Anno primo

Georgii III. Regis.

An Act for repairing and widening the Road from *Traveller's Reſt*, in the Pariſh of *Aſhburton*, to *Newton Buſhel*, and from thence to *Forches* otherwiſe *Forgers Croſs*, in the Pariſh of *Highweek*, in the County of *Devon*.



WHEREAS the Road or Highway leading from a certain Place called Traveller's-reſt, in the Aſhburton Turnpike Road, and in the Pariſh of Aſhburton in the County of Devon, through the ſaid Pariſh of Aſhburton, and the Pariſhes of Bickington, Ilſington, and Highweek, to the Town of Newton Buſhell, and from thence to the South Side of a certain Lane called Forches otherwiſe Forgers Croſs, lying on the North Weſt Side of a Common called Batisford Common, or Batisford Heathfield, in the ſaid Pariſh of Highweek, in the County aforeſaid, is ſo ruinous and bad, eſpecially in the Winter Seaſons, and ſo narrow at ſeveral Places, that the ſame cannot be ſufficiently repaired and amended by the ordinary Courſe of Law: For Remedy whereof, and to the Intent that the ſaid Road may be well and ſufficiently widened, repaired, and amended, and kept in good Repair; May it pleaſe your moſt Excellent Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent Preamble.

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable the Lord Viscount Midleton, in the Kingdom of Ireland; the Right Honourable Sir Thomas Clarke Knight, Master of the Rolls; Sir William Courtenay, Sir Richard Warwick Bampfylde, Sir George Yonge, Sir John Elwill, Sir Bourchier Wrey, Sir Thomas Carew, Baronets; the Honourable Henry Seymour Conway Esquire, the Honourable John Harris Esquire, Robert Abraham, William Adams, Sampson Adams, Robert Adams, Sampson Adams junior, Peter Burrell Esquire, Richard Bull Esquire, John Baring Esquire, William Bastard Esquire, Abraham Babb, John Beare, John Bealy, Gentlemen; Thomas Bealy, Charles Bedford, Christopher Beeke, Clerks; William Bennet, Benjamin Berry, William Bickford, Edward Bovey Gentleman, Robert Bradford Clerk, John Bradford, John Buckland, Thomas Byrdall, Gentlemen; Francis Vincent Calmady Esquire, Henry Callard, John Caunter, Thomas Clarke Gentleman, William Courtenay Esquire, Thomas Comyns Esquire, Charles Cock, John Cooke, William Cookesley, Peter Cockey, Samuel Cockey, James Couch, Benjamin Cockings, Charles Corbyn, Richard Darracot, Bernard Dolbeare, John Dolbeare, John Duke Esquire, John Dunning Gentleman, John Dunning Esquire, Richard Eales, Richard Eales junior, John Eales of Erith, Solomon Earle, Peter Fabyan, Peter Fabyan junior, Nicholas Fabyan, John Farley, Egerton Filmore Esquire, Samuel Flamank, William Flamank, Philip Foot, Richard Ford Gentleman, Richard Ford junior Gentleman, James Ford Gentleman, Thomas French, William French, George Fursdon Esquire, James Fynes Gentleman, Henry Gill, Henry Gill junior, Henry Gould Esquire, William Drake Gould Esquire, Edward Gould Esquire, Thomas Granger Clerk, Charles Hale Esquire, John Harris Clerk, Henry Hawkes, William Hancock, Joshua Hayter Clerk, William Herne, John Hellier, John Hill, Charles Hill, John Huxham M. D. John Corham Huxham Clerk, Thomas Jones, Richard Ireland, Colonel John Lee, Alexander Laskey Clerk, John Langdon, Andrew Langdon, Richard Langley, John Lethbridge Gentleman, William Ley, William Ley junior, Jacob Ley, Richard Ley, Thomas Ley, Charles Lewis, Alexander Luscombe Esquire, Humphrey Morrice Esquire, Stephen Madge Clerk, William Mann, William Mann junior, William Mann of Bickington, Edward Mardon, John Mortimer, John Mudge, Thomas Naylor Clerk, William Neyle Clerk, James Newberry Gentleman, John Nosworthy

Trustees Names.

thy Clerk, John Parker Eſquire, John Parker junior Eſquire, Montagu Edmond Parker Eſquire, Robert Palk Eſquire, Walter Palk, Thomas Pain, Richard Perry, John Pidſley Gentleman, Gilbert Popham, Nicholas Proute, James Puddicombe, William Parr, Thomas Reynell Gentleman, John Reynell Gentleman, Thomas Rennell Clerk, William Rowe Gentleman, James Rowe Clerk, George Rundle, William Sandford D. D. Gilbert Seagar Gentleman, Samuel Seagar, Thomas Smerdon Clerk, Hugh Smerdon, John Southmead Clerk, John Sowter Gentleman, John Soper, James Sparke, Bartholomew Steer, Richard Stancombe, John Sunter, John Sunter junior, William Sunter, Thomas Taylor Eſquire, Joſeph Taylor Clerk, Joſeph Pierce Taylor Eſquire, Aaron Tozer Gentleman of Newton, Aaron Tozer of Aſhburton, Solomon Tozer of Exeter, Solomon Tozer of Newton, Solomon Tozer of Aſhburton, John Tozer, John Tozer Clothier, Richard Tozer, Moſes Tozer, Nicholas Tripe, John Tripe, Nicholas Triſt Clerk, John Trend, Thomas Veale Eſquire, Thomas Venning, Samuel Violl, Jonathan Watſon Eſquire, William Way Gentleman, George Whidbourne, Richard Whidbourne, Hugh Whiteway, Mathew White, John Winſor, William Winſor, John Winſor junior, George Winſor, Auſtin Widger, George Wills, Thomas Wills, Richard Wills, John Wolſton Eſquire, Gilbert Yard Clerk, James Yard Gentleman, John Yeo Eſquire, and John Yolland, Browſe Triſt, Philip Cocky, William Panny Surgeon, 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 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,

Penalty on acting if not qualified.

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: And every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in Execution of this Act.

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 they are hereby required to erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, upon, in, or across the said Road, at some convenient Place between a Barn, commonly called Greenway Barn, and a Lane, commonly called Wayn Lane; and also shall or may 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 Road hereby intended to be repaired, 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, as they, or any Nine or more of them, shall think proper.

and take the following Tolls thereat.

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,

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 drawn by Four Horses, or other Beasts of Draught, the Sum of Nine Pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of Six Pence; and drawn by One Horse, or other Beast of Draught, the Sum of Three 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 Two Shillings; and drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Three Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, or other Beasts of Draught, the Sum of Six Pence; and drawn by One Horse, or other Beast of Draught, the Sum of Three Pence.

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

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

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

Which said respective Sum or Sums of Money shall be demanded and taken, in the Name of, or as a Toll or Duty; and the Money 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 such 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

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

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.

Trustees may vary the Tolls.

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.

Proviso.

Provided also, That the said Trustees be not hereby impowered to vary any Tolls or Duties enacted by any Law or Statute relating to Broad Wheels.

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.

Property of the Turnpikes and Toll-houses, &c. 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 dispose thereof as they shall think proper; and also 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, to bring, or cause to be brought, any Action or Actions against any Person or Persons, who shall contract with the Trustees appointed, or to be appointed to put this Act

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in Execution, or with any or either of them, or with their Clerk, Treasurer, Surveyor, or other Officer or Officers, for the time being, or shall be by them, any or either of them, employed in, or undertake, any Matter or Thing relative to the said Trust, and shall fail to perform and fulfil such Contract or Undertaking; and also to bring, or cause to be brought, any Action or Actions, 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, the said Road, or any Part thereof, or 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 in every such Action, the Plaintiff or Plaintiffs shall recover such Damages, as the said Trust shall appear to have sustained, to be applied, when recovered and received, to make good the same, or to the general Purposes of this Act.

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; which said Notes or Tickets the Collectors or Receivers of the said Tolls at the several Gates or Turnpikes to be erected by virtue of this Act, on Receipt thereof, are hereby required to give gratis, if demanded.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with, or compellable to pay, any of the Tolls made payable by this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing 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 Gar-

den, 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, Outhouses, Yards, or Backsides, of the Owner or Owners thereof, or for any Plough, Harrow, Dray, or other Implement of Husbandry, or for any Horse, Mare, Gelding, Ox, or other Beast, drawing the same, in order for repairing thereof, or using the same in Husbandry, or any Thing whatsoever that shall be used or employed in Husbandry or manuring of Land; or for any Horse, Mare, Gelding, Ox, Ass, Mule, or other Beast or Cattle, going to or returning from Water or Pasture, or in order to be shod; or for any Post-horse carrying any Mail or Packet; or for the Horses of Soldiers upon their March, or for any Waggon or other Carriage, or Horse or other Beast, drawing or not drawing the same, which shall be loaden with, or employed in carrying, the Arms or Baggage of such Soldiers; or for any Horse or other Beast which shall be employed in the Carriage of Serges, or other Woollen Goods, to or from the House of any Inhabitant of either of the said Parishes in which the said Road lies, to or from any Fulling-mill, Tenter, or Rack, belonging to, or occupied by, such Inhabitant where the same shall be manufactured or dried; or for any Horse or other Beast, employed in the Carriage of Raw Hides, Skins, or Leather, to or from the House of any such Inhabitant, to or from any Tan-pit, Yard, or Work-house, occupied by such Inhabitant; or for any Carriage, Horse, or other Beast, employed in passing Vagrants travelling with lawful Passes; nor shall any of the Tolls hereby laid, be demanded or taken from any Inhabitant of either of the said Parishes, who shall pass through any of the said Turnpikes, to or from any 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; nor from any Person 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 of a Burgess or Burgesses to serve in Parliament for the Borough of Ashburton, on the Days of such Election or Elections, or on the Day before or Day after such Election shall begin and be concluded; nor from any Person or Persons passing through any Side Gate, who shall only cross the Road hereby intended to be repaired, without travelling further thereon.

No Toll on Election Days.

No Toll to be taken for crossing the Roads only.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet together at the School-house within the Town of Newton Abbot, on the First Day of April, One thousand seven hundred and sixty one, and proceed to the Execution of this Act; and shall then adjourn themselves to meet again, at some convenient Time, at the School-house or Chapel of Saint Lawrence, within the Town of Ashburton; and shall then, and, from time to time, adjourn to meet again, when and as the said Trustees, or any Five or more of them, shall think convenient (provided that all Adjournments be made from Ashburton to Newton, and from Newton to Ashburton alternately) and that the said Trustees, or any Five or more of them, may also meet for putting this Act in Execution at any other Time, in either of the Houses before-mentioned, or at any other convenient Place within either of the said Towns, in case or 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 Market-houses of Ashburton and Newton, or on some other publick Place or Places within each of those Towns, and likewise on all the Turnpike-gates to be erected by virtue of this Act, at least Seven Days before such Meeting. Times and Place of Trustees Meeting.

And, for the more speedy repairing and widening the said Road, be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, from time to time, upon the Credit of the Tolls hereby made payable, borrow and take up, at such Rate of Interest as shall be agreed on, any such Sum or Sums of Money as they, or any Five 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 by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, for that Purpose. Trustees may borrow Money on the Credit of the Tolls. Tolls may be assigned for Money borrowed. Assignments to be entered in a Book.

Provided

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

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 1200 *l.* to be borrowed on the Credit of this Act.

Provided also, and be it enacted by the Authority aforesaid, That no more than the Sum of One thousand two hundred Pounds shall be borrowed on the Credit of the said Tolls, unless, after that Sum should 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; and so from time to time, with the like Consent of the Person or Persons for the time being intitled to Four Fifths of the Money due.

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 Persons to whom such Assignments shall be made as aforesaid, shall, so far as the said gross Sum shall extend, be, and are hereby declared to be, Creditors on the said Tolls in equal Degree one with another.

Notice to be given of borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted, unless Notice for that Purpose in Writing, under the Hand or Hands of the Clerk or Clerks, or Treasurer or Treasurers, to the said Trustees, be, by Order of such Trustees, or any Five or more of them, affixed upon the Market-houses of Ashburton and Newton Abbot, or on some other publick Place or Places within each of those Towns, 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 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,

powered, 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 or more credible Witnesses) to assign and transfer such Security and Securities, and all the Money that shall be due thereon, to any 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, 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.

Entries to be made of all Assignments.

Clerk's Fee.

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 shall be thought necessary; and such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time to remove or displace, as they

Trustees may appoint Officers;

and remove them, and appoint others.

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 fixed on the Market-houses of Ashburton and Newton Abbot, or on some other public Place or Places within each of those Towns, 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, to contract for, allow, and pay to the several Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, appointed as aforesaid, and to such other Person or Persons as shall be assisting to them, or either of them, in or about the Repair of the said Road, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Services in those Respects, as to the said Trustees, or any Nine or more of them, shall seem reasonable.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all and every the Collectors and Receivers of the said Tolls, and all 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 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 Five or more

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 be in his or their 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 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 of 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 to 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 re-

Officers not making Account and Payment,

may be ſued;

or, if Complaint be made,

Juſtices to enquire into the Default,

and levy the Balance by Diſtreſs and Sale;

quired, 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 by Diſtreſs and Sale of the Goods of ſuch Officer or Officers, Perſon or Perſons reſpectively: And if no Goods of ſuch Officer or Officers, Perſon or Perſons, can be found, ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying and raiſing the ſame; or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtice or Juſtices, at the Time and Place by him or them appointed for that Purpoſe, upon 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 to deliver up to the ſaid Juſtice or Juſtices the ſeveral Receipts and Vouchers relating to ſuch Accounts reſpectively; then, or in either of the Caſes aforeſaid, the ſaid Juſtice or Juſtices may, and is and are hereby authorized and required, by a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be committed to the common Gaol of the ſaid County, there to remain without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their reſpective Accounts, and verified the ſame, and the Items thereof, upon Oath, and ſhall have produced and delivered up the Receipts and Vouchers relating to ſuch Accounts reſpectively, and ſhall have paid all the Money which ſhall appear to be in their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſſes and Sales, as ſhall, in thoſe Reſpects, have been made, or ſhall have compounded with the ſaid Truſtees, or any Five 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 Five or more of them, are hereby authorized and impowered to make and receive.

and for want of Diſtreſs, the Party to be committed,

until he ſhall conform, or compound for the ſame.

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

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

thorized and impowered, from time to time, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the Repair of Roads, in, upon, out of, or from any Waste or Common, River or Brook, in any Parish, Town, Village, Hamlet, or Place, adjoining to, or lying near the said Road, or in any neighbouring Parish, Town, Village, Hamlet, or Place, to be used, disposed of, and applied, in repairing the said Road, without paying any thing for the same; they the said Trustees, Surveyor or Surveyors, or other Person or Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be taken, or causing the same to be done: And where there are not sufficient Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials proper for that Purpose, to be had or found, in, upon, out of, or from such Waste or Common, River or Brook, it shall and may be 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, 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 Scite of any House or Houses, or a Yard, Garden, Orchard, Park, Paddock, 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) 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, taken, and carried away, such Sum or Sums of Money for the same, and for the Damage they shall respectively sustain thereby, as by the said Trustees, or any Five or more of them, shall be adjudged reasonable; which Adjudication they are hereby authorized and required to make, within One Month after any Demand in Writing by any such Owners or Occupiers respectively, to be delivered at any publick Meeting of the said Trustees, or to their Surveyor or Surveyors, Clerk or Clerks for the time being, or without

without paying for the same:

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

making Satisfaction to the Owners of the Ground.

any such Demand, if the said Trustees, or any Five or more of them, shall think fit.

Surveyors may get Materials from 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 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; Notice being given to the Owners or Occupiers of such Quarries respectively, at least Three Days before the First Entrance therein for the Purpose aforesaid.

without paying for the same.

Surveyors may remove Annoyances in the Road, &c.

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 Nuisances, Encroachments, or Obstructions whatsoever, which are or shall be in or upon any Part or Parts of the said Road hereby intended to be repaired; and to cut down, top, or lop, and carry away, any Trees, Boughs of Trees, or Bushes, growing in the said Road, or in the Hedges or Banks adjoining thereto; and to open, scour, or cleanse, any Ditch, Drain, or Watercourse, lying or which shall lie in, or leading or which shall lead into, or out of, the said Road, or any Part or Parts 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, Place or Places of Abode, under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, or of their Clerk or Clerks for the time being, the Charges whereof to be settled by the said Trustees, or any Five or more of them, by Writing under their

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

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 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.

Charges to be reimbursed the Surveyor,

to be levied by Distress and Sale.

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 same 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, or ruinous Road is repairing, and 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,

Surveyors may make Causeways,

and erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

ed, 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 Adjudication they are hereby authorized and required to make within One Month after any Demand in Writing by any such Owners or Occupiers respectively, to be delivered to the said Trustees, at any publick Meeting, or to their Clerk or Clerks, Treasurer or Treasurers, for the time being, or without any such Demand, if the said Trustees, or any Five or more of them, think fit.

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

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 than, or extended beyond, the Breadth of Thirty Feet; and for that Purpose to treat, contract, 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 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 treat for the Sale of Lands, &c.

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,

Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Ideots or Lunaticks, Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Ideots, Lunaticks, Femes Covert, or Cestuique Trusts, and for all and every other Person or Persons whomsoever, 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 and 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 shall refuse or neglect to treat,

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 Land or Ground intended to be purchased, and the Place or Places where the same shall lie, to him or them respectively given, or 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 or Ground shall be untenanted, on the Door of the Dwelling-house, if any, or some other most publick 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, left, 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 it to be enquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men residing near the said Road (which Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer) what Damages shall be sustained by, and what Satisfaction or Recompence shall be made to, such Owner or other Per-

Jury to settle the Recompence.

ſon or Perſons intereſted, on account of the taking ſuch Land or Ground into the ſaid Road, according to their reſpective Intereſt therein: And in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be and require, to ſummon and call before them all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes, 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 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 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 whomſoever, to all Intents and Purpoſes whatſoever: 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 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 Purpoſes 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

Witneſſes may be ſummoned, and examined upon 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.

ſpeedily be procured or ſummoned, qualified to attend the Service, to the Number of Twelve; to all or any of ſuch Jurymen to be ſummoned in purſuance of this Act, all Perſons concerned ſhall, from time to time, and at all Times, have their lawful Challenges, in ſuch and the like Manner, as any Party in any Action brought or to be brought, depending or to be depending, in any of his Majeſty's Courts of Record at Weſtminſter, is or ſhall be by Law intitled to: And the ſaid Truſtees, or any Five or more of them, are hereby impowered, from time to time, to impoſe any reaſonable Fine or Fines, not exceeding the Sum of Ten Pounds upon any One Perſon for One ſingle Offence, 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 Five Pounds 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 the Premiſſes, ſhall refuſe or neglect to attend, or be ſworn, or examined, or give Evidence or Teſtimony touching the ſame.

Jurors may be challenged.

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

Fine not to exceed 5 l.

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 to the known Steward or Agent of ſuch Owner or Perſon, 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; 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,

Lands when purchaſed to be made Part of the Roads,

ed, 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 completed, the Lands and Grounds comprised in and constituting the old Road, or that Part thereof in lieu of which such new 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 for the said County of Devon, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

and kept in Repair as such.

Old Road to be sold.

Buildings, &c. not to be injured.

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.

Persons, &c. chargeable to the Highways to continue so.

Inhabitants to do Statute-work.

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 of 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,

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, Bridge, or Drain, in the same Manner as they, every or any of them, have or hath heretofore usually done, or ought to do; and that the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Road leads, 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 the repairing thereof, commonly called Statute-work, shall 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, or their Surveyor or Surveyors, shall direct or appoint.

Surveyors of the Highways to give in Lists of Persons who are chargeable 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, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways, of and for the said Parishes, Hamlets, and Places, where, or in or for which, such Surveyor or Surveyors usually have been or ought to be chosen, shall, and they are hereby required, before the Twenty fifth Day of March in every Year, during the Continuance of this Act, to return and deliver in to the said Trustees, at a publick Meeting, or to their Clerk or Clerks, Treasurer or Treasurers, for the time being, true and perfect Lists in Writing, under their respective Hands, of the Names of all the Persons liable to Statute-duty on the Highway 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 them 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 Times, and in such Manner, as by this Act are directed and required to be deliver-

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

ed, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds.

Trustees to proportion the Statute-work to be done on the Roads.

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 Road hereby intended to be repaired 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 think proper to require any Part of the Statute-labour to be performed on the said Road; and of such Adjudication shall cause Notice in Writing, under their Hands, or the Hand or Hands of their Clerk or Clerks, Treasurer or Treasurers for the time being, to be delivered to the Surveyor or Surveyors of the Highways for the time being for 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 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-labour 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, for the time being; and if any or either of the Inhabitants of the said several Parishes, Hamlets, or Places, or other Person or Persons liable to do Statute-work in and upon the said Road, shall not perform the same, 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 appointed, such Inhabitants, or Persons, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned (that is to say) Every such Inhabitant or Person keeping, or deemed by Law to keep, a Team, for every Day's Default for every such Team, the Sum of Ten Shillings; and every Inhabitant or Person keeping a Pack-horse or Pack-horses, or other Beasts of Burden (and no Team, nor deemed to keep a Team) for every Day's Default for every such Horse or

Penalty on Persons not performing Statute-work.

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, Pack-horse or Beast of Burden, to work on the said Road, shall be found idle or negligent by the Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person or Persons; and in that Case, the respective Forfeitures and Payments before mentioned shall be incurred and payable, as if such Person or Persons had refused or neglected to come, or such Team or Draught, Horse or Beast, had not been sent.

Persons found idle to be turned off.

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 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 Places respectively, or the several and respective Inhabitants thereof; and also, from time to time, if they shall think fit, to compound and agree for a Year, or for any less Time, with any Person or Persons using the said Road, for any certain Sum or Sums of Money for or in lieu of the Tolls or Duties hereby imposed, or any of them, for the passing of such Persons, their Carriages or Cattle, through the several Gates or Turnpikes to be erected by virtue of this Act, or any or either of them: And in case any such Composition-money shall not be paid within Ten Days after the same shall become payable, according to such Composition or Agreement, that then it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals (Oath being first made that the same has been demanded, and remains unpaid, which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) to levy the same by Distress and Sale

Trustees may compound for Statute-work, &c.

Composition-money how to be recovered and applied.

Sale of the Goods of the Surveyor or Surveyors of the Highways for the time being of the Parish, Hamlet, or Place, in respect of which such Composition shall be made, or of the Person or Persons so having compounded, and neglected to pay his or their Composition-money, 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 any Parish, Hamlet, or Place, for or in respect of which such Composition shall be made as aforesaid, shall pay the Composition-money; or if such Composition-money shall be recovered and levied by Distress and Sale of his or their 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 shall be so paid or recovered of him or them as aforesaid, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be repaid and reimbursed the Money by them expended in buying Materials for mending the Highways.

Surveyors paying Composition-money, how to be reimbursed.

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 Roads 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.

Penalty on Persons going thro' or permitting private Passage,

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Carriage or Cattle, on which a Toll is hereby laid, go or pass through any Ground, Field, Gate, private Passage, or other Place adjoining or lying near to any or either of the Gates or Turnpikes to be by virtue of this Act erected (the same not being a common Road) or if any Owner or Occupier of any Tenement, Land, or Ground, which shall adjoin or lie near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons with any such 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 receive the Tolls) any Note or Ticket of the Day directed to be given by the Collectors or Receivers of the Tolls; or shall make use

or giving or receiving Tickets,

of any forged Note or Ticket; or if any Person driving or owning any Carriage, shall at any Time or Times take off, or cause or suffer to be taken off, from such Carriage, any Horse, Ass, Mule, Ox, or other Cattle, at or before the same shall come to any of the Gates or Turnpikes to be erected by virtue of this Act; or if any Person or Persons shall leave in any House or Place, upon or near the Road, any Carriage or Cattle, chargeable with or liable to pay any or either of the Tolls by this Act imposed; or if any Person or Persons shall claim or take the Benefit of either of the Exemptions by this Act given, not being really intitled to the same (so that by any or either of the Means aforesaid the Payment of any or either of the said Tolls shall be evaded or lessened) or if any Person or Persons shall wilfully or designedly throw, cast, or lay, or cause to be thrown, cast, or laid, any Dust, Dirt, Ashes, Straw, Dung, Rubbish, or other Annoyances, in or upon the Road hereby intended to be repaired, or any Ditch, Drain, or Watercourse belonging thereto; or if any Person or Persons shall hale or draw, or cause to be haled or drawn, upon, in, or along, any Part of the Road hereby intended to be repaired, any Tree or Trees, or Piece or Pieces of Timber, or any other Draught, otherwise than and except upon Wheel Carriages; that then, in either of the Cases aforesaid, every Person so offending shall, for every such Offence, forfeit the Sum of Twenty Shillings: And if any Person or Persons shall wilfully or designedly destroy, pull down, dig up, break, or injure, any or either of the Mile-stones or Posts hereby directed to be 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, 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 One Moiety of every such Penalty shall, when recovered, go and be applied to the Use of the Informer, upon whose Oath such Offender or Offenders shall be convicted.

or taking off Horses, &c.

to avoid paying the Tolls.

Penalty on haling Timber, otherwise than with Wheel Carriages.

Penalty on defacing Mile-stones, &c.

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, 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 Trustees, or to any Five or more of them, or to their Treasurer or Treasurers for the

Penalties and Forfeitures how to be recovered and applied.

time being; and shall be laid out (except such of such Parts thereof the Application of which is herein before particularly directed) in and towards the general Purposes 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, or of the several Matters, Causes, or Things, for which such Penalties, Fines, or Forfeitures shall be incurred, either by the Confession of the Party or Parties, or by the Oath of One or more Witness or Witnesses (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer gratis) by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the same to be levied and raised by Distress and Sale of the Goods, Chattles, and Effects, of the Party or Parties so incurring; and if any more Money shall, at any Time or Times, be raised and levied by such Distresses and Sales than shall be sufficient to pay the respective Penalties, Fines, or Forfeitures, for which the same shall be taken and made, and the reasonable Charges of making and taking the same, such Overplus shall, if demanded, be paid to the respective Owner or Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, or Effects, of the Person or Persons who shall incur any of the said Penalties, Fines, or Forfeitures, can be found, sufficient to answer the same, and the Charges of such Distresses and Sales as aforesaid (if any such shall be taken or made) then, and in such Cases, the said Trustees, or any Five or more of them, or any such Justice or Justices, may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Person or Persons to be committed to the common Gaol of the said County, for any Time not exceeding Three 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 less than One Month, or until such Penalties, Fines, or Forfeitures, by him, her, or them, incurred,

Overplus of the Money to be returned to the Owner.

For want of Distress Offender to be committed.

curred, and the Charges of the said Distresses and Sales (if any such there be) shall be fully satisfied and paid.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons sustaining Damage, for which Satisfaction is herein before directed to be made and adjudged by the said Trustees, shall be dissatisfied with any such Adjudication; or if any Person or Persons shall think him, her, or themselves aggrieved by any Fine or Fines, Penalty or Penalties, Conviction or Convictions, Distress or Distresses, Commitment or Commitments, under colour 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, at a publick Meeting, 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 of 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 Adjudication or Adjudications, Conviction or Convictions, Commitment or Commitments, or adjudge a larger or less Sum to be paid, in Satisfaction for the Damage which shall appear to have been sustained by, or mitigate or annul at their Discretion the Fine or Fines laid on, or Penalty or Penalties 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 next General Quarter Sessions, shall be final and conclusive to all Parties concerned or interested therein.

Persons aggrieved may appeal to the Quarter Sessions, &c.

Notice of Appeal to be given.

Provided also, and be it further enacted by the Authority aforesaid, That where any Person or Persons shall, for any Offence committed against this Act, be liable to pay any Fine, Penalty, or Sum of Money, it shall and may be

Penalties may be recovered by Action of Debt.

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 at any Time after the General Quarter Sessions of the Peace for the said County which shall follow next after such Fine shall be imposed, or the Person or Persons incurring such Penalty shall be convicted thereof, 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 Offender shall be doubly prosecuted for the same Offence.

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

And be it further enacted by the Authority aforesaid, That when and as often as any of the Trustees named or to be named and appointed by virtue of this Act shall die or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Nine or more of them, from time to time, to elect, and by Writing or Writings under their Hands and Seals, to 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 at or on the Market-houses, or other most publick Places within each of the Towns of Ashburton and Newton Abbot, and at or 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.

10 Days Notice to be given of such Election.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee named and appointed,

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

in or by virtue of this Act, shall act as such, or be impowered to do any Act in the Execution of the Powers hereby given to the said Trustees (except only in appointing Meetings) unless it be at a Meeting to be by them held in pursuance of this Act; and that all and every the said Trustees shall, out of his and their own Money, pay and defray all his and their own Charges and Expences; at all or any, and every such Meetings.

Trustees to defray their own Expences.

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 their said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, to be affixed on the Market-houses, or other most publick Places within each of the Towns of Ashburton and Newton Abbot, and on all the Turnpike Gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint another Meeting of the said Trustees on that Day Fortnight on which the Meeting so adjourned was appointed.

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

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

No Order to be repealed unless Nine Trustees are present.

And be it further enacted by the Authority aforesaid, That such of the Trustees appointed, or to be appointed by virtue of this Act, as is, 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, being so interested, shall be capable of acting either as a Trustee or Justice.

Trustees in Commission of the Peace may act as Justices.

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

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

Trustee or Trustees in or under, or in Execution of, the Authorities and Powers to them hereby given.

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

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

Treasurer to give Security.

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

Constables, &c. to execute the Trustees Warrants.

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 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 hereby indemnified in so doing.

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 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 or Duty whatsoever.

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

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order, which shall be made in pursuance of this Act, or in Execution of the Powers hereby given, shall be quashed, vacated, or discharged, for or on account of Form only;

nor removeable by *Certiorari*.

nor shall the same be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

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

ſubject to the Powers herein before given to the ſaid Truſtees to vary or alter the ſame, ſhall commence, and have Continuance, from the Thirty firſt Day of March, One thouſand ſeven hundred and ſixty one, for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament.

If the Road ſhall be adjudged to be ſufficiently repaired before the Expiration of the ſaid Term, and the Money due be repaid, the Tolls, &c. 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, &c. 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 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, Appointments, 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 and regularly 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, Appointments, Reſolutions, Compoſitions, Acts, Matters, or Proceedings, reſpectively, ſhall be made, directed, or done; and, being ſo entered, ſhall, at the ſame Meeting or Meetings reſpectively, be ſigned by the Truſtees preſent, or a competent Number of them, or by the Clerk or Clerks, Treaſurer or Treaſurers, for the time being; and being ſo ſigned, ſhall be deemed and taken to be original, and of the ſame Force as if the ſame were under the Hands and Seals of the ſaid Truſtees; all which ſaid Book or Books, and alſo the Book or Books herein before directed to be kept for entering and regiſtering the ſaid Aſſignments and Tranſfers, ſhall or may be produced and read in Evidence in all Caſes of Appeals, Suits, or Actions, touching any thing done in purſuance

Books may be read in Evidence.

and

and by the Authority of this Act; and also shall and may be seen or perused at all seasonable Times, without Fee or Reward, by any Person or Persons whomsoever; and any Trustee may have and take Copies of all or any Part thereof, paying Six Pence for every Copy, not exceeding One hundred Words, and so proportionably for any greater or less Number of Words.

And whereas that Part of the Road by this Act directed to be repaired, which is herein before described as leading from Traveller's Rest to Newton Bushel, is Part of the common Road or Highway between the said Town of Ashburton and Newton Bushel, the Residue of which said common Road or Highway has been already repaired, by virtue of or under an Act made and passed in the Twenty eighth Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing and widening the Road from *Chudleigh Bridge*, in the Parish of *Hennock*, in the County of *Devon*, through the Town and Borough of *Ashburton*, to *Brent Bridge*, in the Parish of *South Brent* in the said County; by which said Act Authority is given to erect Gates or Turnpikes on any Part of the Road therein comprized, and a Gate or Turnpike has been accordingly erected, through which all Persons travelling from Ashburton to Newton Bushel do or ought to pass, and pay the Tolls by the said Act required and made payable: And whereas it is apprehended, that if such Persons were to be liable to pay the Tolls by the said Act required and made payable, and also the Tolls by this present Act imposed, it would be too heavy a Burden on such Travellers, and might tempt them to use another Road, to the Prejudice of both these Turnpikes: To prevent such Grievance, be it further enacted by the Authority aforesaid, That whosoever shall pay the Tolls by the said Act required for the passing of any Carriage or Cattle at any Gate or Turnpike erected or to be erected upon, in, across, or on the Side of, that Part of the Road therein comprized, which lies East of the said Town of Ashburton, such Person, upon producing a Note or Ticket of the Day, denoting such Payment, which the Collectors of the said Tolls, by the said Act imposed, are thereby directed to give, shall be permitted to pass and repass with the same Carriage or Cattle, Toll-free, through all and every, or any of the Gates or Turnpikes to be erected by virtue of this present Act, or at any Time or Times during the same Day, to be computed from Twelve of the Clock in the One Night to Twelve of the Clock in the next Night: And so, in like Manner, whosoever shall pay the Tolls by this present Act required for the passing of any

Tolls to be paid but Once a Day.

Carriage or Cattle at any Gate or Turnpike which shall be erected by virtue of this Act, such Person, upon producing a Note or Ticket of the Day, denoting such Payment (which the Collectors of the said Tolls are herein before directed to give) shall be permitted to pass and repass with the same Carriage or Cattle, Toll-free, through all and every, or any of the Gates erected or to be erected by virtue of the said Act on that Part of the Road therein comprised which lies East of Ashburton, at any Time or Times during the same Day, to be computed as aforesaid.

Limitation of Actions.

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, in pursuance, or under the Authority, of this Act, 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 laid, and tried, in the said County of Devon, and not elsewhere: And that the Defendant or Defendants in such Actions or Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance, and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done; or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County; then, and in either of such Cases, the Jury or Juries shall find for the Defendant or Defendants therein: And if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in any 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 shall be tried, whereby it may appear, that such Action or Suit was prosecuted against the Defendant or Defendants,

General Issue.

Treble Costs.

for some Matter done in pursuance or under the Authority 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.

Publick Act.

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

FINIS.