Anno tricesimo tertio

Georgii II. Regis.

An Act for repairing several Roads leading to the Town of *Oakhampton*, in the County of *Devon*.



WHEREAS the Roads leading from Crockerton-Well, in the Parish of Cheriton Bishop, through the Parishes of Cheriton Bishop, Drewsterington, Hittisley, South Tawton, Sampford, Courtenay, Belstone, and Oakhampton, through the Town and Borough of Oakhampton, and from thence through the Parishes of Oakhampton, Sourton, and Bridestow, to Coombe Bowbridge, in the Parish of Bridestow aforesaid; and from a Place called Haley's House, in the Road aforesaid, in the said Parish of Sourton, through the Parishes of Sourton, Bridestow, and Lydford, to the Cross-way near the Vil- Preamble

lage of Down Town, in the said Parish of Lydford; and from the Town of Oakhampton aforesaid, through the Parishes of Oakhampton, Sampford, Courtenay, Northawton, Bow, otherwise Nimmett Tracey, to the White Hart in the said Parish of Bow, otherwise Nimmett Tracey; and from the Town of Oakhampton aforesaid, through the Parishes of Oakhampton and Jacobstowe, over Bear-Bridge, to Long Down Gate, in the Parish of Jacobstowe aforesaid; and from the Town of Oakhampton aforesaid, through the said Parish of Oakhampton, to Chichácott Wood Gate, in the said Parish of Oakhampton; and from the Town of Oakhampton aforesaid, through the Parishes of Oakhampton and Inwardleigh, to a House called Folley, in Inwardleigh aforesaid; and from the Town of Oakhampton aforesaid, by Castle Mills, through the Parishes of Oakhampton and Sourton, to Stoneing Steps Gate, in the said Parish of Sourton, are very ruinous, and cannot be amended by the ordinary Course of Law; May it therefore please your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir Richard Warwick Bampfylde, Sir William Courtenay, James Buller, George Bridges Rodney, Robert Vyner junior, Esquires; the Worshipful Mayor, Recorder, Deputy-Recorder, principal Burgesses, Assistants, and Town-Clerk, of the Town and Borough of Oakhampton for the time being; Peter Burrel Esquire, Manister Bernard Clerk, John Cann, Richard Clarke, Gentlemen; John Dennis Clerk, Benjamin Eastabrooke, James Battishill, Thomas Battishill, Gentlemen; William Battishill Sadler, Colston Fellowes, William Foulks, John Fulford, George Fursdon, Henry Fothergill, John Harris, Esquires; Arthur Harris, John Hockin, Clerks; William Helyar, George Hunt, Esquires; Thomas Hole Clerk, John Lambert, Thomas Corindon Luxmoore, Henry Luxmoore Gentlemen; William Moore Clerk; Thomas Northmore, Robert Lydstone Newcombe, Esquires; John Lightfoot, Philip Lane, Gentlemen; William Long Oxenham, George Oxenham, George Lethbridge, Thomas Lethbridge, Esquires; John Lethbridge Clerk, William Ponsford of Ford, Gentleman; William Pedlar Shopkeeper, Christopher Limebear, John Commings, Jonathan Rashleigh, Esquires; John Steere, John Legg, William Kelland, Robert Clapp, Gentlemen;

Trustees Names.

Thomas

Thomas Pitt, Thomas Pitt the younger, Arscott Bickford, John Rolle Walter, John Woolcombe, Esquires; Peter Trosse Gentleman, John Oliver Williams, Humphry Morice, Browse Trist, Browse Hoar Trist, Esquires; John Cann junior, John Steere, William Pedlar of South Tawton, Yeoman; George Bickford Surgeon, John Hippisley Cox Esquire, Shilstone Calmady Esquire, Thomas White Clerk, Henry Arthur Fellowes, William Fellowes, James Buller junior, John Tossell, Esquires; shall be, and they are hereby appointed Trustees for putting this Act in Execution: And it shall be lawful to and for the said Trustees, and the Survivors of them, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, to erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, and also a Weighing Engine or Weighing Engines, in, upon, or cross, or on the Sides of, each of the said Roads, or any Part or Parts thereof, and also a Toll-house or Toll-houses, in, or upon, or near, the same, by and out of the Tolls and Duties arising, or the Money to be borrowed by virtue of this Act; and shall demand, receive, and take, at every such Gate or Turnpike, the Tolls and Duties following, before any Horse, or other Cattle, or Carriage, shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes, &c.

and take the following Tolls thereat.

The Tolls.

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

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

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

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

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

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

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

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

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

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as, a Toll or Duty; and the Money so to be raised and collected is and shall be hereby vested in the said Trustees for the time being, and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses and Purposes, and in such Manner, as is herein after mentioned (the reasonable Charges expended, or to be expended, in, or about, or by reason of passing this Act of Parliament being first deducted and paid): And it shall 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, appoint, to demand and take the Tolls or Duties hereby required to be paid, and to levy the same upon any such Person or Persons who shall, after Demand thereof made, neglect or refuse to pay the same, as aforesaid, by Distress of any Horse or Horses, or other Cattle, or of any Carriage upon which any Toll or Duty is by this Act imposed, or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep the same until such Tolls or Duties, with the reasonable Charges of such Distress, detaining and keeping the same, shall be fully paid and satisfied; and after the Space of Four Days, such Person or Persons, so distraining (in case such Tolls, with the reasonable Charges incident to such Distress as aforesaid, shall remain unpaid or unsatisfied) shall and lawfully may sell the

Tolls vested in the Trustees.

Distress may be sold after 4 Days.

the said Cattle, Carriage, or Goods, so distrained, for Payment thereof, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls, Duties, and all reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Tolls to be paid but Once a Day.

Provided always, That in case there shall be more than One Gate or Turnpike erected cross any One of the said Roads, or on the Sides of any One of the said Roads, hereby intended to be repaired and amended, as aforesaid, no Person or Persons, having paid the said Toll or Duty at the First Gate or Turnpike through which such Person or Persons shall have passed, and producing a Note or Ticket, taken at such Gate, that such Toll or Duty was paid (which Note or Ticket the Receiver and Receivers, Collector and Collectors, is and are hereby required to give gratis) shall be liable to pay any Toll or Duty at any other of the said Gates or Turnpikes upon the same Road, such Person or Persons producing and delivering the said Note or Ticket to the Receiver or Receivers, Collector or Collectors, of the said Toll or Duty at the latter Gate or Turnpike the same Day; and no Person or Persons having Occasion to pass the Place or Places where the Tolls or Duties are taken, who shall return the same Day before Twelve of the Clock at Night with the same Horse, Ass, Mule, or other Cattle, or the same Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Chair, Car, Calash, Caravan, Hearse, Waggon, Wain, Frame, Dray, Cart, or other Carriage, shall be liable or compelled the same Day to pay the said Toll or Duty more than Once.

Penalty on Persons going thro' or permitting private Passage,

And be it further enacted by the Authority aforesaid, That if any Person or Persons, having paid any of the said Tolls or Duties by this Act granted, and having such Note or Ticket, Notes or Tickets, shall offer, give, or dispose of the same to any Person or Persons (except the Person or Persons appointed to collect and receive the Tolls hereby made payable) or if any Person or Persons shall receive, or make use of any such Note or Ticket which shall be forged, or for which the Toll shall not have been paid; or if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Frame, Cart, Dray, or other Carriage, go or pass through any Ground, Parcel of Land, or other Place, adjoining to, or lying near, any of the Gates

or

or Turnpikes to be by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any Ground, or Land, which shall adjoin or lie near to any of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Frame, Cart, Dray, or other Carriage, to go or pass through such Ground, or Land; or if any Person or Persons shall, at any Time or Times, take off, cause or suffer to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Car, Chaise Marine, Chair, Caravan, Hearse, Waggon, Wain, Frame, Cart, Dray, or Carriage as aforesaid, at or before the same shall come to any Gate or Turnpike 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 said Roads, any Carriage or Cattle chargeable with or liable to pay any of the Tolls by this Act imposed, whereby the Payment of any of the said Tolls shall be evaded; that then, and in either of the aforesaid Cases, every Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace, of and for the County of Devon, or Place where the Offence shall be committed (which said Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, whereof One Moiety shall be paid to the Informer or Informers, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Uses, and the other Moiety shall go and be applied towards amending the said Roads.

or taking off Horses;

to avoid Payment of the Tolls.

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

Trustees may erect Side-gates,

and take Tolls thereat.

ble Charge upon any Person or Persons passing through any other of the Gates or Turnpikes to be erected by virtue of this Act.

Provided also, and be it hereby further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Car, Caravan, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the said County of Devon, or going to or returning from the Election of a Burgess to serve in Parliament for the Borough of Oakhampton, on the Day or Days of such Election respectively. No Toll on Election Days.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Gates, Turnpikes, and Toll-houses, Weighing Engines, and other Works, which shall be erected by virtue of this Act, and of the Materials of which the same shall consist, shall be and are hereby vested in the Trustees, appointed or to be appointed by or in pursuance of this Act; and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring or cause any Actions to be brought in the Names of any Five or more of them, or in the Name or Names of their Clerk or Treasurer for the time being, or to prefer or cause Bills of Indictment to be preferred against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, or any Part thereof. Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, may and are hereby authorized and impowered to chuse, and by Writing under their Hands and Seals to appoint, a Clerk or Clerks, Treasurer or Treasurers, and appoint Collectors of the Tolls or Duties aforesaid, and also a Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same are repaired, and such other Officers as they, or any Five or more of them, shall think necessary for the Execution of this Act, and from time to time to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and to appoint new Ones on their Death or Removal; and that all Persons, who shall be appointed as aforesaid, to receive the said Trustees to appoint Officers, and remove them and appoint others;

Tolls or Duties, or any Monies which shall be raised, collected or received, by virtue of this Act, shall, upon Oath, when thereunto required by the said Trustees, or any Five or more of them (which Oath any One of the said Trustees are hereby impowered to administer, and for administering of which Oath no Fee shall be taken) on the First Tuesday in every Month, or oftener, if the said Trustees, or any Five or more of them, shall so require, give in a true, exact, and perfect Account in Writing, to the said Trustees, or any Five or more of them, of all Monies which such Persons shall to such Time respectively have received by virtue of this Act, and how, and to whom, and for what Uses, such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments; and in case any Money so received shall remain in their respective Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall impower to receive the same, and shall be laid out and disposed of according to the true Intent and Meaning of this Act; and the said Trustees, or any Five or more of them, to whom such Account shall be given, may and shall, out of the said Tolls or Duties, make such Allowance to the said Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such other Persons as shall be assisting to them, or any or either of them, in or about repairing or widening the said Roads, or any Part thereof, as to the said Trustees, or any Five or more of them, shall seem reasonable: And in case such Collectors, Receivers, Clerks, Treasurers, or other Officers, or any of them, shall not give in such Account, and make such Payment, or produce and deliver up the Receipts and Vouchers relating to the same, or verify the Articles thereof on Oath, when required so to do; then, and in either of the Cases aforesaid, any One or more Justice or Justices of the Peace for the County of Devon, or Borough of Oakhampton, where the Officer or Officers, Person or Persons, neglecting or refusing shall respectively be or reside, shall make Enquiry concerning such Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward)

and commit upon Oath.

until he shall comply.

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

without paying for the same; if sufficient Materials cannot be had there, they may be taken in private Grounds.

Officers refusing to account;

Justices to enquire into the Default,

and if such Person shall be thereof convicted, such Justice or Justices shall commit the said Offender to the Common Gaol of the County or Place where the Offence shall be committed, there to remain, without Bail or Mainprize, until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with such Trustees, or any Five or more of them, and have paid such Composition to the said Treasurer or Treasurers, or other Officer or Officers, to be by them appointed to receive the same, which Composition the said Trustees, or any Five or more of them, at any Meeting, are hereby impowered to make.

and commit the Offender to Gaol,

until he shall conform.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Persons as he or any Five or more of the said Trustees shall appoint, to dig, gather, take, and carry away, or cause to be digged, gathered, taken, or carried away, any Gravel, Furze, Heath, Sand, Stones, Chalk, Flint, or other Materials for repairing the said Roads, out of any River, Brook, Waste, or Common Grounds, in any Parish, Town, Village, or Hamlet, wherein or near which the said Roads do lie, without paying any thing for such Materials; 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 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 the repairing of 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,

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

without paying for the same;

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

House, or inclosed, set apart, or used as a Plantation or Nursery of Trees) they the said Trustees, Surveyor or Surveyors, or other Person or Persons, or some or one of them, paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, in, from, or over, which such Materials shall be cut, digged, gathered, taken, and carried away, such Sum 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 said County of Devon, on Ten Days Notice thereof, to be given in Writing by the said Surveyor or Surveyors, to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families) shall hear, settle, and determine, the Matter of such Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners.

Justices to determine Differences relating thereto.

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 Chipping and Rubbish thereof, without paying any thing for the same, on Notice being given to the Owner or Occupier, or to some or One of his Family, at least Two Days before such taking and carrying away as aforesaid.

Trustees, &c. may take away the Rubbish of Quarries, without paying;

after Two Days Notice.

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, as aforesaid, or any other Person or Persons by them, or either of them appointed or employed, may and are hereby authorized and impowered (they the said Surveyor or Surveyors, or other Persons, having a Warrant or Order

Surveyors may make Causeways,

der from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively) to make, or cause to be made, any Causeway or Causeways, in or along the Side or Sides of any Part or Parts of the said Roads; and shall and may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across the said Roads, or any Part thereof; and may and shall make, raise, or erect, any Mounds or Banks, or dig or cut, or cause to be digged or cut, any Drains or Watercourses, in, through or across any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damages they may thereby sustain, as to the said Trustees, or any Five or more of them, shall seem meet; 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.

erect Bridges,

and cut Drains;

making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforesaid, That it may and shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove and carry away all Annoyances, on any Part of the Roads aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, cross, or out of the said Roads, to the Prejudice thereof, and to open, scour, or cleanse, any Watercourses or Ditches adjoining to the said Roads, and make the same as deep and large as he or they shall think proper or necessary, and to make any new Drains adjoining to the said Roads, so as the same be not made through any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or any Plantation or Nursery for Trees; and to grub up or cut down, lop or shroud, any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove such Annoyances, or to grub up, cut down, lop, shroud, and carry away, such Trees or Bushes as aforesaid, or to open, scour, or cleanse, such Watercourses or Ditches, for the Space of Five Days next after Notice in Writing given for that Purpose, under the Hand

Surveyors may remove Annoyances,

and turn Watercourses,

the Owners neglecting to do the same after Notice.

of Hands of the Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, the Charges whereof shall be certified by the said Trustees, or any Five or more of them, and reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers so neglecting to grub up, cut down, lop, shroud, and carry away such Trees or Bushes, or to remove such other Annoyances as aforesaid; such Charges to be recovered, levied, and disposed of, in such Manner as the Tolls and Duties by this Act imposed are herein after directed to be recovered, levied, and disposed of; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person so offending, and being thereof convicted on Oath, shall for every such Offence forfeit unto the said Trustees Forty Shillings, to be disposed of and applied in repairing the said Roads.

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

Trustees may make a temporary Road,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Turnpike Surveyor or Surveyors, by Order of the Trustees, or any Five or more of them, to make or cause to be made a temporary Road, through the Grounds adjoining to any narrow or ruinous Part of the said Roads (not being the Ground whereon any House or Building stands, or a Garden or Orchard, or Yard, Park, or planted Walk, or Avenue to any House, or any Parcel of inclosed Ground, set apart and used as a Plantation or Nursery for Trees) to be made use of as a publick Highway, whilst the old, narrow, or ruinous Road is repairing or widening, and until such Time as it shall be for benefit and ease for Passengers and Carriages to pass the Road so repaired or widened, and no longer, making such reasonable Satisfaction to the Owners and Occupiers of the Ground, through which such temporary Road shall be made, as shall be adjudged by the said Trustees, or any Five or more of them; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching the Damages and Satisfaction, it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Sessions to be holden for the said County, to hear and finally determine the same.

while the old Road is repairing or widening.

making Satisfaction to the Owners of the Grounds.

Justices may determine Differences.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Five or more of them, shall think proper to widen, turn, divert, or alter, any Part or Parts of the said Roads, the said Trustees, or any Five or more of them, shall have full

Trustees may contract with Persons for the Purchase of Lands to be laid into the Road, &c.

Power and Authority, from time to time, to contract and agree with any Owners or Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Roads, for the Purchase thereof, or for the Loss or Damage they may sustain by such widening, turning, or altering, of any Part of such Roads; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage as aforesaid, such Sum or Sums of Money as shall be agreed upon between such Owners, Occupiers, or Persons interested as aforesaid, and the said Trustees, or any Five or more of them, and also the Costs and Charges attending such Agreement and Purchase: And it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all other Persons whatsoever, to contract and agree with such Trustees, for such Purchase or Recompence as aforesaid; and all Agreements and Conveyances which shall be so made, shall be valid and effectual, to all Intents and Purposes whatsoever; and all such Persons, so making and conveying the same, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Surveyors to be reimbursed the Charges

Penalty of a Second Offence.

Bodies Politic, &c. may contract for the Sale of Lands, &c. for any Road.

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for as aforesaid, shall be, and is and are hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons, or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk to the said Trustees, for the Use of such Persons, and after Thirty Days Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Roads, such Ground, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with

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

with relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and after the Purchase of the said Lands, Grounds, or Hereditaments, and Tender of Payment, as aforesaid, such Lands, Grounds, and Hereditaments, shall be laid into, and made, and deemed, and be from thenceforth, Part of the said Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Roads so widened, turned, or altered, was or ought to have been repaired and kept in Repair; and the Lands and Grounds comprised in, or constituting, the former Road, and which shall no longer be necessary to be used as such, shall be vested in and sold by the Trustees, or any Five or more of them, for the best Price that can be got for the same, and the Money arising thereby shall be applied for the repairing of the said Roads; and the Sale and Conveyance of such Lands, Grounds, or Hereditaments, being executed by any Five or more of the Trustees, and inrolled with the Clerk of the Peace for the County of Devon, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Lands when purchased to be deemed a publick High way,

and kept in Repair as such.

Old Road may be sold.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Trustees, or any other Person or Persons, interested in such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added to, the said Roads, or through which such Roads are to be turned or altered as aforesaid, shall, by the Space of Thirty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Devon (which Oaths any One or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, Proprietors, or other Person or Persons interested in such Lands, Grounds,

Where Persons refuse to treat, &c. for Sale of such Lands, &c.

Jury to settle the Recompence.

Grounds, or Hereditaments; and, in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any One or more of such Trustees are hereby impowered and directed to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all such other lawful Ways and Means, as well for their own as for the said Jury's better 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 enquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Judgement, Order and Determination, so had and made, shall be final, and binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same: And for the 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 County of Devon, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons or more, to appear before the said Trustees, or any Five or more of them, at such Time and Place

Trustees to examine Witnesses on Oath.

Verdict of the Jury to be conclusive to all Parties.

Trustees to issue their Warrants to the Sheriff, to impanel and summon a Jury.

as in such Warrant shall be appointed, and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers by, or that can speedily be procured, to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power from time to time to impose such Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, and refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing shall refuse to be examined and give Evidence, and from time to time, to levy such Fine or Fines, in the same Manner as any other Penalty is hereby directed to be levied; so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Use, and in such Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

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

Fine not to exceed 10 *l.*

Buildings not to be injured, &c.

Provided always, That this Act, or any Thing herein contained, shall not extend to authorize, enable, or impower, any Person or Persons whatsoever, to take down or destroy any Dwelling-house or other Building, or to take in or lay open any Park, walled Garden, Park, Paddock, planted Walk or Avenue to any House, without the Consent of the Owner or Proprietor thereof.

And forasmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act imposed or granted will not be sufficient for the speedy amending of the Roads hereby directed to be repaired; be it

Tolls may be assigned for Money borrowed.

Be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby impowered from time to time, by any Writing or Instrument under their Hands and Seals, without any Stamp to be impressed thereon, to borrow any Sum or Sums of Money, for the more speedy and effectual Execution of this Act, and so as such Sum to be borrowed shall not, at any One Time, exceed in the whole the Sum of Eight Thousand Pounds, and to assign over and mortgage the said Tolls or Duties, or any Part thereof (the Costs and Charges of such Assignment to be borne and paid out of such Tolls or Duties) for any Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof, by, and out of the Monies arising or to be collected by the said Tolls or Duties, with such Interest for the same, as the said Trustees, or any Five or more of them, shall think fit and agree to give; which said Money so to be borrowed, shall, after paying the Expences of obtaining this present Act, be applied and disposed of, as the said Tolls or Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and no Preference shall be given to any Person or Persons advancing any Part or Parts of the Sum so to be borrowed, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders, and Persons to whom such Assignments and Mortgages shall be made as aforesaid, shall (so far as the said gross Sum shall extend) be, and are hereby declared to be, Creditors on the said Tolls or Duties, in an equal Degree one with another; and that all and every the original Assignment and Assignments, Mortgage and Mortgages, so to be made by the said Trustees, for securing such Sum or Sums of Money, shall be entered at Length in a Book to be kept for that Purpose, by the said Clerk or Clerks, Treasurer or Treasurers; which said Book shall and may be perused at all reasonable Times, by any Person or Persons whatsoever, without Fee or Reward; but no Money shall be borrowed by the said Trustees, upon the Credit of the said Tolls, after their first entering, unless Fourteen Days Notice be previously given thereof, by Writing u-

Jurors may be challenged.

Trustees may not impose a Fine upon any Person for not executing the Office of Trustee.

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

der the Hand of the Clerk of the said Trustees, and be, by Order of the said Trustees, or any Five or more of them, affixed upon all the Turnpikes erected by virtue of this Act.

Assignments may be transferred.

And be it further enacted, That all and every Person and Persons, to whom any such Assignment or Assignments, Mortgage or Mortgages, shall be made by the said Trustees, or any Five or more of them, or who shall be intitled to the Money thereby secured, may and are hereby impowered from time to time, by Words of Assignment to be indorsed on his, her, or their Security or Securities, to assign or transfer such Security or Securities, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any other Person or Persons whatsoever; and such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign the same again.

Entries to be made of all Assignments.

And be it further enacted by the Authority aforesaid, That all and every Transfer or Assignment of any Security of the said Tolls or Duties, shall, from time to time, be produced or notified to the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, for the time being, within the Space of Two 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 and 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, 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

Clerk's Fee.

the

the Person or Persons making such Assignment, to make void, release, or discharge the same, or the Money due thereon, or any Part thereof.

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

Exemption from Tolls.

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

tle, going to or returning from any Mill or Wills, or going for or returning with Turf, or going to or returning from Water or Pasture for the Purpose of watering or grazing only, and not going for or coming from Sale, except as herein after excepted, 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 or not drawing the same, which shall be loaden with or employed in carrying the Arms or Baggage of such Soldiers; or for any Carriage, Horses or other Beast, employed in passing Vagrants travelling with lawful Pasts; nor from any Inhabitants of any of the said Parishes, who shall pass through any of the said Turnpikes to or from his or their respective Parish Church, Chapel, or other Place of religious Worship on Sundays, or who shall attend the Funeral of any Person to be buried in any of the said Parishes.

Particular Exceptions.

And to prevent the evading the Payment of the Tolls, under Pretence of Horses or Cattle going to or returning from Water or Pasture, be it further enacted by the Authority aforesaid, That no Horse, Mare, Gelding, or Cattle, shall be exempted from paying the respective Tolls by this Act granted and made payable, which shall be going to or from Water, or to or from Pasture, beyond the Distance of Three Miles from the First Turnpike-gate through which such Horse, Mare, Gelding, or Cattle, shall pass; and that in case of any Horse, Mare, Gelding, or Cattle, going to or coming from Water or Pasture, the Person or Persons going through any of the said Gates or Turnpikes with or for the same, shall pay the usual Tolls at the said Gates or Turnpikes, and receive from the Collector there a particular Ticket, which shall be called A Water or Pasture Ticket, with the particular Hour of the Day when such Person or Persons went through the said Gate with or for such Horse, Mare, Gelding, or other Cattle, which Ticket the respective Collectors are hereby required to give gratis, on Receipt of the Toll; and on such Person or Persons returning to the said Gate with the said Horse, Mare, Gelding, or other Cattle, if from Water, within Two Hours, or if from Pasture, on the same Day, and within a reasonable Time after he or they shall have so first gone through the same, such Person or Persons shall receive the Money so paid as Toll back again; and that no Horse,

Mare,

Ware, Cloths, or other Cattle, shall be exempt from paying the respective Toll or Tolls, on account of going to Water or Pasture, unless under these Circumstances; and in case any Frauds shall be committed, or Disputes shall arise concerning the same, such Disputes shall be determined by the Trustees, from time to time, at their respective Meetings; whose Determinations thereupon respectively shall be final; any thing in this Act to the contrary notwithstanding: And that all and every Person or Persons, who shall at any Time evade the Payment of any of the Tolls granted by this Act, under Pretence of going to Water or Pasture, and shall be convicted thereof before the said Trustees, or any Five or more of them, or before any One Justice of the Peace for the said County, by Confession of the Party, or by the Oath of One or more credible Witness or Witnesses (which Oath the said Trustees, or any Five or more of them, or such Justice, are and is respectively impowered to administer) such Person or Persons shall, for every such Offence, forfeit the Sum of Twenty Shillings, to be recovered, levied, and applied in Manner herein after mentioned.

Penalty on making illegal Claims.

Provided also, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the said Tolls, or any of them, may be eluded, such Person shall forfeit and pay the Sum of Forty Shillings, to be recovered and applied in Manner herein after directed.

Repairs to be begun at *Oakhampton*, and carried on progressively.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, in the first Place, begin the Repair of the said Roads, or cause the same to be begun, at the Town of Oakhampton; and from thence shall regularly and progressively carry it on, as the Produce of the said Tolls, and Money borrowed, or to be borrowed, will admit.

Trustees not to repair Bridges, &c.

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 upon the Credit thereof, in paving or repairing any Bridge or Bridges, or any Part of the Roads directed to be repaired by this Act, or the paved or pitched Streets of the Town of Oakhampton, lying on the East Side of the Western Bridge of the said Town; but

but that such Bridge or Bridges, and paved or pitched 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.

Proviso. Provided also, That nothing herein contained shall extend, or be construed to extend, to impower the said Trustees, or their Successors, or any of them, to erect, or cause to be erected, any Gate or Gates, Turnpike or Turnpikes, for collecting the said Tolls, between the White Hart in the said Parish of Bow, otherwise Nimmetts Tracey, and a certain Place called Stone Cross, in the Parish of Northampton aforesaid, so as to obstruct the Way between the said Towns of Northampton and Bowden.

Persons, &c. chargeable to the Repairs of the Highways, to continue so. Provided also, and it is hereby enacted, That all Persons who by Law are obliged or liable to perform the Work in the Highways for the repairing thereof (commonly called Statute Work) or chargeable towards amending the same, shall still remain liable and chargeable, and do their respective Works in the Parishes in which the said Roads do lie, in such Manner as such Persons ought to have done before the passing of this Act; and shall, and are hereby required to do and perform such and so many Days Work, in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint: And every Inhabitant of the said Towns, Parishes, Hamlets, or Places respectively, who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work, in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Surveyors to deliver in Lists of Persons liable to do Statute-work. And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the Highways for the respective Towns, Parishes, or Hamlets, wherein any Part of the said Roads do lie, and in case no Surveyor or Surveyors is or are appointed for such Townships, Parishes, or Hamlets, then the Churchwardens or Overseers of the Poor of such Townships, Parishes;

Parishes, or Hamlets, shall, and are hereby required, at the first Meeting of the said Trustees after the Twenty fifth Day of March, in every Year during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the said Trustees, or any Five or more of them, upon Oath (which Oath they are hereby impowered to administer) true and perfect Lists in Writing of the Names of the several Persons who, within each Township, Parish, or Hamlet respectively, are obliged by this Act, or by any other Law, to do their Statute Work for that Year, with Teams and Draughts, or otherwise, in or upon the said Highways; and shall, in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall keep a Team or Teams, or be deemed by this Act so to do, and the Number of Packhorses, or other Beasts of Burden, kept by such of the said Inhabitants as do not, or by this Act are not deemed to keep a Team, and which of the said Inhabitants are Labourers, or liable to do their Statute Duty as Labourers only; Part of which said Statute-work shall be done at such Times, in such Manner and Proportions, and in such Part of the said Roads directed to be repaired by this Act, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall, from time to time, at any of their Meetings, direct and appoint: And if any such Person as aforesaid, shall neglect or refuse to do such Statute-work, every such Person 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 who shall keep, or shall by virtue of this Act be deemed to keep, a Team, for every Day's Default the Sum of Five Shillings; and every other Inhabitant keeping a Pack-horse or Pack-horses, or other Beast of Burden, and not keeping, or not deemed by this Act to keep, a Team, for every Day's Default for every Pack-horse, Beast, and Driver, the Sum of Two Shillings; and every other Inhabitant, or Person liable to work on the said Roads as a Labourer only, the Sum of One Shilling for each Day's Default: And if any Person or Persons, who shall come as a Labourer or Labourers, or be sent with any Team or Draught, Pack-horse, or Beast of Burden, to work on the said Roads, shall be found idle or negligent by the said Turnpike Surveyor or Surveyors,

Penalty on Neglect of Duty.

Labourers found idle to be turned off.

such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person and 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; and in case any of the said Surveyors of the Highways, Churchwardens, or Overseers of the Poor, shall refuse or neglect to deliver in true and perfect Lists as aforesaid, then every such Surveyor, Churchwarden, and Overseer, shall, for every such Neglect or Refusal, forfeit the Sum of Five Pounds.

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

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes by and with the Consent of the Inhabitants of such Parishes first had at a Vestry or other publick Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the Trustees, or any Five or more of them, for or in lieu of the Statute-work to be performed by the Inhabitants of such Parishes upon any Part of the said Roads; and if such or any future Surveyor or Surveyors shall pay such Composition-money, or the same shall be levied on him or them, he or they shall be reimbursed the Monies so by him or them paid, or levied on him or them, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways: And in case such Composition-money shall not be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same, within Fourteen Days after the same shall be demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the County of Devon, or Town and Borough of Oakhampton, within whose Jurisdiction such Highways lie (upon Oath made before him or them of such Default) and he and they is and are hereby required to issue a Warrant, under his Hand and Seal, or under their Hands and Seals, impowering such Persons, to the said Trustees, or any Five or more of them, appointed to receive such Composition-money, to levy the same by Distress and Sale of the Goods and Chattles of the Surveyor or Surveyors of the Highways, for the time being, of the Parish or Parishes respectively; and such Goods and Chattles so distrained after the Space of five Days (such Composition-money and the reasonable

Surveyors with Consent of the Inhabitants, may compound with Trustees for Statute-work, &c.

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

Composition-money how to be recovered and applied.

Charges

Charges of distraining and keeping the same not being paid) to sell, returning the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after the said Composition-money, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; which Composition-money shall be, by the said Trustees, or any Five or more of them, applied towards amending the said Road, and to no other Use or Purpose whatsoever.

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

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

14 Days Notice of Appeal to be given.

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, shall direct, and they are hereby required to cause the said Roads to be measured, and Stones or Posts to be set up, in or near the Sides of the said Roads, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from London, or any other Place, as to the said Trustees, or any Five or more of them, shall seem meet: And if any Person shall wilfully and maliciously break, pull up, injure, or destroy, any of such Stones or Posts as shall be so erected, or shall obliterate or deface any of the Letters, Figures, or Marks,

Penalty on defacing Mile-stones, &c.

which shall be inscribed thereon, every such Person so offending, shall forfeit the Sum of Forty Shillings for every such Offence; One Moiety whereof shall go to the Informer, and the other Moiety shall be laid out and applied in repairing such Stones or Posts, or in supplying of new Ones in their Stead; and if there shall be any Overplus, the same shall be laid out in repairing the Roads directed to be repaired by this Act; and in case such Offender shall not immediately pay such Forfeiture, then it shall be lawful for any One or more Justice or Justices of the Peace for the said Town, Borough, and Parish of Oakhampton, or County of Devon, where the said Offence shall be done or committed, by Warrant under his or their Hand and Seal, or Hands and Seals, respectively, to commit such Offender to the Gaol or House of Correction of the County or Place where the Offence shall be committed, there to remain for the Space of Three Calendar Months, or until he or they shall have paid the said Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered, and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the Town, Borough, and Parish of Oakhampton, or County of Devon, where the respective Party or Parties who shall incur such Penalties and Forfeitures shall live or reside; which Warrants the said Justices are hereby impowered to grant, upon the Confession of the Party or Parties, or upon the Information of any One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices are hereby impowered to administer) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold, the Charge of such Distress and Sale being first deducted, shall be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers, and shall by them respectively be applied (if not otherwise directed to be applied by this Act) for and towards amending the said Roads.

Provided always, and be it further enacted by the Authority aforesaid, That where any Person shall, for any

any Offence committed against this Act, be liable to pay any pecuniary Penalty or Sum of Money, it shall and may be lawful for the said Trustees, or any Five or more of them, to proceed to recover such Penalty or Sum of Money, by the Ways and Means herein before for that Purpose prescribed, or to sue for the same in their own Names, or in the Name or Names of 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 such Defender shall be doubly prosecuted for the same Offence. Trustees may recover Penalties by Action of Debt.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself or herself aggrieved by any Act, Order, or Judgement, done, made, or awarded, in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for him or her to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace, to be held in and for the Town, Borough, and Parish of Oakhampton, in the County of Devon, or for the said County of Devon respectively, in case such Cause of Complaint shall not arise within Fourteen Days of the next General Quarter Sessions; in which Case the Party may appeal to the Second General Quarter Sessions, to be held for the said Borough or County, after the Cause of Complaint, he, she, or they causing Ten Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Evidence such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices, so assembled, are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein. Persons aggrieved may appeal to the General Quarter Sessions. Ten Days Notice of Appeal to be given.

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order, of the said Justices, to be had touching the Con- Proceedings not to be quash'd for want of Form,

nor removeable by Certiorari, &c.

dition of any Defenders against this Act, shall be quashed or vacated for want of Form, or be removeable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at Westminster.

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, shall take Place and have Continuance from and after the Twenty-ninth Day of April One thousand seven hundred and sixty-four, and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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

And be it further enacted by the Authority aforesaid, That when and as often as any of the said Trustees shall die, or refuse to act, it shall be lawful for the surviving Trustees, or any Seven or more of them, from time to time, to elect and appoint One or more fit Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so deceased or refusing to act; and Notice in Writing of the Time and Place of Meeting for the Election of every such new Trustee shall be fixed at all the Turnpikes to be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all such Persons as shall, from time to time, be so chosen and appointed, shall be joined with such surviving Trustees, and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are impowered to act.

Ten Days Notice of Election to be given.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Five or more of them, shall meet together at the Town Hall within the Borough of Oakhampton, upon the Fourteenth Day next after the passing of this Act, and shall proceed to the Execution of this Act, and shall then and from time to time, adjourn themselves, and afterwards meet at the Places aforesaid, or at any other Place near the said Road, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at any such Meeting, and to adjourn themselves, the Clerk to the said Trustees shall, by publick Notice in Writing, to be affixed at or on all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees

In Default of a sufficient Number of Trustees to act,

Notice to be given of another Meeting.

to meet at the Place where the last Meeting was appointed to be held, on that Day Fortnight from the Day on which such Meeting was appointed to be held; and that the said Trustees shall, at all their Meetings, defray their own Charges and Expences.

Trustees to defray their own Expences.

Provided always, and be it enacted, That no Person shall be deemed qualified or capable of acting as a Trustee in the Execution of this Act, except in the Administration of the following Oath, unless he shall be in his own Right, or in 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 Forty Pounds, above Reprizes, or is possessed of, or intitled to, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Eight hundred Pounds; and unless he shall also take and subscribe the Oath following, before any Two or more of the said Trustees at some publick Meeting (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Execution of this Act; which Oath shall be in the Words, or to the Effect following; that is to say,

Qualification of Trustees.

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

Trustees to take the following Oath before they act.

Ten Days Notice of Election to be given.

The Oath.

I A. B. do swear, That I am truly and *bona fide*, in my own Right, or in Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes; or possessed of, or intitled to, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Eight hundred Pounds, after all my Debts are paid. *So help me God.*

Time and Place of Meeting.

And if any Person, hereby deemed incapable of acting, shall nevertheless presume to act, every such Person shall, for every such Offence, forfeit 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; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof shall be applied in repairing the said Road.

Penalty for acting if not qualified.

Number of Trustees to act.

Notice to be given of Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required to take such Security from the Treasurer or Treasurers,

Treasurer to give Security.

Treasurers, to be appointed for the Purposes of this Act, for the due Execution of his or their said Office or Offices, as the said Trustees, or any Five or more of them, shall think fit.

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

Provided always, and be it further enacted by the Authority aforesaid, That if any Person, appointed a Trustee by virtue of this Act, shall have or hold any Place of Profit arising out of the Tolls or Duties hereby made payable, such Person shall be incapable of acting as a Trustee, during his Enjoyment of such Place of Profit; and that no Innholder, Victualler, or Person who shall sell any spirituous or fermented Liquors by Retail, shall be capable of holding or enjoying any Office, or Place of Trust or Profit, under this Act.

No Victualler, &c. shall hold any Place of Profit.

Trustees in Commission of the Peace may act as Justices.

Provided also, and be it further enacted by the Authority aforesaid, That such of the said Trustees as are or shall be in the Commission of the Peace for the County of Devon, or Borough of Oakhampton, may and are hereby authorized and impowered to act as Justices of the Peace in their respective Jurisdictions, in the Execution of the several Powers hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

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

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

Expences occasioned by this Act, to be defrayed out of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at any Meeting of the said Trustees, to be held in pursuance of this Act, to order and direct their Treasurer or Treasurers, to pay and defray, out of the Money in his Hands, arising from the Tolls and Duties collected by virtue hereof, all such Costs, Charges, and reasonable Sums, as they the said Trustees, or any of them, or the Surveyor or Surveyors by them appointed, or any Justice or Justices of the Peace, shall have been at or put unto, or shall have expended in the due Execution of this Act, and of the Powers and Authorities given and granted thereby, or in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information, or other Prosecution

tion whatsoever, for or on account thereof, or for or concerning any Matter or Thing whatsoever, which he or they shall have done, or ordered to be done, in the Execution of this Act.

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

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee, named or appointed in or by virtue of this Act, shall act in the Execution of any of the Powers hereby given to the said Trustees (except only in appointing Meetings), unless it be at a Meeting to be held in pursuance of this Act.

Proceedings, &c. to be entered in a Book.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries, of all the Monies that shall be collected, and received, laid out, expended, and paid by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books, which shall be kept for those Purposes.

Writings to be without Stamps.

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 of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, for puting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, unless Nine Trustees are present.

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

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

And be it further enacted by the Authority aforesaid, That from and after the Commencement of this present Act, no Person or Persons shall draw any Timber upon the said Roads, except upon Wheels, on Pain of forfeiting, for every such Offence, the Sum of Ten Shillings, to be recovered, levied, and applied, in the same Manner as any other Penalty or Forfeiture is by this Act directed to be recovered, levied, or applied.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons, for any Thing done or to be done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid, brought, and tried, within the County of Devon, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the Matter or Thing, for which such Action or Suit shall be so brought, was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or if any such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the said Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

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.