Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing and widening the Road from *Modbury* through the Town of *Plympton*, to the North End of *Lincotta Lane*, in the County of *Devon*.

WHEREAS the Road or Highway leading from the Town of Modbury in the County of Devon, through the Church Town of Yealmpton, and the East End of Brixton Church Town, and through the Town of Plympton, and the Village of Underwood, to the North End of a certain Lane called Lincotta Lane, in the Parish of Plympton Saint Mary, in the said County, is in many Parts thereof narrow, much in Decay, and incommodious, and cannot be properly widened and repaired by the ordinary Course of Law: For Remedy whereof, and to the Intent that the said Road may be properly widened and repaired, and kept in good Repair; May it please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable George Edgcumbe, Preamble.

Trustees Names.

Edgcumbe, Arthur Arscott Esquire, John Arscott Esquire, John Ashweek Gentleman, William Algar, John Adams Surgeon, Nicholas Adams, John Adams, John Dunning Esquire, Francis Delacombe Merchant, John Deacon, William Bastard Esquire, Edmond Bastard Baldwin, Pollexfen Bastard, Arscot Bickford, William Baker, John Bulteel, Courtenay Croker Bulteel, Esquires; George Baker, John Bedford, Gregory Bridgman, Clerks; Hugh Bickford, Richard Brooking, Thomas Baker Clerk, George Brutton, Edward Elliot Esquire, John Edmonds Clerk, John Edmonds junior, Thomas Edwards junior, John Ellis, William Cholwich, Thomas Cholwich, Warwick Calmady, Esquires; Samuel Cholwich Clerk, Robert Chappell Gentleman, Evans Cove Esquire, John Cranch, John Cranch junior, Peter Cove, Benjamin Cobley, William Creed, Gentlemen; John Furlong Esquire, John Frowde, James Frowde, Gentlemen; Robert Forster, Thomas Freke, Clerks; William Groves, Abraham Gilbert, Esquires; James Gest, James Gest junior, John Gill, James Modyford Heywood, Thomas Harrison, John Hawkins, Arthur Holdsworth, Esquires; John Huxham M. D. John Herring, William Holberton, John Holberton, Philip Harwood, Gentlemen; Francis Holdsworth, George Herbert, John Hensleigh, John Hamblyn, William Hingston, Henry Hingston, Richard Hurrell Gentleman, Sampson Hodge, John Hodge, William Ilbert, John Julyan, Esquires; William Isaac Surgeon, John Luscombe, Robert Lake, Esquires; Garland Langworthy Surgeon, James Legassick Gentleman, Henry Legassick Clerk, George Legassick Surgeon, George Leach Gentleman, Charles Legassick Surgeon, John Molesworth, William Molesworth, Joseph May, Joseph Moyle, George Marshall, Esquires; Zachary Mudge, Nathaniel Matthews, Richard Marshall Clerks; John Mudge Surgeon, Ralph Mitchell, Joseph Mogridge, Gentlemen; John Moysey, Philip Moysey, Joseph Maye, Paul Henry Ourry, Esquire, John Parker, John Parker junior, Montagu Edmond Parker, Humphry Prideaux, Thomas Pearse, Esquires; Roger Prideaux, Roger Phillips, Robert Palmer, John Palmer, Robert Palmer junior, James Pitman, Gentlemen; Philip Perring, William Perry Clerk, Thomas Pyle Clerk, George Prideaux Gentleman, Richard Phillips, William Pearse, Arthur Parnell Prideaux, Ambrose Rhodes, Ambrose Andrew Rhodes, William Roope, Walter Radcliffe, Esquires; George Rhodes Surgeon, Henry Rosdew Gentleman, Richard Rosdew Surgeon, Robert Roe, Henry Roe, Richard Roe, Josias Rowse, William Rowe, William Rosdew, William Rendle, William Strode, John Savery, Esquires;

Esquires; Humphry Savery Gentleman, Thomas Splatt, William Shillabeer, James Sotro, John Savery, John Searle, George Treby, George Hele Treby, Browse Trist, William Trelawney, Charles Taylor, Esquires; Francis Taylor Gentleman, William Terry Clerk, Robert Taylor, William Towson, John Tozer, Thomas Veale Esquire, Thomas Vincent M. D. John Woollcombe, James Webb, John Wise Esquires; John Winter junior Gentleman, Ralph Wakeham, John Ward, Richard Worth, Silas Winter, John Watts, Andrew Wakeham, Nathaniel Wells Clerk, John Yonge, John Yeo, Clerks; Charles Yonge, and Samuel Yonge, Gentlemen, 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 shall be qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes to his own Use, or shall be Heir Apparent to some Person having such Estate of the yearly Value of Two hundred Pounds, or shall be possessed of, or intitled unto Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds: 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 or sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Penalty on Persons acting, if not qualified.

Trustees may erect Turnpikes and Toll-houses.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby required to erect or cause to be erected a Toll-gate or Turnpike upon, in, or across the said Road; and also a Toll-house in and upon the same, at or near a certain Bridge called Yealmbridge; and also shall or may, if they, or any Nine or more of them, shall think it necessary, erect, or cause to be erected,

a Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, upon, in, across, or on the Side of, the said Road, at any other Place or Places, and in any other Part or Parts thereof, or upon, in, or across, any Lane or Bye-way that doth or shall lead into or out of the same Road: Provided, That no such Gate, Turnpike, or Toll-house be placed nearer to the Town of Modbury than the Gate, Turnpike, and Toll-house herein before directed to be placed at or near the said Bridge, nor within Two Miles of the Town of Plympton.

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Nine or more of them, shall appoint, shall and may demand, receive, and take, at the Turnpike or Turnpikes so to be erected, 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, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatsoever, shall pass or be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise-marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Six or more Horses or other Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, or other Beasts of Draught, the Sum of Nine Pence; and drawn by One Horse, or other Beast of Draught, the Sum of Four Pence.

For every Waggon, Wain, Cart, Dray, or other Carriage, drawn by Five or more Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses, or other Beasts of Draught, the Sum of Two Shillings; 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 Beast of Draught, the Sum of Four Pence.

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

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

And

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 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, or by Distress of any of the Goods or Chattles carried on, or drawn by, such Carriage or Cattle; 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 distraining and keeping the same, shall be paid; and 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, keeping, and selling the same, shall be deducted and paid.

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

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 Nine or more of them, from time to time, to vary or alter all, or 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 the same, until the 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.

Trustees may vary the Tolls.

And

Application of the Tolls.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls, 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 Expences 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 Town of Plympton; 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.

Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, That all and every the Gates, 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 dig up, break, pull down, steal, take, carry away, destroy, spoil, or injure, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, which shall be erected by virtue of this Act, or any of the Materials of which the same shall be made, built, or consist.

And, to prevent fraudulent Evasions or Diminutions of the said Tolls, be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Coach, Chariot, Chaise, Waggon, Cart, Dray, Horse, Or, 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, not being the Owner or Occupier of such Ground, Field, or Place, and 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, Waggon, Cart, Dray, Horse, Or, 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, 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, Or, or other Cattle, at or before the same shall come to any of the said 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, so that by any of the Means 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 Five 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, or the said Justice or Justices, is and are hereby impowered 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

Penalty on Persons going thro' or permitting private Passage;

or giving or receiving Tickets, &c.

or taking off Horses, &c.

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 upon whose Oath such Offender or Offenders shall be convicted, and the other Moiety towards the general Purposes of this Act.

Application of the Fines, &c.

Toll to be paid but once a Day.

And be it enacted by the Authority aforesaid, That whosoever shall pay the Toll by this Act granted for the passing of any Carriage or Cattle at any Gate or Turnpike that shall be erected by virtue of this Act, upon, in, across, or on the Side of the said Road; such Person, upon producing a Note or Ticket of the Day denoting such Payment, shall be permitted to pass and repass with the same Carriage or Cattle Toll-free through the same, and every or any other Gate or Turnpike upon the said Road, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock the next Night.

Exemptions from Toll.

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 the same, which shall be used or employed in the Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway; or in the Carriage of any Lime, 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 ploughing, 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 or Out-houses, Yards or Backsides, of the Owner or Owners thereof, or for any Plough, Harrow, Dray, or other Implement of Husbandry, or for any Horse, Mare, Gelding, Ox, or other Beast, drawing or carrying the same in order for the repairing thereof, or using the same in Husbandry, or any thing whatsoever that shall be used or employed in Husbandry or manuring of Land; or for any Horse, Mare, Gelding, Ox, Ass, Mule, or other Beast or Cattle, going to or returning from Water or Pasture, or in order to be shoed; or for any Post-horse carrying any Mail or Packet; or for the Horses of Soldiers upon their March, or for any Waggon or other Carriage, or Horse or other Beast, drawing

drawing or not drawing the same, which shall be loaded with or employed in carrying the Arms or Baggage of such Soldiers; or for any Carriage, Horse, or other Beast, employed in passing Vagrants travelling with lawful Passes; or for any Coach or other Carriage, Horse, or other Beast, of any Inhabitant of either of the said Parishes, passing through any of the said Turnpikes to or from any Church, Chapel, or other Place of religious Worship on Sundays, or attending the Funeral of any Person to be buried in any of the said Parishes; or for any Coach or other Carriage, Horse or other Beast, attending his Majesty, or any of the Royal Family.

Penalty on making illegal Claims.

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 Ten Shillings; One Moiety whereof shall go and be applied to the Use of the Informer, upon whose Oath such Offender shall be convicted, and the other Moiety towards the general Purposes of this Act.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the Guildhall, within the Town of Plympton, on the Twentieth 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 in or near the said Road, as the said Trustees, or any Five or more of them, shall think convenient; and that the said Trustees, or any Five or more of them, may also meet for putting this Act in Execution, at any Place or Places in or near the said Road, at any other Time or Times, in case and as often as it shall be thought necessary, and required, by any Five or more of the said Trustees, by Writing or Writings under their Hands, to be affixed on the Guildhall of Plympton, and on the Market-house of Modbury, or on some other public Place or Places within the said Towns respectively, and likewise on all the Turnpike Gates to be erected by virtue of this Act, at least Seven Days before such Meeting.

Tolls may be assigned for Money borrowed.

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 Nine or more of them, shall and may, from time to time, upon the Credit of the Tolls

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 and Ten Shillings for One hundred Pounds by the Year, any such Sum or Sums of Money as they, or any Nine or more of them, shall think needful; and may, and they are hereby authorized, by Writing or Writings, under their Hands and Seals, or the Hands and Seals of any Nine or more of them, to assign over the said Tolls, or any Part or Parcel 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, 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.

Assignments to be entered in a Book.

Proviso.

Provided always, and be it further enacted by the Authority aforesaid, That the Trustees who shall execute such Assignment or Assignments, or any or either of them, their, any, or either of their Lands or Tenements, Goods or Chattles, shall not, by reason of Signing or Sealing the same, be charged or chargeable with the Payment of the Money thereby secured, or any Part thereof.

No more than 1500 *l.* to be borrowed on the Credit of the Tolls.

Provided also, and be it enacted by the Authority aforesaid, That no more than the Sum of One thousand five hundred Pounds shall be borrowed on the Credit of the said Tolls, unless, after that Sum shall be borrowed, the Person or Persons intitled to Four Fifths thereof, shall consent to the borrowing more, and shall signify such Consent by a Writing or Writings to that Purpose, under his, her, or their Hand or Hands, in which Case, so much more may be borrowed as shall be thus consented to.

All Creditors to be deemed equal in Degree.

And be it enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons whatsoever, advancing any Part or Parts of the gross Sum 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,

send, 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 the Guildhall of Plympton, and the Market-house of Modbury, or on some other publick Place or Places within the said Towns respectively, and likewise upon all the Turnpike-gates that shall be erected by virtue of this Act, at least Ten Days before borrowing the same.

Assignments may be transferred.

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 Nine 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 Months after the respective Dates thereof; who shall make, or cause to be made, a proper Memorial or Entry of all and every 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 the Sum of Two Shillings and Six Pence,

Clerk's Fee.

and no more, by the respective Persons to whom such Assignments 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 making such Assignment to make void, release or discharge the same, or the Money due thereon, or any Part thereof.

Trustees may appoint Officers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine 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 Nine 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 the Guildhall of Plympton, and the Market-house of Modbury, or on some other publick Place or Places within the said Towns respectively, 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 from, or be raised by any of the Ways or Means aforesaid, 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 Attendances, Care, and Services, in those Respects, as to the said Trustees, or any Nine or more of them, shall seem reasonable,

Trustees to allow Officers Salaries.

And

And be it further enacted by the Authority aforesaid, That all and every the Collectors and Receivers of the said Tolls, and all 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 or 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 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 up such Account or Accounts, as aforesaid, or to produce or deliver to the said Trustees, or to 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 or 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 cause to be brought, any Action or Actions in the Names 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

Officers to account upon Oath.

Officers refusing to account,

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 distraining 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 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 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,

Justices to inquire into the Default;

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 Nine 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 Nine or more of them, are hereby authorized and impowered to make and receive.

and may commit the Offender to Gaol,

until he shall conform,

or compound for the same.

And be it enacted and declared by the Authority aforesaid, That that Part of the said Road which lies between the Town of Modbury and Yealmbridge, is intended to be first repaired; and the said Trustees are hereby authorized and directed to order, or cause the same to be done, and to complete the whole of the said Road with as much Expedition as the Produce of the said Tolls will admit.

Trustees may order that Part of the Road which lies between *Modbury* and *Yealmbridge* to be first repaired.

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

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

without paying for the same;

levelling the Pits;

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 lawful to and for the said Trustees, or any Five or more of them, or for 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 of 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, and gathered, taken and carried away, such Sum or 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 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

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

making Satisfaction to the Owners.

Justices may determine Differences.

ment or Order of the said Justices therein shall be final and conclusive to all Parties.

Surveyors to get Materials out of Quarries.

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 to enter into any Lime Quarry, Marble Quarry, or other Quarry, and to take and carry away the small broken Stones, Chipping, and Rubbish thereof, or so much and such Parts thereof as shall be thought fit to be employed in the Repair of the said Road, without paying any thing for the same.

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 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 cut down, top, or lop, and carry away, any Trees, Boughs of Trees, or Bushes, growing in the said Road, or in the Hedges or Banks adjoining thereto; and to open, scour, or cleanse, any Ditch, Drain, or Watercourse, lying, or which shall lie in, or leading, or which shall lead into or out of the said Road, or any Part thereof, in case the Owners or Occupiers, or Person or Persons, occasioning such Annoyances, or who ought to remove the same, or to cut, top, or lop, and carry away, such Trees or Bushes; or to open, scour, or cleanse, such Ditch, Drain, or Watercourse; shall refuse or neglect so to do, for the Space of Ten Days after Notice in Writing to them, any, or either of them, given for that Purpose, or left at their, any, or either of their Places or Place of Abode, under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, or of their Clerk or Clerks for the time being; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, by Writing under their Hands, shall be reimbursed and paid to their Treasurer or Treasurers for the time being, by the respective Person or Persons so refusing or neglecting as aforesaid; and in case such Person or Persons

and cut down Bushes, &c.

cleanse Ditches, &c.

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed to the Surveyors,

sons so refusing or neglecting shall not, upon Demand, pay and reimburse such Charges as aforesaid, the same shall or may, from time to time, be levied by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or of One or more Justice or Justices of the Peace for the said County; which Warrant or Warrants, the said Trustees, Justice or Justices, are hereby impowered and required to grant; by Distress and Sale of the Goods and Chattles of the Person or Persons so offending, returning the Overplus (if any be) after all Charges paid, to the Owner or Owners thereof, upon Demand: And if after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner; every such Person so offending, and being thereof convicted upon Oath, before the said Trustees, or any Five or more of them, or before any Justice or Justices for the said County, shall for every such Offence forfeit and pay to the said Trustees, or to any Five or more of them, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings.

to be levied by Distress and Sale.

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, at any Time or Times during the Continuance of this Act, 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 also to enlarge or widen the said Road in such Part or Parts thereof as shall be thought necessary, by contracting, opening, or removing, any Ditch, Hedge, or Fence, adjoining thereto; and to dig, cut, or make, or cause to be digged, cut, or made, any Ditches, Drains, or Watercourses, in, through, or across any Lands or Grounds, to prevent the said Road, or any Part thereof, from being overflowed with Water; and to erect, or cause to be erected, a Bridge or 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 repaired, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, ruinous Road is repairing, and until

Surveyors may make Causeways,

erect Bridges,

and cut Drains,

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; the Hedges, Ditches, or Fences whereof shall be so contracted, opened, or removed, 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 Temporary 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 or 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 Nine 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 or Grounds lying contiguous thereto, or shall think proper to turn or divert any Part or Parts of the said Road through any Lands or Grounds, for the better Accommodation or Convenience of Travellers; it shall and may be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered to widen, alter, turn or divert the same, or any Part thereof, or 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, or extended beyond the Breadth of Thirty Feet; and for that Purpose to treat, contract,

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

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

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

And whereas it may happen, that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, seised or possessed of Lands or Grounds which, according to the Powers by this Act given, may be necessary to be taken in, and added to, or made Part of, the said Road, may be willing to sell and convey the same for the Purposes aforesaid, but are incapable of so doing 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 Trustees whatsoever, for or on Behalf of any Infants, Ideots, Lunaticks, Femes Covert, or Cestuique Trusts, and for all and every other Person or Persons whatsoever, who are or shall be seised or possessed of, or interested in, any such Lands or Grounds, to treat, contract, and agree with the said Trustees, or any Nine or more of them, for Sale of such Lands or Grounds, or any Part or Parts thereof, for the Purposes aforesaid, or for Satisfaction to be made them respectively 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.

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

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 and Grounds, upon Notice in Writing, describing the Lands or Grounds intended to be purchased, and the Place or Places where the same shall lie, to him or them respectively given, or left

left at his or their Dwelling House or Houses, or Place or Places of Abode, or at the Dwelling House or Place of Abode of the Tenant in Possession of such Land or Ground, or affixed, in case such Land and or Ground shall be untenanted, on the Door of the Dwelling House (if any) or some other most public Place on the Tenement to which such Land or Ground so intended to be purchased shall belong, shall for the Space of Thirty Days after such Notice given or affixed, as aforesaid, refuse or neglect to treat for such Land or Ground, 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 the Matter to be inquired 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 be 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 Land or Ground into the said Road, according to their respective Interests therein; and upon 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 inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereon 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 or Grounds, 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

Jury to assess Damages.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

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sons whomsoever, to all Intents and Purposes whatsoever: And for summoning and returning such Jury or Juries, the said 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 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 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 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 for One single Offence on such Sheriff, his Deputy or Bailiff respectively, who shall make Default in the Premisses; and also to impose any reasonable Fine or Fines not exceeding the Sum of Forty Shillings for One single Offence on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared shall refuse to be sworn on the said Jury; or after having been sworn shall refuse to give, or not giving his or their Verdict of and upon the Matter in Question, or the Damages he or they shall be sworn to try, or to inquire of, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act; and on every or any of the Persons who being required to give Evidence or Testimony before the said Jury touching

Jury to be impanelled and sworn.

Jury may be challenged.

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

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ing the Premisses, shall refuse or neglect to attend or be sworn or examined, or give Evidence or Testimony touching the same.

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 therein and thereby found, and directed to be given for the said Lands 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 to the said Trustees, or any Nine 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, and every Part thereof, and the Fee Simple and Inheritance thereof, and of every Part thereof, shall be, and is hereby vested in such Person or Persons, and in like Manner, as the old Road, or the Part or Parts thereof to which such Lands shall be added, are or shall be by Law vested, without any *Fine* or Recovery, notwithstanding the same Lands 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 Land, and every Part thereof, into the said Road; and then and from thenceforth for ever afterwards such Lands, 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 other Usage, to the contrary thereof in any wise notwithstanding: And in case any Land or Ground shall be purchased for the turning or diverting any Part or Parts of the said Road, and the new Road shall be made and compleated, the Lands and Grounds comprized in, and constituting the old Road, or that Part thereof in lieu of which such new

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

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

and kept in Repair as such.

Old Road may be sold.

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

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

Provided always, and be it further enacted by the Authority aforesaid, That nothing shall be done in pursuance of this Act, either in widening, altering, turning, or diverting the said Road, or otherwise howsoever, which shall or may in any wise injure or damage any House, Yard, Park, Paddock, planted Walk, or Avenue to any House.

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

And be it further enacted by the Authority aforesaid, That all and every Person or 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 Part of the said Road, Bridges, or Drains, in the same Manner as they, 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, and all others who by the Laws and Statutes of this Realm are or shall be obliged or liable to 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 or towards the Repair of such Parts of the said Road by this Act directed to be repaired, lying within the said Parishes, Hamlets, or Places, in which such Persons respectively are, or shall be obliged or liable to perform such Work, 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.

Inhabitants to do Statute-work.

And, to the end that the said Trustees may the more certainly know the several Persons who are or shall be liable to do Statute-work on the Highways, within the several 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 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 in every Year during the Continuance of this Act, to return and deliver in to the said Trustees, at a publick Meeting to be by them holden (Notice of such Meeting being affixed on the Guildhall of Plympton, and on the Market-house of Modbury, or on some other publick Place within the said Towns respectively, and on the several Turnpike-gates to be erected by virtue of this Act, at least Ten Days before such Meeting) true and perfect Lists in Writing under their respective Hands, of the Names of all the Persons liable to Statute Duty on the Highways within such Parishes, Hamlets, and Places respectively; and shall in such Lists, and every of them, distinguish and set forth which of such Persons shall keep a Team or Teams, or shall be by Law deemed so to do, and the Number of Pack-horses and other Beasts of Burden kept by such as do not or are not deemed to keep a Team, and which of such Persons are Labourers or liable to do their Statute Duties as Labourers only: And if any such Surveyor or Surveyors shall not deliver in such Lists, or by such Time and in such Manner as by this Act is directed and required, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Five Pounds.

Surveyors to deliver in Lists of Persons liable to do Statute-work.

Penalty on Surveyors not delivering in such Lists.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall annually adjudge what Proportion of the Statute Labour is fit to be employed on the said Road, in the Course of the ensuing Year, within the several Parishes, Hamlets, or Places, in which the Road hereby intended to be repaired lies, or such of them from which the said Trustees shall think proper to require any Part of the Statute Labour to be performed, on the said Road, and of such Adjudication shall cause a Notice in Writing, under their Hands, or the Hand or Hands of the Treasurer

Trustees to proportion the Statute-work;

20 Days Notice thereof to be given.

surer of Treasurers, Clerk or Clerks, for the time being, to be delivered to the Surveyor or Surveyors of the Highways for the time being of such Parishes, Hamlets, or Places respectively, at least Twenty Days before the General Easter Quarter Sessions of the Peace, to be holden in and for the said County of Devon: And in case such Surveyor or Surveyors of the Highways shall be dissatisfied with any such Adjudication, it shall and may be lawful for such Surveyor or Surveyors to appeal to the said Sessions, and the Justices in such their Sessions are hereby authorized and impowered to adjust and determine what Proportion of the Statute-work, in such Parish, Hamlet, or Place, shall be done on the Road hereby intended to be repaired; such Surveyor or Surveyors of the Highways as aforesaid, having first given Ten Days Notice in Writing of such Appeal to the said Trustees, or to their Treasurer or Treasurers, Clerk or Clerks.

Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

10 Days Notice of Appeal to be given.

And be it further enacted by the Authority aforesaid, That if any or either of the Inhabitants of the said several Parishes, Hamlets, and Places, or other Person or Persons liable by Law to do Statute-work upon the Highways, shall not do such Statute-work, 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 or Persons, and every of them, having Notice to attend the said Trustees at a Publick Meeting, and not shewing there a reasonable Excuse, 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 deemed by Law to keep, a Team or Teams, for every Day's Default for every such Team, the Sum of Ten Shillings; and every Inhabitant or Person keeping a Packhorse, or Packhorses, or Beast of Burden, and no Team, nor deemed to keep a Team, for every Day's Default for every such Horse or Beast and Driver, the Sum of Three Shillings; and every other Inhabitant or Person liable to work on the said Road as a Labourer only, for every Day's Default the Sum of One Shilling and Six Pence: And if any Person or Persons who shall come or be sent as a Labourer or Labourers, or with any Team or Draught, Packhorse, 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

Penalty on Persons not performing Statute-work.

Labourers found idle to be turned off.

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.

Trustees may compound with Inhabitants.

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 or Sums of Money, by the Day or otherwise, not exceeding a Year, 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 other 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 be 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, Oath first being 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, or of the Surveyors or Surveyor 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 be) after deducting the Charges of such Distress and Sale, to the Owner or Owners thereof upon Demand: And in case the Surveyor or Surveyors of the Highways of every Parish, Hamlet, or Place, for and 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 the Goods and Chattles, in Manner herein before directed; then, and in either of the said Cases, such Surveyor or Surveyors shall be repaid and reimbursed the Composition Money which

Composition Money how to be recovered,

Surveyors to be reimbursed.

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.

Roads to be measured, and Mile-stones erected.

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 fixed 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 or either 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, 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; and such Forfeitures, or a sufficient Part thereof, are 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) to the general Purposes of this Act.

Penalty on defacing Mile-stones, &c.

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 (otherwise than and except upon Wheel Carriages) every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

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 thereby,

thereby, 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 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 or 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 Purpose of this Act: And for the Recovery of the said Penalties, Fines, and Forfeitures (or of 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, 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: And if any more Money shall at any Time or Times be raised and levied by such Distress and Sale, 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 Case, 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 Months

For want of sufficient Distress, Offender to be committed.

Months for the First Offence, or until such Penalties, Fines, or 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 Months, or until such Penalties, Fines, or 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.

Penalty on a Second Offence.

Constables indemnified.

And be it further enacted by the Authority aforesaid, That all Constables, and other Peace Officers, shall, and they are hereby required to, execute all and every Warrant or Warrants of Distress or Commitment which shall be brought to them respectively for that Purpose, under the Hand and Seal, or Hands and Seals, of a Justice or Justices of the Peace, or of a competent Number of the Trustees hereby authorized to issue the same, and shall be indemnified in so doing by and out of the said Tolls; and if any Constable, or other Peace Officer, shall refuse or neglect to execute any such Warrant or Warrants, the Person or Persons so refusing or neglecting 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 Five Pounds, to be applied to the general Purposes of this Act, and to be recovered as other Penalties, Fines, and Forfeitures, are herein before directed to be recovered, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or of One or more Justice or Justices of the Peace of the County or Place where such Constable, or other Officer, shall be or reside, to be directed to the High Constable of the Hundred, or some other proper Person or Persons.

Penalty on their Neglect,

how to be recovered.

Pecuniary Penalties how to be recovered.

Provided always, and be it further enacted by the Authority aforesaid, That where any Person shall, by virtue of 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 Names, or in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers for the time being, by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at Westminster; 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 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 for 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 of such Appeal, and may, if they see Cause, vacate or alter such Conviction or Convictions, Commitment or Commitments, or annul or mitigate, at their Discretion, any Penalty or Penalties laid on or incurred by the Party or Parties appealing; and if any Money shall have been received in Consequence thereof, may order the same, or any Part thereof, to be refunded, 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 General or Quarter Sessions shall be final and conclusive to all Parties concerned or interested therein.

Notice of Appeal to be given.

Proceedings not to be quashed for want of Form, nor removable by *Certiorari*.

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 removable by Certiorari,

or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

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

And be it further enacted by the Authority aforesaid, That no Order made by any Five or more Trustees 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 Nine 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 first Day of June, 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.

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

Provided nevertheless, That if at any Time before the Expiration of the said Term, the said Road shall be sufficiently amended and repaired, and shall be so adjudged by the Justices of the Peace for the said County of Devon, at their General Quarter Sessions to be holden in and for the said County; that then, and from and after such Adjudication, and Repayment of the Money borrowed, with Interest for the same, and the Costs and Charges thereof, and what shall be due to any Person or Persons on Account of the said Road, the Tolls hereby granted shall cease and determine; any thing herein contained to the contrary notwithstanding.

Proceedings to be entered in a Book.

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

ings respectively shall be made, directed, or done, and such Orders so entered shall at the same Meeting or Meetings respectively be signed by the Trustees present, or a competent Number of them, or by their Clerk or Clerks, Treasurer or Treasurers for the time being, 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; all which said 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.

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 Five 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 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 on the Guild-hall of Plympton, and on the Market-house of Modbury, or on some other Publick Place or Places within the said Towns respectively, and on all and every the Turnpike-gates which shall be 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.

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

Notice of Election to be given.

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

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

ered 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 and every such Meetings.

Trustees to defray their own Expences.

In Default of a sufficient Number of Trustees to act,

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 the Guildhall of Plympton and Market-house of Modbury, or on some other publick Place within the said Towns respectively, 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 have been held.

20 Days Notice to be given of another Meeting.

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 said Trustees appointed or to be appointed by virtue of this Act, as is, or 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 shall be capable of acting either as a Trustee or Justice.

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 of 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.

And

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 holding, taking, or enjoying, any Place or Places of Trust or Profit under this Act, during such Time as he or they shall keep such Inn, Alehouse, or other publick House of Entertainment as shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail. No Victualler, &c. shall hold any Place of Profit.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, 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, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning, or in Execution of, any of the Powers or Authorities hereby given, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and they 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 Nine 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, such Limitation of Actions. General Issue.

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 such 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 Actions, 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 Cause or Causes shall be tried, whereby it may appear that such Action or Suit was prosecuted against the Defendant or Defendants for some Matters 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 whatsoever, without specially pleading the same.

FINIS.