis Seymour, commonly called Lord Francis Seymour; Sir Thomas Carew Baronet, Sir John Rogers Baronet, Sir George Younge Baronet, the Right Honourable Sir Thomas Clarke Knight, Master of the Rolls; Sir Richard Lloyd, the Honourable Edward Clifford, John Adams, Thomas Adams Clerk, William Adams, John Amyatt, George Andrews, Robert Abraham, Abraham Babb, Benjamin Babbage, George Baker Clerk, Thomas Baker Clerk, Thomas Radcliffe Bambury Clerk, John Baring, John Bertie Clerk, Jacob Bartlett, John Bealy, John Beare, Robert Bearne, Christopher Beek Clerk, Samuel Belfield Clerk, William Bickford, Nicholas Brooking, Edward Bovey, John Bradford, John Browne, Edmund Browne, William Browne, George Browse, Henry Browse, William Buckland Clerk, John Bulteell, Gilbert Burrington Clerk, Thomas Byrdall, William Bagwill, Christopher Bastow, Elias Browne Clerk, Elias Carter Clerk, John Carwithien Clerk, George Cannter, George Carey, William Chadder, Arthur Champernowne, Francis Champernowne Clerk, Rawlin Champernowne, William Cholwich, John Cholwich, Thomas Cholwich, Matthew Churchward, James Churchward, Nicholas Clarke, John Clarke, Philip Cockney, Thomas Comyns, Nicholas Cove, Charles Kelland Courtenay, William Cowell Clerk, Richard Cranch, John Croker, William Cuming, Samuel Cuming, Abraham Choake, William Cholwick, Christopher Clarke, Henry Courtenay, Peregrine Courtenay, Thomas Comyns junior, William Creed, William Cowell, Abraham Creed, John Churchward, William Cockey, Francis Cary, Samuel Cholwich Clerk, Richard Doidge, John Drew, John Dyer, Philip Edwards, Timothy Hare Earle, Thomas Efford, James Escott, William Eales, Timothy Earle, John Farley, Christopher Farwell M. D. Arthur Farwell, Samuel Flamank, Richard Ford, John Ford,

Trustees Names.

Ford, John Fowell, Thomas Fownes Clerk, Thomas Freeke Clerk, John Froude, Josias Full, James Fynes D. D. William Flamank, Langdon Full, Sampson Ford, George Ford, Thomas Friend, Richard Ford junior, Egerton Filmore, Lightfoot Gavorick Clerk, Peter Gay, Henry Gill, John Goodridge, Henry Gould, Pomeroy Gilbert, William Groves, Howell Griffith, William Drake Gould, Charles Hale, John Harris of Radford, Lampen Harris, John Hawkins, Charles Hayne, William Helyer, Solomon Hele, John Henryson M. D. Andrew Hilley, Arthur Holdsworth, John Holles, Richard Hurrell, John Huxham M. D. John Huxham Clerk, Thomas Hugoe Clerk, Thomas Hunt, Thomas Holdsworth, Richard Hawkins, Knowling Hawkins, Henry Holdsworth Clerk, John Huxham, James Holditch, Hugh Hawkes, Richard Jackson, William Ilbert, Richard Inglett, Richard Jackson, John Jackson, Nicholas Narracott Kendall, William Kitson, Peter Knowling junior, Peter Knowling, William Kitson Clerk, Thomas Kitson Clerk, Thomas Lane, Jeffery Lang, William Lang, Henry Laroche, George Lavers, Thomas Lear, Thomas Lear junior, Henry Legassicke Clerk, Henry Fownes Luttrell, George Lyde, John Lyde, John Lyde junior, William Lavers Clerk, John Luscombe, Samuel Lane, Richard Legassicke, Rawlin Mallock, Richard Metherell, John Mitchell, Francis Milman Clerk, John Moreshead, James Mapowder Clerk, John Mitchell, John Maddox, Henry Manning Clerk, Richard Marishall Clerk, Theodore Mills Clerk, William Clifford Martin, John Mathew Norton, Nelson Norton, Nelson Norton junior, William Neyle, William Neyle Clerk, Walter Northmore, Henry Nosworthy, John Nosworthy Clerk, James Newberry, Emanuel Northey, Jacob Nosworthey, Richard Newman, William Newton, William Oxenham, William Payne, Thomas Pearce, William Pinney, Jasper Parrott, Richard Perring, Parnell Prideaux, John Pidsley, Robert Pincent, Christopher Pridam, John Prowse, James Puddicombe, Arthur Pyne, Nicholas Pront, George Prideaux, Roger Prideaux, John Parker, John Parker junior, Samuel Payne Clerk, Richard Preston, George Rundle, Elias Rendell, George Rhodes, Frederick Rogers, John Rowe M. D. George Rule, James Rowe Clerk, William Rowe, William Rendell, Thomas Reynell, Ambrose Rhodes, William Roope, John Rowe, Humphry Savery, John Savery, John Scoble, Francis Seymour, Gilbert Seager, Henry Seymour, John Seale, William Searle, John Short, John Sloman, Charles Spooner, John Spooner, William Strode, Richard Strode, Thomas Searle, John Shapleigh, William Sandford D. D. Edward Shepheard, Robert Start, John Salter Clerk,

John Southard, Waltham Savery, John Searle, Robert Savery Clerk, William Tapper, Joseph Taunton, Charles Taylor, Charles Taylor junior, George Taylor Clerk, George Taylor, Joseph Taylor Clerk, Thomas Taylor, Walter Taylor Clerk, Samuel Teap, Henry Tolcher, George Treby, George Hele Treby, Philip Trenick, Browse Trist, Hore Browse Trist, Nicholas Trist Clerk, Thomas Trist, Elias Tuckett, William Taunton Clerk, Nicholas Terry, Thomas Tremlett, Thomas Veale, John Veale, William Venning, Jonathan Watson, William Way, John Wescott, Samuel Widdicombe, John Wills, John Wills, Robert Wills Clerk, John Windeat, Samuel Windeat, John Wise, John Wolridge Clerk, John Wolston, William John Wolcombe, Samuel Wotton, Samuel Windeat junior, Thomas Windeat, John Oliver Williams, Robert Walker Clerk, Richard Whidbourne, William Wilkin, Nicholas Wells Clerk, Thomas White, John Widdicombe, William Yabbacombe, John Yard, Gilbert Yard, Gilbert Yard Clerk, Francis Yard, Samuel Yongue; shall be, and they and their Successors are hereby appointed Trustees for surveying, ordering, widening, amending, and keeping in Repair, the said Road; and also for putting in Execution all other the Powers in and by this Act given.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person so be qualified or capable of acting as a Trustee in the Execution of this Act, (except in the swearing other Trustees) unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, to his own Use; or shall be Heir Apparent to some Person having such Estate of the yearly Value of Three hundred Pounds, or possessed of, or intitled unto, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Two thousand Pounds; and unless, not being such Heir Apparent, the Person claiming to have One hundred Pounds a Year, or Two thousand Pounds Personal Estate alone, or Real and Personal Estate together, as aforesaid, shall take and subscribe the Oath following, before any Two or more of the said Trustees, who are hereby authorized and required to administer the same, before he takes upon himself to act in the Trusts and Authorities of this Act; which said Oath shall be in Words or to the Effect following; that is to say,

Trustees to take the following Oath before they act.

I *A. B.*

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

*So help me* GOD.

And if any Person or Persons so unqualified, or made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed. Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Road, and also a Toll-house or Toll-houses, in and upon the same; provided that no such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, be placed nearer to the Towns of Totnes and Newton Abbott, than the Distance of One Mile; and shall and may demand, receive, and take, at any Turnpike or Turnpikes to be erected between the Head of the Hollow Way on the Western Side of Lord Clifford's Park Gate, and the Town of Newton Abbott; and also at any Turnpike or Turnpikes to be erected on that Part of the said Road, lying between Newton Abbott and the Town of Totnes; and also at any Turnpike or Turnpikes to be erected on that Part of the said Road, lying between the Town of Totnes and Biddaford aforesaid, the following Tolls or Duties, before any Horse, Mare, Gelding, Ox, Mule, Ass, or other Cattle, Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage whatsoever, shall pass, or be permitted to pass, through the same Gates or Turnpikes; that is to say, Trustees may erect Turnpikes and Toll-houses.

For

The Tolls.

For every Coach, Chariot, Landau, Berlin, Pheaton, Chase, Chaise Marine, Car, Calash, Chair, Caravan, or Hearse, drawn by Six or more Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Four Horses, or other Beasts of Draught, the Sum of Nine Pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of Six Pence.

For every Chaise, Car, or Chair, drawn by One Horse, or other Beast of Draught, the Sum of Three Pence.

For every Waggon, Wain, Cart, Dray, or other Cariage, drawn by Five or more Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Three Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, or other Beasts of Draught, the Sum of Six Pence; and drawn by One Horse, or other Beast of Draught, the Sum of Three Pence; except Waggons, Wains, Carts, Drays, or other Carriages, using Wheels with Fellies Nine Inches broad, for which no more than One Half of the Tolls before laid thereon, shall be demanded or taken.

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

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

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so thereby to be raised and collected, shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned and directed; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, from time to time, authorize and appoint, to demand and take the Tolls hereby granted and made payable; and to levy such Tolls upon any Person or Persons who shall (after Demand made thereof) refuse or neglect

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

neglect to pay the same, by Distress of any Horse or Horses, or other Cattle or Carriage, upon which such Tolls are by this Act imposed, together with their Furniture, or by Distress of any of the Goods or Chattles carried or drawn by or on such Cattle or Carriage, or of any other Goods or Chattles of, or belonging to, the Person or Persons who ought to pay the same, and to detain and keep such Goods and Chattles so distrained, until such Tolls or Duties, with the reasonable Charges of detaining and keeping the same shall be paid.

Distress to be sold after 4 Days.

Provided, That in case the same shall not be tendered and paid before the Expiration of Four Days, exclusive of the Day of Distress, such Person or Persons so distraining, after the Space of Four Days next after the Day on which such Distress shall be made and taken, shall and may sell the Cattle, Carriage, or Goods, so distrained and taken, returning the Overplus, if any there be, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges of distraining and selling the same, shall be deducted and paid.

Trustees may erect Side Gates, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and upon, in, or across, any Lane or Bye-way, that does, or shall lead into, or out of the same; and at such Gate or Gates, Turnpike or Turnpikes, to receive and take such Tolls, as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue thereof, so as the same do not extend to a Double Charge, upon any Person or Persons, passing through any other of the Gates or Turnpikes, to be erected by virtue of this Act, upon that Part of the said Road on which such Side-gate or Gates shall be erected.

Provided always, 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, from time to time, to vary or alter all, any, or either, of the several Tolls aforesaid, as they shall think proper and see Occasion; provided they do not at any Time exceed the Tolls granted by this Act, nor lessen or reduce them, until the full Money borrowed on the Credit thereof, with its Interest, be repaid, unless the Person or Persons to whom the same shall at the Time of such Reduction be due, consent thereto.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Toll which

shall be collected at the several Turnpikes, to be erected by virtue of this Act, upon, across, or on the Sides of, the said Road as aforesaid, or the Money which shall be borrowed upon the Credit thereof; the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Expences and Charges of procuring and passing this Act; and the Remainder of the Money so raised, shall be laid out and applied in defraying the Expence of erecting Gates, Turnpikes, and Toll-houses, and repairing and widening the said Road, and defraying the necessary Costs, Charges, and Expences, attending the same, and the Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall direct, and to no other Use or Purpose whatsoever.

Trustees not to repair Pavements.

Provided always, and be it 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 Money to be raised by the Tolls hereby granted, or to be borrowed on the Credit thereof, in paving or repairing the Pavements of the Streets of the Towns of Newton Bushell, Newton Abbott, Bridgetown-Pomeroy, or Totnes, or any other Town in the said Road, but that such Streets shall continue to be repaired, and kept in Repair, by the Ways and Means whereby the same heretofore have or ought to have been repaired.

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

And be it further enacted by the Authority aforesaid, That all and every the Gates, and Turnpikes, and Toll-houses, to be erected as aforesaid, by virtue of this Act, and the Property, Interest, and Right of, in, and to the same, and the Materials of which the same shall consist, shall be, and are hereby vested in the said Trustees, appointed or to be appointed to put this Act in Execution; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions, in their own Names, or in the Name or Names of any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, for the time being, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Bill or Bills of Indictment, or other Prosecutions against any Person or Persons who shall keep Possession of any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, after Notice given by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer for the time being, to such Person or Persons so keeping Possession, to quit the same, or who shall dig up, break, pull down, steal, take, carry away, destroy, spoil, or injure, any Gate or Gates, Turnpike

pike or Turnpikes, Toll-house or Toll-houses, which shall by virtue of this Act be erected upon, in, across, or on the Side of the said Road, or any of the Materials of which the same shall be made, built, or consist.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Coach, Chariot, Chaise, Chair, Waggon, Cart, Dray, Horse, Ox, Ass, or other Carriage, or Cattle, on which a Toll is hereby laid, go or pass through any Ground, Field, Gate, private Passage, or other Place, adjoining or lying near to, any or either of the Gates or Turnpikes to be by virtue of this Act erected, the same not being a Common Road; or if any Owner or Occupier of any Tenement, Land, or Ground, which shall adjoin, or lie near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any such Coach, Chariot, Chaise, Chair, Waggon, Cart, Dray, Horse, Ox, Ass, or other Carriage, or Cattle, to go or pass through the same Tenement, Land, or Ground, or any Field, Gate, or private Passage, or other Place belonging to such Owner or Occupier; or if any Person or Persons shall give to, or receive of, any other Person or Persons, except the Person or Persons appointed to collect or receive the Tolls hereby made payable, any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the Tolls, or shall make use of any forged Note or Ticket; or if any Person or Persons driving or owning any Coach, Chariot, Chaise, Chair, Waggon, Cart, Dray, or other Carriage, shall, at any Time or Times, take off, or cause or suffer to be taken off, from such Carriage, any Horse, Ass, Mule, Ox, or other Cattle, at, or before the same shall come to, any of the Gates or Turnpikes to be erected by virtue of this Act; or if any Person or Persons shall leave in any House or Place upon or near the Road, any Carriage or Cattle chargeable with, or liable to pay, any or either of the Tolls by this Act imposed, whereby, or by Means whereof, or of either of the Offences aforesaid, the Payment of any or either of the said Tolls shall be evaded or lessened; that then, and in either of the Cases aforesaid, every Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before the said Trustees, or any Two or more of them, or before any One or more Justice or Justices of the Peace of and for the said County of Devon (which Oath the said Trustees, or any Two or more of them, and the said Justice or Justices, is and are hereby impowered and

Penalty on Persons permitting private Passage;

or giving or receiving Tickets, &c.

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

and required to administer gratis) shall, for every such Offence, forfeit the Sum of Twenty Shillings, and pay the same to the said Trustees, or to their Treasurer or Treasurers for the time being; which Sum, in case the same be not forthwith paid, shall be levied and recovered in the Manner herein after directed; and, when recovered, shall go and be applied, One Moiety thereof to the Use of the Informer, and the other Moiety towards amending the said Road.

Toll to be paid but once a Day at the respective Places herein mentioned.

Provided always, and be it enacted by the Authority aforesaid, That if any Person shall have paid the respective Tolls by this Act granted, for the passing of any Carriage or Cattle at any Gate or Turnpike which shall be erected by virtue of this Act upon, in, across, or on the Sides of, that Part of the said Road lying between the Head of the Hollow Way on the Western Side of Lord Clifford's Park Gate, and the Town of Newton Abbott, such Person, upon producing a Note or Ticket of the Day denoting such Payment, and at what Gate the same was made, shall be permitted to pass and repass with the same Carriage or Cattle, Toll-free, through the same Gate, and every or any other Gate or Turnpike to be erected between the said Towns of Newton Abbott and Totnes, at any Time or Times during the same Day, to be computed from Twelve of the Clock of one Night, to Twelve of the Clock of the next Night; and so in like Manner if any Person shall have paid the respective Tolls by this Act granted, for passing of any Carriage or Cattle at any Gate or Turnpike which shall be erected by virtue of this Act, upon, in, across, or on the Sides of, that Part of the said Road lying between the said Town of Totnes and the said Town of Newton Abbott, such Person producing such a Note or Ticket of the Day denoting such Payment, and at what Gate the same was made, shall be permitted to pass and repass with the same Carriage or Cattle, Toll-free, through the same Gate, and every or any other Gate or Turnpike to be erected between the said Town of Newton Abbott, and the Head of the said Hollow Way on the Western Side of Lord Clifford's Park Gate, at any Time or Times during the same Day, to be computed as aforesaid; and so in like Manner if any Person shall have paid the respective Toll or Tolls by this Act granted, for the passing of any Carriage or Cattle at any Gate or Turnpike which shall be erected by virtue of this Act, upon, in, across, or on the Sides of, that Part of the said Road, lying between Biddaford aforesaid, and the said Town of Totnes, such Person producing such a Note or Ticket of the Day denoting such Payment, and at what

Gate

Gate the same was made, shall be permitted to pass and repass with the same Carriage or Cattle, Toll-free, through the same Gate, and every or any other Gate or Turnpike to be erected between the said Towns of Totnes and Newton Abbott respectively, at any Time or Times during the same Day, to be computed as aforesaid; and so in like Manner if any Person shall have paid the respective Toll or Tolls by this Act granted, for the passing of any Carriage or Cattle, at any Gate or Turnpike which shall be erected by virtue of this Act, upon, in, across, or on the Sides of, that Part of the said Road lying between the said Towns of Newton Abbott and Totnes, such Person producing such a Note or Ticket of the Day denoting such Payment, and at what Gate the same was made, shall be permitted to pass and repass with the same Carriage or Cattle, Toll-free, through the same Gate, and every or any other Gate or Turnpike to be erected between the said Town of Totnes and Biddaford aforesaid, at any Time or Times during the same Day, to be computed as aforesaid; which said Notes or Tickets the Collectors or Receivers of the said Tolls at the several Gates or Turnpikes to be erected by virtue of this Act, on Receipt thereof, are hereby required to give gratis, if demanded.

Persons and Things exempted from Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with, or compellable to pay, any of the Tolls made payable by this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing, which shall be used or employed in the Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Lime, Culm for burning Lime, Dung, Mould, Soil, or Compost, of any Kind, for the manuring of any Garden, or other Land or Ground; or that shall be used or employed in the plowing, sowing, tilling, or cultivating, any Land or Ground; or in the Carriage of any Hay, Straw, Corn in the Straw, or Wood, not sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or Backsides, of the Owner or Owners thereof; or for any Plough, Harrow, Dray, or other Implement of Husbandry, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast drawing the same, in order for the repairing thereof, or using the same in Husbandry, or any thing whatsoever that shall be used or employed in Husbandry, or manuring of Land; or for any Horse, Mare, Gelding, Ox, Ass, Mule, or other Beast, or Cattle, going to, or returning from, Water or Pasture, or in order to be shod; or for any Post-horse

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

Penalty on making illegal Claims, not being intitled thereto.

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

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet together at the Guildhall of the Town of Totnes, on the First Day of June, One thousand seven hundred and fifty nine, and proceed to the Execution of this Act; and shall then, and from time to time, adjourn themselves, to meet again there, or at any other Place or Places within the said Towns of Totnes, or Newton Abbott, as the said Trustees, or any Five or more of them, shall think most convenient; and that the said Trustees, or any Five or more of them, may also meet at any other Time for putting this Act in Execution, as often as it shall be thought necessary and required by any Five or more of the said Trustees, by Writing under their Hands, to be affixed on the most Publick Place within the Towns of Totnes and Newton Abbott, and on

all

all the Turnpike-gates to be erected by virtue of this Act, at least Seven Days before any such Meeting; and for the more speedy repairing and widening the said Road, be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, from time to time, upon the Credit of the Tolls hereby made payable, borrow and take up at such Rate of Interest as shall be agreed on, not exceeding the Rate of Four Pounds for One hundred Pounds by the Year, any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and they are hereby authorized by Writing or Writings under their Hands and Seals, or the Hands and Seals of any Seven or more of them, to assign over the said Tolls, or any Part or Parts thereof, for any Term or Number of Years not exceeding the Term for which this Act is to continue, unto any Person or Persons, as a Security or Securities for the Repayment of such Sum or Sums of Money as shall be so borrowed, and the Interest thereof, as aforesaid; all and every of which Assignments so to be made, shall be copied and entered at Length in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, to be seen and perused at all seasonable Times, by any Person or Persons, without Fee or Reward; which said Money so to be borrowed (the Charges of procuring and passing this Act as aforesaid, being thereout first paid) shall be laid out and applied in such Manner as the said Tolls are hereby directed to be laid out and applied, and to no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

Assignments to be entered in a Book.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to subject or charge the Trustees who shall execute the said Assignments, or any or either of them, their, any, or either of their Lands or Tenements, Goods or Chattles, to, or with, the Payment of the Money, by virtue of this Act to be borrowed, or any Part thereof, or any Interest to grow due thereon, by reason of their, or any or either of their signing or sealing such Assignments, or any or either of them.

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

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

Limitation of the Sum to be borrowed.

And

All Creditors to be deemed equal in Degree.

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

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 Tolls hereby granted, unless Notice for that Purpose in Writing under the Hand or Hands of the Clerk or Clerks, or Treasurer or Treasurers, to the said Trustees, be by Order of such Trustees, or any Five or more of them, affixed upon some Publick Place within the Towns of Totnes and Newton Abbott, and likewise upon all the Turnpike-gates that shall be erected by virtue of this Act, of the Time or Times of borrowing such Money, at least Ten Days before borrowing the same.

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

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any such Assignment or Assignments of the Tolls shall be made by the said Trustees, or any Seven or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls, and his, her, or their Executors or Administrators, Assignee or Assignees, may, and are hereby impowered, from time to time, by proper Words of Assignment to be indorsed on his, her, or their Security or Securities, or by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two credible Witnesses, to assign and transfer such Security and Securities, and all the Money that shall be due thereon, to any other Person or Persons whomsoever; and that all and every such Transfer or Assignment of any Security of the said Tolls shall, from time to time, be produced or notified to the said Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, for the time being, within the Space of Three Calendar Months after the respective Dates thereof, who shall make, or cause to be made, a proper Memorial or Entry of all such Assignments or Transfers, containing the Date thereof, and the Names, Additions, and Places of Abode, of the several Parties thereto, and the Sum or Sums of Money, and Term or Terms of Years therein mentioned and contained, and other the material Contents of the same, and the Names, Additions, and

Places of Abode, of the Witnesses, to the Execution thereof, in the Book or Books to be kept for entering the said original Assignments made by the said Trustees as aforesaid, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid Two Shillings and Six Pence, and no more, by the respective Persons to whom such Assignment shall be transferred, for each and every such Entry; and after such Entry made, but not otherwise, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors, or Administrators, to the Benefit thereof, and Payment thereon; and it shall not be in the Power of the Person or Persons who shall have made such Assignment, to make void, release, or discharge the same, or the Money due thereon, or any Part thereof. Clerk's Fee.

And be it further enacted by the Authority aforesaid, That the said Trustees, on any Seven or more of them, may, and are hereby authorized and impowered, from time to time, to elect, and (by any Writing or Writings under their Hands and Seals) appoint fit and proper Persons to be Collectors and Receivers of the Tolls hereby made payable, and also One or more fit and proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Road, and such other Officer or Officers, as they the said Trustees, or any Seven or more of them, shall think necessary; and such Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, or any or either of them, from time to time, to remove or displace, as they shall think fit, and to choose and appoint others, in the Room and Place of such of them as shall be so removed, or shall die; Notice of such Removal or Death, and of the Time and Place of Meeting, for the Purpose of filling up the Vacancy thereby occasioned, being first given and fixed on some publick Place within the Towns of Totnes and Newton Abbott, and on all and every the Turnpike-gates to be erected by virtue of this Act, at least Ten Days before such Election; and may, and are hereby authorized and impowered, by and out of the Money which shall arise by and from the several Tolls aforesaid, to contract for, allow, and pay, to the several Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, appointed as aforesaid, and to such other Person or Persons as shall be assisting to them, or either of them, in or about the Repair of the said Road, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Services, in

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

those Respects, as to the said Trustees, or any Seven or more of them, shall seem reasonable.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all and every the Collectors and Receivers of the said Tolls, and all and every the Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officers, who shall be appointed as aforesaid, and all and every Person and Persons who shall have or receive any of the Money which shall be collected, borrowed, raised, or received, by virtue of this Act, shall, from time to time, when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up, to them the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall appoint, full, true, fair, and perfect Accounts in Writing, under their respective Hands, of all the Money which shall have been by them respectively had, collected, or received, and how, to whom, and for what, such Money, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments, and shall, and are hereby respectively required to pay all such Money, as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting, or to account, as aforesaid, shall, if required, upon their several Oaths (which Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer) verify their Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments, which shall be therein contained: And if any

Officers refusing to account,

or either of the Officers or Persons so accounting, or to account, as aforesaid, being required so to do, shall refuse or neglect to render or give such Account or Accounts, as aforesaid, or to produce or deliver to the said Trustees, or to any Five or more of them, or to such Person or Persons so appointed by them, or any Five or more of them, the Receipts or Vouchers relating to the same, or to verify the Items and Articles thereof, upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money, as, upon the Balance of any Account or Accounts, shall appear to be in his, her, or their respective Hands, to the said Trustees, or as they, or any Five or more of them, shall direct and appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring,

or

or cause to be brought, any Action or Actions, in the Name of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Money that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Justice or Justices of the Peace, for the County or Place where the Officer or Officers, Person or Persons, neglecting or refusing, shall be, or reside, such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause to be brought before him or them such Officer or Officers, Person or Persons, so refusing or neglecting; and upon his or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act, might have done; and if upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Testimony of One or more Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer gratis) it shall appear to such Justice or Justices that any of the Money which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied and raised by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices, at the Time and Place by him or them appointed for that Purpose, upon reasonable Notice thereof in Writing, being delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively, or if appearing, shall refuse or neglect to give or deliver to the said Justice or Justices such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath as

Justice to enquire into the Default,

and levy the Money by Distress and Sale.

For want of sufficient Distress, to be committed.

as aforesaid, or to produce or deliver up to the said Justice or Justices, the several Receipts and Vouchers relating to such Accounts respectively; then, and in either of the Cases aforesaid, the said Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the said County, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the same, and the Items thereof, upon Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distresses and Sales as shall in those Respects have been made, or shall have compounded with the said Trustees, or any Seven or more of them, for the same, and paid the Money which shall be thereby stipulated to be paid them; which said Composition and Money the said Trustees, or any Seven or more of them, are hereby authorized and impowered to make and receive.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, or any other Person or Persons who shall be employed or appointed for that Purpose by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, or either of them, may, and is and are hereby authorized and impowered, from time to time, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the Repair of Roads, in, upon, out of, or from, any Waste or Common, River or Brook, in any Parish, Town, Village, Hamlet, or Place, adjoining to, or lying near the said Road, or in any neighbouring Parish, Town, Village, Hamlet, or Place, to be used, disposed of, and applied, in repairing the said Road, without paying any thing for the same; they the said Trustees, Surveyor or Surveyors, or other Person or Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be taken, or causing the same to be done; and where there are not sufficient Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for that Purpose to be had or found, in, upon, out of, or from, such Waste or Common, River or Brook, it shall and may be

without paying for the same;

levelling the Pits;

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

lawful to and for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or other Person or Persons by them employed, having an Order from the said Trustees, or any Five or more of them, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials, proper and sufficient for that Purpose, in, upon, out of, or from, the Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found; to be used, disposed of, and applied, in or towards repairing the said Road (such Lands, Fields, or Grounds, not being the Site of any House or Houses, or a Yard, Garden, Orchard, Park, Paddock, watered Meadow, Wood, or Coppice, or planted with Trees, as an Avenue to, or for the Ornament of any House, or inclosed, set apart, and used as a Plantation or Nursery for Trees) they the said Trustees, Surveyor or Surveyors, or other Person or Persons, or some or One of them, paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, in, from, or over, which such Materials shall be cut, digged, gathered, taken, and carried away, such Sum and Sums of Money for the same, and for the Damage they shall respectively sustain thereby, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons, appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages as aforesaid, the Justices of the Peace at their next General Quarter Sessions to be holden in and for the said County of Devon, or the major Part of them then present, (on Ten Days Notice thereof to be given in Writing by the said Surveyor or Surveyors, to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families) shall hear, settle, and determine the Matter of such Damages, and the Judgement or Order of the said Justices therein, shall be final and conclusive to all Parties.

making Satisfaction to the Owners.

Justices to determine Differences.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, or any other Person or Persons employed or directed so to do, by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, may, and they are hereby authorized,

Surveyors to get Materials out of Quarries.

rized, to enter into any Lime Quarry, Marble Quarry, or other Quarry, and to take and carry away the Chipping, Rubbish, and Refuse thereof, without paying any thing for the same, the Owner or Occupier of such Quarry being present, or Notice being given to such Owner or Occupier, or to some or One of his or her Family, at least Twenty four Hours before such taking and carrying away as aforesaid.

Surveyors may remove Annoyances,

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

and cut down Bushes, &c.

cleanse Ditches, &c.

Owners neglecting to scour their Watercourses, &c. after Notice given for that Purpose.

Surveyors to be reimbursed the Charges.

of

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

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, to be appointed as aforesaid, or any other Person or Persons by the said Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, appointed and employed (having a Warrant or Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively) to make, or cause to be made, any Causeway or Causeways, Ditches, Drains, or Trenches, in or along the Side or Sides of any Part or Parts of the said Road hereby intended to be repaired; and to make, erect, or build, or cause to be made, erected, or built, any Bridge or Bridges, or Arch or Arches, of Stone, Brick, or Timber, upon, in, or across the same Road, or any Part or Parts thereof; and to dig, cut, or make, or cause to be digged, cut, or made, any Ditches, Drains, or Watercourses, in, through, or across, any Gardens, Lands, or Grounds, to prevent the said Road, or any Part thereof, from being overflowed with Water; and to erect Bridges over such Watercourses, if necessary; and also to make, or cause to be made a Road or Way, by, through, or over, the Grounds adjoining to any narrow or ruinous Part or Parts of the Road hereby intended to be widened or repaired, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Publick Highway, whilst the old, narrow, or ruinous Road is widening or repairing, and until

Surveyors may make Causeways,

erect Bridges,

cut Drains, &c.

and make a temporary Road;

until such Time as it shall be safe and convenient for Passengers and Carriages to travel through the same; making such Satisfaction to the Owners or Occupiers of such Lands and Grounds as shall be so made use of, or through which any such Ditches, Drains, or Watercourses, shall be cut, or on which any such Bridge or Bridges shall be erected, or through which such Road or Roads shall be made, for the Damages they may thereby sustain, as by the said Trustees, or any Five or more of them, shall be adjudged reasonable; which Satisfaction the said Trustees, or any Five or more of them, are hereby impowered to pay out of the Money which shall be borrowed, collected, or raised, by virtue of this Act: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or Person or Persons by them appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages, or the Satisfaction to be made therefore, the Justices of the Peace at their next General Quarter Sessions to be holden in and for the said County, or the major Part of them present at such Sessions (on Ten Days Notice thereof to be given in Writing by the said Surveyor or Surveyors to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Place or Places of Abode, with some One of their respective Families, shall hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times, during the Continuance of this Act, think proper to widen or alter any Part or Parts of the said Road, by taking into the same any Lands, Grounds, or Hereditaments, lying contiguous thereto, or shall think proper to turn or divert any Part or Parts of the said Road through any Lands, Grounds, or Hereditaments, for the better Accommodation and Convenience of Travellers, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered to widen, alter, turn, or divert, the same, or any Part thereof, or to cause the same to be widened, altered, turned, or diverted, as they shall think fit; (provided that such Part or Parts of the said Road as shall be so widened or diverted, be not thereby made wider than, or extend beyond, the Breadth of Forty Feet) and for that Purpose to treat, contract, and agree, with the

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

the Owner and Owners, Occupier or Occupiers, of any such Lands, Grounds, or Hereditaments, for the absolute Purchase of so much, or such Part or Parts thereof, as they the said Trustees, or any Seven or more of them, shall think necessary, or for the Loss or Damage which the said Owners or Occupiers shall or may receive by the widening, altering, turning, or diverting, any Part or Parts of the said Road.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, seised or possessed of Lands, Grounds, or Hereditaments, which, according to the Powers by this Act given, may be necessary to be taken in, added to, or made Part of, the said Road, for the Purposes aforesaid, but are incapable of 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, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Ideots or Lunaticks, Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Ideots, Lunaticks, Femes Covert, or Cestuique Trusts, and for all and every other Person and Persons whatsoever, who are or shall be seised or possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for Sale of such Lands, Grounds, or Hereditaments, or any Part or Parts thereof, for the Purposes aforesaid, or for Satisfaction to be made them respectively therefore, or for their Interest therein, and to sell and convey the same as Occasion shall 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, or Usage to the contrary notwithstanding; and the Person or Persons making the same is and are, and shall be, hereby indemnified for what he or they shall respectively do by virtue or in pursuance of this Act.

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

And be it further enacted by the Authority aforesaid, That if any such Owner, Occupier, Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husband, Guardian, Trustee, Committee, or other Person or Persons, interested in such Lands, Grounds, or Hereditaments (upon Notice in Writing describing the Land, Ground, or Hereditaments, intended to be purchased, and the Place or Places where the same shall lie, to him, her, or them respectively given, or left at his, her, or their Dwelling-house or Houses, or Place or Places of Abode, or at the Dwelling-house or Place of Abode of the

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

Tenant in Possession of such Lands, Grounds, or Hereditaments, or affixed, in case such Lands, Grounds, or Hereditaments, should be untenanted, on the Door of the Dwelling-house, if any, or some publick Place of the Tenement, to which such Lands, Grounds, or Hereditaments, so intended to be purchased, shall belong) shall, for the Space of Thirty Days after such Notice given, left, or affixed, as aforesaid, refuse or neglect to treat for such Lands, Grounds, or Hereditaments, or shall not agree as to the Price or Value thereof, or shall, by reason of Absence, be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men residing near the said Road (which Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer) what Damages shall have been sustained by, and what Satisfaction or Recompence shall be made to, such Owner, or other Person or Persons interested, on account of the taking such Lands, Grounds, or Hereditaments, into the said Road, according to their respective Interest therein; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be and require, to summon and call before them all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses concerning the Premisses, and shall examine all such Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the Place in question, and to use all other lawful Means as well for their own as the said Jury's Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or Occupiers of the said Lands, Grounds, or Hereditaments, or other Person or 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 and every Person and Persons whomsoever, to all Intents and Purposes whatsoever: And, for summoning and returning such Jury or Juries, the said

Jury to assess Damages.

Witnesses may be summoned, and examined on Oath.

Verdict of the Jury to be final.

Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of Devon, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, qualified by Law to serve on Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; which Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impanel, summon, and return, such Twenty four Persons accordingly; and out of the Persons so impanelled and returned, or out of such of them as shall appear according to and upon such Summons, the said Trustees, or any Five or more of them, shall swear, or cause to be sworn, Twelve Persons, who shall be the Jury for the Purpose aforesaid; and in Default of a sufficient Number of the Jurymen so returned, the said Sheriff or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured or summoned, qualified as aforesaid, to attend the Service, to the Number of Twelve; to all or any of which Jurymen to be summoned in pursuance of this Act, all Persons concerned shall, from time to time, and at all Times, have their lawful Challenges, 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 Five or more of them, are hereby impowered, from time to time, to impose any reasonable Fine or Fines, not exceeding the Sum of Ten Pounds, upon any One Person for One single Offence; and on such Sheriff, his Deputy or Bailiff respectively, who shall make Default in the Premisses; and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or, after having appeared, shall refuse to be sworn on the said Jury, or after having been sworn, shall refuse to give his or their Verdict of and upon the Matter in question, or the Damages he or they shall be sworn to try or to inquire of, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act; and on every or any of the Persons who being required to give Evidence or Testimony before the said Jury touching the Premisses, shall refuse or neglect to attend, or be sworn, or examined, or give Evidence or Testimony, touching the same.

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

Jurors may be challenged.

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

And be it further enacted by the Authority aforesaid, That from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence

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

pence therein, and thereby found and directed to be given, for the said Lands, Grounds, or Hereditaments, to the respective Owner or Owners thereof, or other Person or Persons interested therein, or after the Execution of any Conveyance of the said Lands, Grounds, or Hereditaments, to the said Trustees, or any Seven or more of them, by the respective Owner or Owners thereof, or by any other Person or Persons by this Act impowered to sell and convey the same, and Payment or Tender of the Money thereby stipulated to be paid as the Consideration thereof; which Money, Damages, and Recompence, the said Trustees, or any Five or more of them, are hereby impowered to pay, or cause to be paid, out of the Money which shall be borrowed, raised, and collected, by virtue of this Act; the said Lands, Grounds, and Hereditaments, and every Part thereof, and the Fee Simple and Inheritance thereof, and of every Part thereof, shall be, and is hereby vested in the said Trustees, and their Heirs, without any Fine or Recovery, notwithstanding the same shall or may be limited and settled, to, for, or upon, any Use, Trust, Limitation in Tail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then, and from thenceforth, the said Trustees, or any Five or more of them, or any Person or Persons by them, or any Five or more of them, for that Purpose impowered or employed, may, and is, and are hereby authorized, to take and lay the said Lands, Grounds, and Hereditaments, and every Part thereof, into the said Road, and then and from thenceforth for ever afterwards, such Lands, Grounds, and Hereditaments, and every Part thereof, shall be deemed, taken, and used, as, and the same are hereby declared to be, a Part or Parts of the said Road, and a publick and common Highway, and shall for ever be repaired and kept in Repair as such; any Right, Title, Interest, Law, Custom, or Usage, to the contrary thereof in any wise notwithstanding: And in case any Lands, Grounds, or Hereditaments, shall be purchased for the turning or diverting any Part or Parts of the said Road, and the new Road shall be made and completed, the Lands, Grounds, and Hereditaments, comprized in, and constituting the old Road, or that Part thereof in lieu of which such new Road shall be purchased and made, shall or may be sold or disposed of for the best Price that can or may be gotten for the same, and the Money arising by such Sale, shall be applied to the repairing the Road hereby directed to be repaired; and the Conveyance or Conveyances to be made of such Lands, Grounds,

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

Old Road may be sold.

or

or Hereditaments, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace of the said County of Devon, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured.

Provided always, and be it declared and enacted by the Authority aforesaid, That the Power and Authority aforesaid by this Act given to the said Trustees, for the widening, altering, turning, or diverting, any Part of the said Road, shall not extend to the pulling down any Dwelling-house, or other Building, or taking in the Site of any House or other Building, or to take in any Garden or Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to any House (except Two Messuages in the said Town of Totnes aforesaid, and the Sites thereof, One at a Place called Collins's Corner, now or late in the Possession of the Reverend Lightfoot Gaverick, his Tenants or Under-tenants, and the other situate in the Lower Quarter of the Fore Street, supported by Pillars, and projecting into the said Street, now or late in the Possession of John Wise Esquire, his Tenants or Under-tenants; and also an Orchard or Garden opposite or near to the said Collins's Corner, now or late in the Possession of Richard Heath; which said Two Messuages, and the Sites thereof, and the said Orchard or Garden, or any Part or Parts thereof, the said Trustees, or any Seven or more of them, are hereby authorized and impowered to purchase, in case they shall think fit, in order to render the said Road more safe and convenient for Carriages and Passengers) any thing herein contained to the contrary notwithstanding.

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

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Tills, Hamlets, Tythings, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making this Act, hath or have been used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Road hereby intended to be repaired, or any Bridge or Drain lying in or upon the same, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the said Road, Bridges, or Drains, in the same Manner as they, every, or any of them, have or hath heretofore usually done, or ought to do; and that the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Road leads, who, by the

Laws and Statutes of this Realm, are or shall be obliged or liable to do Work on the Highways, for repairing thereof, commonly called Statute-work, shall still be subject and liable thereto, and shall and are hereby required to do and perform such and so many Days Work, in such Parts of the said Road by this Act directed to be repaired, lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, their Surveyor or Surveyors, shall direct and appoint, not exceeding the Number of Days which they are obliged to work on the Highways by the Laws now in being; and that every such Inhabitant of the said Parishes, Hamlets, and Places, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work, in and towards the repairing of the Highways of the several Parishes, Hamlets, and Places, in which they shall respectively live, as Persons keeping Teams are by Law obliged or ought to do.

Persons renting 50*l. per Annum*, to be deemed Team-holders.

And, to the end that the said Trustees may the more certainly know the Inhabitants of all the Parishes, Hamlets, and Places, wherein the Road hereby directed to be repaired doth lie, who are liable to do Statute-work on 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 the said Parishes, Hamlets, and Places, where, or in or for which, such Surveyor or Surveyors usually have been, or ought to be chosen, shall, and they are hereby required before the Twenty fifth Day of March, or at the next Meeting of the Trustees, after the Twenty fifth Day of March in every Year, during the Continuance of this Act, to return and deliver in to the said Trustees, at One of their Meetings to be by them held, 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 or upon the said Highways, and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall keep a Team or Teams, and how many, or by this Act, shall be deemed so to do, and the Number of Pack-horses, and other Beasts of Burthen, kept by such of the said Inhabitants as do not, or by this Act are not, deemed to keep a Team, and which of the said Inhabitants are Labourers, or liable to do the Statute Duties as Labourers only.

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 said Road doth lead, shall not deliver in such Lists of the Inhabitants of their several Parishes, Hamlets, or Places, by such Time, or in such Manner, as by this Act are directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds; and if any or either of the Inhabitants of the said several Parishes, Hamlets, or Places, liable by Law to do Statute-work upon the Highways, shall not do such Statute-work in and upon the said Road, at such Times and Places, and in such Manner, as they shall be respectively directed or appointed to do by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized; such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person keeping, or who by virtue of this Act shall be deemed to keep, a Team, for every Day's Work, the Sum of Ten Shillings; and every Inhabitant keeping a Pack-horse or Pack-horses, or other Beast of Burthen (and no Team, not by this Act deemed to keep a Team) for every Day's Work, for every such Horse, Beast, and Driver, the Sum of Three Shillings; and every other Inhabitant or Person liable to work on the said Road as a Labourer only, for every Day's Work, the Sum of One Shilling and Six Pence; and if any Person or Persons who shall come as a Labourer or Labourers, or be sent with any Team or Draught, Pack-horse or Beast of Burden, to work on the said Road, shall be found idle or negligent by the Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person or Persons; and in that Case the respective Forfeitures and Payments before mentioned shall be incurred and payable as if such Person or Persons had refused or neglected to come, or such Team or Draught, Horse or Beast, had not been sent.

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

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Parishes, Hamlets, or Places, wherein the Road hereby intended to be repaired doth lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have at any Time directed or appointed too large a Proportion of the Statute-work in any Parish, Hamlet, or Place, to be done on the said

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

said Road, it shall and may be lawful for such Surveyor or Surveyors of the Highways aforesaid, to appeal to the General Quarter Sessions of the Peace next after such Direction or Appointment, to be holden in and for the said County; and the Justices in such their Sessions, are hereby authorized and impowered to adjust and determine what Proportion of the Statute-work in any Parish, Hamlet, or Place, shall be done on the Road hereby intended to be repaired, such Surveyor or Surveyors of the Highways having as aforesaid first given Ten Days Notice in Writing of such Appeal, to the Surveyor or Surveyors authorized by the said Trustees as aforesaid, or to their Clerk or Clerks.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered, from time to time, during the Continuance of this Act, to compound and agree with the Surveyor or Surveyors of all, any, or either of the Parishes, Hamlets, or Places, through which the said Road doth lead, or with the several Inhabitants of such Parishes, Hamlets, and Places respectively, for a certain Sum of Money by the Day, Year, or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute-work or other Work to be done by such Parishes, Hamlets, or Places respectively, or the several and respective Inhabitants thereof; and in case any such Composition-money shall not be paid within Ten Days after the same shall become payable, according to such Composition or Agreement; that then it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to impower the Person or Persons authorized by the said Trustees, or any Five or more of them, to receive such Composition-money, Oath being first made that the same has been demanded, and remains unpaid (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) to levy the same by Distress and Sale of the Goods of the Person or Persons so having compounded for or in lieu of any Statute-work, or other Work, or of the Surveyor or Surveyors of the Highways for the time being of the Parish, Hamlet, or Place, in respect of which such Composition shall be made, returning the Overplus, if any, after deducting the Charges of such Distress and Sale, to the Owner or Owners thereof, upon Demand; and in

Composition-money how to be recovered.

case

case the Surveyor or Surveyors of the Highways, of any Parish, Hamlet, or Place, for or in respect of which such Composition shall be made as aforesaid, shall pay the Composition-money, or if such Composition-money shall be recovered and levied by Distress and Sale of his Goods and Chattles, in Manner herein before directed; and in either of the said Cases, such Surveyor or Surveyors shall be repaid and reimbursed the Composition-money which shall be so paid by, or recovered of him or them, as aforesaid, in such Manner, as by the Laws now in being, Surveyors of the Highways of this Kingdom, are to be repaid and reimbursed the Money by them expended, in buying Materials for mending the Highways. Surveyors paying the Composition-money, how to be reimbursed.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, from time to time, as they shall think fit, to compound or agree for a Year, or for any less Time, with any Person or Persons living in any or either of the Towns, Hamlets, Parishes, or Places, through which the said Road hereby directed to be repaired doth lead, or in the Neighbourhood thereof, for any Sum or Sums of Money for or in lieu of the said Tolls or Duties, or any of them, for the passing of such Persons, their Carriages, or Cattle, through the several Gates or Turnpikes to be erected by virtue of this Act, any or either of them; which Composition-money, in case the same shall not be paid within Ten Days after the Time specified in such Composition or Agreement for the Payment thereof, shall be recovered and levied in such and the like Manner, as Compositions for Statute Labour are herein before directed to be recovered and levied. Trustees may compound with Parishes, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required, to cause the said Road to be measured, and Mile-stones or Posts to be affixed or set up on the Sides thereof, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit; and that if any Person or Persons shall wilfully or designedly destroy, pull down, dig up, break, or injure, any of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or any Part thereof, or cause or procure the same to be done, every such Person so offending, and being thereof convicted, by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before the said Trustees, Roads to be measured, and Mile-stones erected. Penalty on defacing Mile-stones, &c.

Sees, or any Five or more of them, or before any One or more Justice or Justices of the Peace for the said County (which Oath the said Trustees, or any Two or more of them, and the said Justice or Justices, is and are hereby impowered and required to administer) shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly destroyed, pulled down, dug up, broken, injured, obliterated, or defaced, 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 the said Trustees, or any Five or more of them, or of the Justice or Justices before whom such Conviction shall be made, such Forfeitures, or a sufficient Part thereof, to be laid out and applied in repairing the Stones or Posts so pulled down, broken, obliterated, or defaced, or in supplying new Ones in their Stead, and the Residue thereof (if any) in repairing the said Road; and in case the Person or Persons so offending, and convicted, shall have no Goods or Chattles, within the said County of Devon, or shall refuse to give an Account to such Trustees, or Justice or Justices, where he, she, or they, reside, and whether he, she, or they, have or hath any Goods or Chattles within the said County, and where the same are, then it shall and may be lawful for the said Trustees, or any Five or more of them, or any One or more Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the House of Correction for the said County, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and such Person or Persons shall not be discharged, until he, she, or they, shall have paid the said Forfeiture or Forfeitures, or until the Expiration of the said Calendar Month.

to be levied by Distress and Sale.

For want of Distress the Offender to be committed.

Penalty on drawing Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, upon, in, or along, any Part of the said Road hereby intended to be repaired, any Tree or Trees, or Piece or Pieces of Timber, or any other heavy Weight, otherwise than and except upon Wheel Carriages drawn with Shafts, and so as no Part of the Load or Carriage shall drag on the Ground, every such Person or Persons for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Fines, and Forfeitures, imposed or made payable by this Act, or which shall be incurred there-

by, or by reason of any Thing herein contained, and every Part thereof, shall, from time to time, be paid (except such the Payment whereof is otherwise herein before directed) to the said Trustees, or to any Five or more of them, or to their Treasurer or Treasurers for the time being, and shall be laid out and applied (except such Parts thereof the Application of which is herein before particularly directed) in and towards the repairing, widening, and amending the said Road, and other the general Purposes of this Act: And for the Recovery of the said Penalties, Fines, and Forfeitures, or such of them for the Recovery whereof no other Method or Methods is or are herein before prescribed (the said Trustees, or any Five or more of them, or any Justice or Justices of the Peace of the County or Place where the Party or Parties incurring the same, shall be or reside) may, and is and are hereby authorized and required, from time to time, upon Proof thereof, and of the several Matters, Causes, or Things, for which such Penalties or Forfeitures shall be incurred, either by the Confession of the Party or Parties, or by the Oath of One or more Witness or Witnesses (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer gratis;) by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the same to be levied and raised by Distress and Sale of the Goods, Chattles, and Effects, of the Party or Parties so incurring such Penalties and Forfeitures; and if any more Money shall at any Time or Times be raised and levied by such Distresses and Sales than shall be sufficient to pay the respective Penalties, Fines, or Forfeitures, for which the same shall be taken and made, and the reasonable Charges of making and taking the same, such Overplus shall, if demanded, be paid to the respective Owner or Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, or Effects, of the Person or Persons who shall incur any of the Penalties, Fines, or Forfeitures, can be found, sufficient to answer the same, and the Charges of such Distresses and Sales as aforesaid, if any such shall be taken or made, then, and in such Cases, the said Trustees, or any Five or more of them, or any such Justice or Justices, may, and is and are hereby authorized and required by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Person or Persons to be committed to the Common Gaol of the said County, for any Time not exceeding Three Calendar Months for

Overplus of the Money to be returned to the Owner.

For want of Distress the Offender to be committed.

for the First Offence, or until such Penalties, Fines, and Forfeitures, and the Charges of such Distresses and Sales (if any such there be) shall be paid; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Six Calendar Months, or less than One Calendar Month, or until such Penalties, Fines, and Forfeitures, by him, her, or them incurred, and the Charges of the said Distresses and Sales (if any such there be) shall be fully satisfied and paid.

Penalties may be recovered by Action of Debt, &c.

Provided always, and be it further enacted by the Authority aforesaid, That where any Person shall, for any Offence committed against this Act, be liable to pay any pecuniary Penalty or Sum of Money, it shall and may be lawful for the said Trustees, or any Five or more of them, to proceed to recover such Penalty or Sum of Money, by the Ways and Means herein before for that Purpose prescribed, or to sue for the same in their own Names, or in the Name or Names of One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, for the time being, by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection or Wager of Law, or more than One Imparlance shall be allowed, and wherein the Plaintiff or Plaintiffs, if he or they recover, shall likewise have his or their Double Costs; provided that no such Offender shall be doubly prosecuted for the same Offence.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved, by any Penalty or Penalties, Conviction or Convictions, Commitment or Commitments, in pursuance of this Act, such Person or Persons may appeal to the Justices at the next General Quarter Sessions of the Peace to be holden in and for the said County; he, she, or they, giving, or causing to be given, Ten Days Notice in Writing of such Appeal, and of the Cause and Matter thereof, to the said Trustees, or to their Clerk or Clerks, Treasurer or Treasurers, for the time being, and entering into a Recognizance within Five Days after such Notice given, before some Justice of the Peace of the said County, with Two sufficient Sureties to try such Appeal at such Sessions, and in case the same shall be disallowed, to pay such Costs and Charges as the Justices there shall direct in that Behalf; which said Justices at their said Sessions, upon due Proof of such Notice being given, and such Recognizance being entered into as aforesaid, shall, and are hereby authorized and required to proceed in, hear, and determine, the Matter

Notice of Appeal to be given,

and Security to be given to prosecute.

ter

ter of such Appeal, and may, if they see Cause, mitigate or annul, at their Discretion, the Penalty or Penalties laid on, or incurred by, the Party or Parties appealing, or alter or vacate such Conviction or Convictions, Commitment or Commitments, and set the Party or Parties at Liberty, or otherwise may ratify and confirm the same, and give such Costs to the Appellant or Respondent as they shall think fit; and the Judgement and Determination of the said Justices at such next General Quarter Sessions, shall be final and conclusive to all Parties concerned or interested therein.

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

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order, which shall be made in pursuance of this Act, or in Execution of the Powers hereby given, shall be quashed, vacated, or discharged, for or on account of Form only; nor shall the same be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

nor removeable by *Certiorari*.

No Order made by the Trustees to be repealed, unless 7 Trustees be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or their Successors, or any Five or more of them, in Execution of any of the Trusts, Powers, or Authorities of this Act, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Seven Trustees be then present.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Authorities and Powers hereby given, and the several Tolls hereby made payable, subject to the Power herein before given to the said Trustees to vary or alter the same, shall commence and have Continuance from the Twenty fifth Day of May, One thousand seven hundred and fifty nine, for and during the Term of Twenty one Years; and from thence to the End of the then next Session of Parliament.

Proceedings to be entered in a Book,

and signed by the Clerk.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Monies that shall be borrowed, collected, and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Compositions, Acts, Matters, Proceedings, and Things, which shall be made or done by the said Trustees, in pursuance hereof, or in Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered and made, in a Book or Books to be kept for those Purposes, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, for the time being; and such Orders so entered, shall be signed by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, for the

time being, at any Meeting of the said Trustees, or of any Five or more of them assembled, as the Case shall require, and being so signed, shall be deemed and taken to be Original Orders, as if the same were under the Hands and Seals of the said Trustees; which said Book or Books, and also the Book or Books herein before directed to be kept for entering and registering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance and by the Authority of this Act.

Books may be read in Evidence.

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

And be it further enacted by the Authority aforesaid, That when and as often as any of the Trustees named or to be named, and appointed by virtue of this Act, shall die, or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Seven or more of them, by Writing or Writings under their Hands and Seals, from time to time, during the Continuance of the Term hereby granted, to elect, nominate, and appoint, One or more fit Person or Persons to be qualified and sworn, as in this Act is before directed, and living or residing in the said County of Devon, to be a Trustee or Trustees, in the Room of such Trustee or Trustees so dying, or refusing to act, and such Person or Persons so elected and appointed, shall be joined with the surviving or remaining Trustees, in the Execution of all and every the Powers in them reposed by virtue of this Act; Notice in Writing of the Time and Place of Meeting for such Election of new Trustees, being affixed at or on some publick Place within the Towns of Totnes and Newton Abbott, and at or on all and every the Turnpike Gates erected in pursuance of this Act, at least Ten Days before the Meeting for such Election; and all and every the Person and Persons so chosen and appointed, to be joined with the surviving or remaining Trustees, in putting this Act in Execution, shall and may, and is and are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees herein before named and appointed are by this Act impowered to do.

10 Days Notice to be given of such Election.

Disputes may be determined by 3 Trustees.

And be it further enacted by the Authority aforesaid, That in case any Difference or Dispute shall arise among the said Trustees, at any Meeting or Meetings by them, from time to time, held by virtue of, and in pursuance of, this Act, touching or concerning all, every, or any of the Trusts, Powers, and Authorities, reposed in them by virtue of this Act, such Difference or Dispute shall be determined by the major Part of the Trustees then present, consisting

consisting of Three or more; but if it should at any Time so happen, that there should 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 Three 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.

No Act valid, except done at a Meeting of the Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee named or appointed, or which shall be named or appointed, in or by virtue of this Act, shall act as such, or be impowered to do any Act in the Execution of the Powers hereby given to the said Trustees, except only in appointing Meetings, unless it be at a Meeting to be by them held in pursuance of this Act; and that all and every the said Trustees shall, out of his and their own Money, pay and defray all his and their own Charges and Expences at all or any, and every such Meeting.

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

Provided also, and be it enacted by the Authority aforesaid, That if there shall not appear at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of them to act, then, and in every such Case, the Trustees then present, or their Clerk or Clerks, Treasurer or Treasurers, for the time being, shall and may adjourn the said Meeting; and by Notice in Writing signed by the said Clerk or Clerks, Treasurer or Treasurers, to be fixed on some publick Place within the Towns of Totnes and Newton Abbott, and on all the Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House or Place where the Meeting so adjourned was to have been held, on that Day Fortnight on which such last Meeting of the Trustees was appointed to be held.

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

And be it further enacted by the Authority aforesaid, That such of the Trustees appointed or to be appointed by virtue of this Act as is, are, or shall be, a Justice or Justices of the Peace, may, and is, and are, hereby authorized and impowered to act as a Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees, except in such Matters or Things in which he or they shall be personally interested; and in such Cases no Person or Persons whatsoever, being so interested, shall be capable of acting either as a Trustee or Justice.

And

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons appointed or to be appointed a Trustee or Trustees in or by virtue of this Act, shall have or accept of any Place or Profit arising out of the Tolls and Money by this Act made payable, such Person or Persons, after his or their Acceptance of such Place or Places of Profit, during his or their respective Enjoyment of the same, shall be incapable of acting as a Trustee or Trustees in or under, or in Execution of the Authorities and Powers to them hereby given.

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

And be it further enacted by the Authority aforesaid, That no Person or Persons keeping an Inn or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of taking, holding, or enjoying any Place or Places of Trust or Profit under this Act, during such Time as he or they shall keep such Inn, Ale-house, or other publick House of Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail.

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

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 Five 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.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, or Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, the Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning, or in Execution of any of the Powers or Authorities hereby given, shall be charged or chargeable with any Stamp or Duty whatsoever. Writings to be without Stamps.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their said Office or Offices, as to the said Trustees, or any Seven or more of them, shall seem meet. Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any Thing done, or to be done, by virtue or in pursuance of this Act, or in Relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within the Space of Six Calendar Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the said County of Devon, and not elsewhere; and that the Defendant or Defendants in such Actions or Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited; or shall be laid in any other County, then, and in either of such Cases, the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in any Action or Actions, Suit or Suits, shall become Nonsuited, or suffer a Discontinuance, after the Defendant or Defendants shall have appeared; or if, upon any Demurrer or Demurrers, in any such Action or Limitation of Actions. General Issue

tions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Causes shall be tried, whereby it may appear that such Action or Suit was prosecuted against the Defendant or Defendants for some Matters contained in or done in pursuance of this present Act, and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for his and their Costs in other Cases by Law.

Treble Costs.

Publick Act.

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

FINIS.