Anno ſecundo

Georgii III. Regis.

An Act for repairing, widening, and altering, ſeveral Roads leading from *Taviſtock* to *Plymouth*, and other Places in the County of *Devon*.

WHEREAS the Road leading from the lower Market Houſe in Taviſtock, in the County of Devon, by Eaſt Bridge, over the River Tavy, through Saint John's Lane, by Aſhfarm Houſe and Sortridge Gate, to the North Eaſt End of Horra Bridge; and from the South Weſt End of the ſaid Bridge, by certain Places called The Rock Jump, Knacker's Hole, and Manadon Gate, to a Place called Old Town Gate, in Plymouth; and alſo the Road from the ſaid Place called Manadon Gate, to the Old Pound near Plymouth Dock; and alſo the Road from Taviſtock aforeſaid, to the Eaſt End of Lumborn Bridge, and from the Weſt End of the ſaid Bridge, by Gulworthy, to the Eaſt Preamble.

End of New Bridge, in the Road from Taviſtock to Callington; and alſo the Road from Taviſtock aforeſaid, through Milemead Lane, Lamerton Green, Tooldown, Milton Abbot, Church Town, and Felldown Head, to the Eaſt End of Greſton Bridge, in the Road to Launceſton; and alſo the Road from Taviſtock aforeſaid, by Wringworthy Lane Head and Beardon, to a Place called Downtown Gate, in the Pariſh of Lidford; and alſo the Road from Taviſtock aforeſaid, by Hurdwick, and over Heathfield Down, to a Publick Houſe called Riccard's Houſe, in the Pariſh of Lamerton, all in the ſaid County of Devon, are very ruinous and dangerous to Travellers, and in many Places too narrow, and cannot be ſufficiently widened, altered, repaired, and kept in Repair, by the ordinary Courſe of Law: May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the moſt Honourable Francis Ruſſell, commonly called Marquis of Taviſtock; the Right Honourable William Lord Viſcount Barrington of the Kingdom of Ireland, the Right Honourable Richard Rigby Eſquire, Sir George Pocock Knight of the Bath, Richard Nevil Aldworth Eſquire, Sir William Courtenay Baronet, Sir Richard Warwick Bampfylde Baronet, Sir Francis Henry Drake Baronet, Sir John Moleſworth Baronet, Sir John Rogers Baronet, Sir John Saint Aubin Baronet, Sir Harry Trelawny Baronet, Sir Bouchier Wray Baronet, Addis Archer Eſquire, Jacob Auſtin Gentleman, Thomas Alcock Clerk, Joſeph Auſtin, Triſtram Avent junior, John Arthur, Robert Atkinſon, Joſeph Andrews, Anthony Adams, William Andrews, Robert Butcher Eſquire, Thomas Butcher, Robert Holt Butcher, Eſquires; the Honourable John Byron, Thomas Bewes, Thomas Brent, Thomas Bucknal, Eſquires; Edward Bridges Blackett LL. D. Richard Beach, Samuel Brent, Joſeph Brent, William Brent Clerk, William Brent, John Bedford Clerk, William Batt, John Bayly, Francis Brooking, John Briggs, Owen Bird, John Bannick, Timothy Bayly, James Bradley, John Blatchford, John Ball, Nathaniel Beard, John Bray, William Bunney, Thomas Burnaford, Richard Beard, Joſeph Bayly, Biſhop Clerk, Peter Burnaford Clerk, John Burnaford, Humphry Bryant Clerk, John Bolt, George Blanchard, Benedict Blanchard, John Culme Eſquire,

Truſtees Names.

Eſquire, Shilſton Calmady, Edmund Cheyne, Eſquires; Jacob Chaille, Sampſon Carkett, Joſeph Collier, Joſeph Collier junior, William Cookworthy, Phillip Cookworthy, Peter Culme, Thomas Arthur Crow Clerk, Amos Crymes Clerk, John Croſſman junior, Samuel Collins, John Cooban, John Collier, John Croad, George Couch, Stephen Chapple, Abel Croad, Alexander Cowan, Thomas Clarke, William Coleman, William Cock, John Coward, Sampſon Crapp, William Crapp, Hugh Croker, John Carter, Henry Corniſh, Benjamin Carpenter, John Condy, George Cudlipp, Abraham Craze, George Crabb, William Crabb, John Carpenter, John Carkett, Nathaniel Carpenter, Joſeph Carpenter, John Carpenter, Coryndon Carpenter, Francis William Drake Eſquire, Francis Samuel Drake, Peter Madock Docton, Phillip Durel, Richard Doidge, John Doidge, John Dunning the younger, Eſquires; Richard Dunning, Robert Dodge Clerk, Thomas Bligh Darracott, William Derby, Elias Dunſterville, Charles Daviſon, Robert Duins, John Downing, James Davis, Joſeph Davy, William Edmund Drake, Sampſon Dawe, John Dunning, Mawrice Doidge, Joſeph Dawe, Richard Dunning, William Doidge, Launcelot Elford Clerk, Thomas Elworthy, William Eaſton, Ralph Elford, William Edgcombe, John Edwards, John Edwards junior, Thomas Edgcumbe junior, George Edgcumbe, Thomas Edgcumbe, Pierce Edgcumbe, Richard Edgcumbe, John Foot Eſquire, Ambroſe Foot Eſquire, Joſeph Freeman, Phillip Facey, John Fry, John Fuge, John Fox, Charles Fox, William Freeman, John Forteſcue, Zacharias Freno, John Fletcher, James Furneaux, Joſeph Fort, John Flood, William Ford, Benjamin Foot, Richard Follet, Francis Fanning, John Frankland, Foot Clerk, Richard Fillis, John Gennys M. D. William Graves Eſquire, Thomas Graves Eſquire, James Groves, Joſeph Gough, John Grylls, Sampſon Grylls, Richard Gayer, John Garland, William Gill ſenior, John Gill, William Gill junior, James Modyford Heywood Eſquire, John Harris of Hayne John Harris of Radford, Thomas Hankerſon Humphry Hall, John Harriſon, Thomas Harriſon, John Holles, Stephen Hammick, John Bidlake Herring Eſquires; George Howe, Lampen Harris, Gentlemen; Chriſtopher Harris, Henry Hewer, John Huxham M. D. John Corham Huxham Clerk, William Hambly, Joſeph Howell, George Herbert, John Herring Apothecary, Benjamin Hall, Amos Hatcher, William Holles, John Hunt, Samuel Hunn, Hannibal

Hawkins, Joſeph Hooper, Benjamin Hooper, Charles Hoſkin, John Henderſon, Thomas Hooper, Thomas Hill, William Hoar, James Hance, Thomas Hornbrook, Robert Hickes, John Hyne, Charles Hawke, James Hawke, Nicholas Hyne, Jacob Hornbrook, John Hornbrook Clerk, John Herring, John Hockin Clerk, John Julian Eſquire, John Julian Clerk, William Jope, John Jago, George Jago, Clerks; Lewis Jones, John Jones, John Inman, John Jeſſop, Phillip Juſtice, Peter Jope, John Jenner, Hugh Jones, Robert Jeffery, Edmund Jane, Thomas Jenkins, William Ivey, Henry Johns, Samuel Jane, Arthur Kelly Eſquire, Arthur Kelly junior Eſquire, William Knapman, William Kinſman, Simon Kinſman, John Kerley, Andrew Lavington M. D. John Luxmoor Eſquire, John Luxmoor Gentleman, George Leach, Abraham Henry Lemoyne Clerk, Francis Luce Clerk, George Langworthy Clerk, Trefuſes Lovell, Trefuſes Lovell junior, Thomas Luce, John Lloyd, John Linzee, James Leſton, John Livre, John Loney, Robert Little, Robert Lampen, John Lewis, Roger Lang, Thomas Luxmoor, Henry Luxmoor, Humphry Lawrance, John Moreſhead Eſquire, John Moleſworth Eſquire, John Milligen, William Mallet, Henry Manaton, Eſquires; Jonas Morgans, Zacharias Mudge Clerk, George Marſhall, Ralph Michell, Stephen Mignan, John Mudge, Orlando Manley, George Woodward Mallott, Samuel Mansfield, Henry Mervyn, Nicholas Mercator, Nicholas May, Thomas Mangles, Nicholas Mill, Digory Mill, Paul Mounier, William Mumford, Henry Maſterman, John Mooring, Joſeph May of Goodmeavy, Joſeph May, James Macadams, Samuel Merivale Clerk, Michael Nicolls Eſquire, John Nicholls, John Newton, Richard Nelſon, William Neil Clerk, John Netherton, John Ommanney Eſquire, Paul Henry Ourry, Robert Phillipps, Anthony Porter, John Parker, John Parker junior, Montagu Parker, John Francis Pengelly, Reginald Pole, William Davis Phillipps, Samuel Peter Eſquire, Thomas Pearſe, John Pritchard, Thomas Parſons, Eſquires; Richard Pett, Peter Pare, Abraham Pike, Raymundo Putt, Edward Palmer, Nicholas Palmer Clerk, Benjamin Parham, William Pearſe, Richard Pearce, Jacob Pownoll, Richard Prideaux, John Prideaux, Thomas Parſons of Taviſtock, Richard Parſons, Hercules Pyne, Thomas Parſons of Petertavy, Frederick Rogers Eſquire, Walter Radcliffe Eſquire, James Richardſon, Edmund Robinſon, Eſquires; William Redſton Eſquire, Robert Rundle, John Rawlings, John Reep, Matthew Revell, John Revell, William Rowe, John Rowe Clerk,

Thomas

Thomas Roſkilly, Roger Rundle, Thomas Reed, John Reed, John Rowe, Richard Rundle, John Snow Clerk Cannon of Exeter; William Spry Eſquire, Jacob Shaw, Peter Symons, James Scott, Edward Spry, William Shepherd, Ambroſe Stapleton, John Stapleton, John Spurrell, John Smith, William Stephens, Robert Sargent, James Sotro, Joſeph Sambells, Edward Stephens, John Smith, Aaron Strugnall, Nathaniel Stephens, Richard Streek, John Spry, Walter Shellaber, Peter Sleeman, William Skinner, John Stephens, William Short Clerk, William Trelawny Eſquire, Henry Tolcher, Arthur Tremayne, Arthur Tremayne junior, Eſquires; Joſeph Tolcher, Peter Tonkin, Peter Traverſe, Digory Tonkin, John Thomas, Foſcarinus Turtliffe, Joſhua Thomas, Thomas Memory Thorn, Richard Tickell, George Trelevan, Samuel Addis Trelawny, Richard Turner, John Tucker Clerk, Richard Truland, William Tucker, John Turner Clerk, John Tindall Clerk, Arthur Turner, Richard Vyvyan Eſquire, Phillip Vyvyan, Thomas Veale, Nicholas Vincent, Eſquires; Thomas Vincent M. D. William Veale, Thomas Vaughan, Andrew Veale, John Vickry Clerk, John Wynne, John Were Eſquire, George Woolcombe, Henry Woolcombe, John Webber, Thomas Woolcombe, William John Woolcombe, William Ward, Magnus Wallis, Thomas Winſloe, Richard Woſtlake, Joſeph Ward, Thomas Wyatt, George Wills, William Warden, Thomas Wyſe, Richard Vyvyan Willesford, Henry Whitchurch, Roger Willcock, Richard Welſh, Thomas Windeat, Watkins Clerk, James Yonge Eſquire, John Yoe Eſquire, Charles Yonge, Samuel Yonge, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for ſurveying, ordering, widening, turning, altering, amending, and keeping in Repair, the Roads aforeſaid, and for putting in Execution all other the Powers by this Act given.

Qualification of Truſtees.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes, or poſſeſſed of, or intitled unto, a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Value of Eight hundred Pounds, or ſhall be Heir Apparent of a

Perſon

Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or unless he shall be a Creditor for the Sum of Two hundred Pounds, or more, lent upon the Credit of this Act: And if any Person, not being so qualified, shall presume to act, contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by 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.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the Bedford Arms Inn in Tavistock aforesaid, upon the Day Three Weeks next after the Day of passing this Act, and proceed to the Execution of this Act; and shall then chuse a Clerk or Clerks, to write their Orders, and take Minutes and make Entries of their Proceedings, and for other Purposes; and shall then, and from time to time afterwards, adjourn themselves to meet at such Place or Places within or near the said Roads, as they the said Trustees, or any Five or more of them, shall, from time to time, think most convenient for putting this Act in Execution: And the said Trustees, or any Five or more of them, shall, at their first or any subsequent General Meeting or Meetings, from time to time, as they see Cause, divide and distribute themselves into as many several and distinct Committees, for the Management and effectual Repair of the said several and respective Roads, as they shall see necessary and think fit: And they shall, from time to time, set down in Writing the Names of those who shall act at each Committee (so as Five or more of the said Trustees shall be appointed for each Committee for repairing each Road; but that such Appointment shall not thereby restrain any of the Trustees from acting in any of the Trusts by this Act reposed in them) and also such convenient Place or Places for the Meeting of such Committee or Committees, for the Purposes aforesaid, as they shall see meet: And if at any Meeting appointed to be

Time and Place of Trustees Meeting.

Trustees may subdivide themselves.

be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act and to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk or Clerks to the ſaid Truſtees, ſhall, from time to time, as ſuch Caſe ſhall happen, by Notice in Writing to be affixed upon all the Turnpikes which ſhall then be erected upon, near, or acroſs, the ſaid Roads, with reſpect to which ſuch Meeting was called, at leaſt Seven Days before the next Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to be held, on the Twenty firſt Day after the Day for which ſuch laſt Meeting was appointed: And the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences: And that all Orders and Determinations of the ſaid Truſtees, in Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe; and that no ſuch Order or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at a Meeting ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by this Act authorized to make any ſuch Order or Determination; nor ſhall any ſuch Order or Determination be revoked or altered at any ſubſequent Meeting, unleſs Nine Truſtees ſhall be preſent; nor ſhall any Truſtee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he ſhall hold any Place of Profit under this Act: But all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

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

Truſtees to defray their own Expences.

No Order to be repealed unleſs 13 Truſtees are preſent.

Truſtees not to accept of a Place of Profit ariſing from the Tolls.

And be it further enacted by the Authority aforeſaid, That when and as often as any Truſtee ſhall die or refuſe to act; it ſhall be lawful for the ſurviving or remaining Truſtees, or any Seven or more of them, by Writing under their Hands and Seals, to elect One other Perſon, qualified as aforeſaid, to be a Truſtee in the Room of ſuch Truſtee ſo deceaſed or refuſing to act; but Notice in Writing of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame in Writing upon all Turnpikes in or upon the ſaid Roads, at leaſt Fourteen Days before every ſuch Meeting; and all Perſons who ſhall be ſo elected, are hereby veſted with the ſame Powers for the putting this Act in Execution, as the Perſons in whoſe Places they ſhall be reſpectively choſen were veſted with.

Truſtees in the Commiſſion of the Peace may act as Juſtices.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may, from time to time, cauſe to be erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, near, or acroſs any Part or Parts of the ſaid Roads, and on the Side or Sides of the ſaid Roads, and acroſs any Lane or Way leading out of the ſame; and alſo a Toll-houſe or Toll-houſes in, upon, or on the Side or Sides, or acroſs the ſame Roads; and the Tolls following ſhall be demanded and taken before any Cattle or Carriage ſhall be permitted to paſs through any of the ſame Toll-gates or Turnpikes reſpectively; that is to ſay,

and take the following Tolls thereat.

The Tolls.

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

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

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

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

For every Waggon, Wain, Cart, or Dray, drawn by Four or more Horſes, Oxen, or other Beaſts, the Sum of Six Pence for each Horſe, Gelding, Mare, Ox, or other Beaſt ſo drawing therein.

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

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

And 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

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

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of, or as a Toll; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls, to ſeize, diſtrain, and keep, any Horſe or other Cattle, Beaſt, or any Goods or Carriage, upon which any ſuch Toll is by this Act impoſed, or any of the Goods and Chattles of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of keeping the ſame, ſhall not be paid within the Space of Four Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining, ſhall and may ſell the Horſe, Cattle, Beaſt, Carriage, or Goods and Chattles ſo ſeized and diſtrained, returning the Overplus, if any be, upon Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges of ſuch Diſtreſs, keeping, and ſelling, ſhall be deducted; which ſaid Tolls ſhall be, and are hereby veſted in the ſaid Truſtees, and ſhall be applied, or may be aſſigned, in ſuch Manner as is herein after mentioned.

Tolls to be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 4 Days.

Tolls veſted in the Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That Three Turnpikes only ſhall be erected acroſs the Road leading from the lower Market Houſe in Taviſtock aforeſaid, to Old Town Gate in Plymouth aforeſaid, and from Manadon Gate in the ſaid Road to the Old Pound near Plymouth Dock; that is to ſay, One upon the Bridge intended to be built near the lower Abbey Gate in Taviſtock aforeſaid, at the South End thereof, with a Side Gate acroſs the Road leading from thence to Dolvin; another upon Horra Bridge aforeſaid, at that End thereof which lies in the Pariſhes of Whitchurch and Sampford Spiney, or One of them, with a Side Gate acroſs the Road leading to Plaiſter Down, and the other at the ſaid Place called Knacker's Hole, with a Side Gate acroſs the Lane leading to Widey; and that One Turnpike ſhall be erected near unto and adjoining to a Houſe in the Occupation of John Farwell, at the Weſt End of Ford Street, in the Road leading from Taviſtock aforeſaid to New Bridge, with a Side Gate acroſs the Road leading to a Bridge called the Weſt Bridge in Taviſtock

Limitation of Turnpikes.

viſtock aforeſaid, and Fitzford; and that Three Turnpikes ſhall be erected on the ſaid Road leading from Taviſtock aforeſaid to Greſton Bridge; that is to ſay, One at a Place called Mounthungary Houſe in Taviſtock aforeſaid; another upon Tooldown aforeſaid, near the South Weſt End of Foghanger Lane, with a Side Gate and Railing acroſs the ſaid Lane; and the other at the Eaſt End of Greſton Bridge aforeſaid; and that Five Turnpikes ſhall be erected on the ſaid Road leading from Taviſtock aforeſaid, by Wringworthy Lane Head, and Beardon, to Downtown Gate aforeſaid, and from Taviſtock aforeſaid, by Hurdwick and Heathfield Down, to the ſaid Place called Riccard's Houſe aforeſaid, that is to ſay, One Turnpike in Taviſtock aforeſaid, acroſs the South Weſt End of Killworthy Lane; another at or near Mumpford's Houſe in Exeter Lane in Taviſtock aforeſaid; another at Lane Head aforeſaid, with a Side Gate acroſs the Road leading to Mary Tavy; another Turnpike at the Buddle in Taviſtock aforeſaid, in the Road leading to Riccard's Houſe aforeſaid, and the other on the Weſt Side of the Croſs Roads leading to Curriton and South Brentor, near Riccard's Houſe aforeſaid, with Side Gates acroſs the ſaid Roads leading to Curriton and South Brentor: All which Turnpikes and Gates ſhall be ſupported and kept up during the Continuance of this Act.

Tolls to be paid but Once a Day on each Road.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be liable to pay Toll more than Once for paſſing or repaſſing at any Time or Times in any One Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the ſucceeding Night, with the ſame Cattle or Carriage, through all or any of the Gates or Turnpikes, erected or to be erected, upon, near, or on the Sides of the ſaid Road leading from the lower Market Houſe in Taviſtock aforeſaid, over Horra Bridge, by Manadon Gate to Old Town Gate in Plymouth, or from Manadon Gate aforeſaid to the Old Pound near Plymouth Dock, or croſs any Lane or Way, leading into the ſame; nor more than Once for paſſing or repaſſing through all or any of the Gates or Turnpikes, erected or to be erected, upon, near, or on the Sides of the ſaid Road leading from Taviſtock aforeſaid, by Lumburn Bridge and Gulworthy, to the Eaſt End of New Bridge in the Road to Callington, or croſs any Lane or Way leading into the ſame; nor more than Once for paſſing or repaſſing through all or any of the Gates or Turnpikes, erected or to be erected upon, near, or on the Sides of the ſaid Road leading from Taviſtock aforeſaid, through Milemead Lane, Lamerton

Green, Tooldown, Millton Abbot, Church Town, and Felldown Head, to the Eaſt End of Greſton Bridge, or croſs any Lane or Way leading into the ſame; nor more than Once for paſſing or repaſſing through all or any of the Gates or Turnpikes, erected or to be erected, upon, near, or on the Sides of the ſaid Road leading from Taviſtock aforeſaid, by Wringworthy Lane Head, and Beardon, to Downtown Gate, and by Hurdwick, and over Heathfield Down, to the Publick Houſe called Riccard's Houſe, in the Pariſh of Lamerton, or acroſs any Lane or Way leading into the ſame; but that all and every Perſon and Perſons, after having paid Toll Once as aforeſaid, ſhall, during the Remainder of ſuch Day, to be computed as aforeſaid, paſs Toll-free with the ſame Cattle and Carriages, through the Gates or Turnpikes at which any ſuch Toll was paid: And alſo, through all other Gates or Turnpikes acroſs, near or on the Sides of ſuch reſpective Roads aforeſaid, or croſs any Lane or Way leading into the ſame, whereon ſuch Tolls ſhall be reſpectively paid, upon producing a Note or Ticket, denoting the Payment of ſuch reſpective Toll; which Notes or Tickets the Collectors of the reſpective Tolls are hereby required to give gratis on Receipt of the Toll.

Application of the Money.

Provided always, and be it further enacted by the Authority aforeſaid, That the Tolls to be collected upon the Road leading from the lower Market Houſe in Taviſtock aforeſaid, over Horra Bridge, by Manadon Gate to Old Town Gate in Plymouth, and from Manadon Gate aforeſaid to the Old Pound near Plymouth Dock, and the Money borrowed upon the Credit thereof, ſhall be applied in the erecting a Bridge acroſs the River Tavy, from the Lower Abby Gate in Taviſtock aforeſaid to the oppoſite Shore, and in the Repair and Improvement of the ſaid laſt mentioned Road only, and that the Tolls to be collected upon the Road between Taviſtock aforeſaid and the Eaſt End of New Bridge, and the Money borrowed upon the Credit thereof, ſhall be applied for the Repair and Improvement of that Road only; and that the Tolls to be collected upon the Road between Taviſtock aforeſaid and the Eaſt End of Greſton Bridge aforeſaid, and the Money borrowed upon the Credit thereof, ſhall be applied for the Repair of that Road only; and that the Tolls to be collected upon the Road between Taviſtock aforeſaid, and Downtown Gate aforeſaid, and between Taviſtock aforeſaid and Riccard's Houſe aforeſaid, and the Money borrowed upon the Credit thereof, ſhall be applied for the Repairs and Improvement of thoſe Roads only.

Gates between *Tavistock* and *New Bridge* to be within 2 Miles and a Half of *Tavistock*.

Provided also, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Trustees to set up, or cause to be set up, any Gate or Turnpike upon the said Road between Tavistock and New Bridge, at any further Distance from the Town of Tavistock than Two Miles and a Half.

Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, Bridges and Arches, to be erected or provided by virtue of this Act, and of the Materials of which the same shall consist, and also all Materials which shall be actually got or collected for repairing the said Road, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any Five or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer, or order the preferring of Indictments against any Person or Persons who shall injure or disturb them the said Trustees in the Possession thereof.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls collected by virtue of this Act, or the Monies which shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay all the Expences of obtaining this Act, and the Remainder of the Money so raised shall be laid out and applied in a Manner herein before directed, and to or for no other Use or Purpose whatsoever.

Trustees may reduce the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their first Meeting, and from time to time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to vary, lessen, or reduce all or any of the Tolls hereby granted, and for such Time or Times, as they the said Trustees, or any Five or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates herein before mentioned; and total order and direct such Tolls so lessened and reduced or advanced, to be collected, received, taken, and laid out and applied for the Purposes of this Act, in such Manner as the Tolls hereby granted are directed to be collected and applied; but no such Reduction shall be made at any Time after such First Meeting, unless the Person or

who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made, unless Twenty one Days Notice at the least shall be given in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act, upon the Road whereon the Tolls are payable, which are intended to be reduced, of the Intention to make such Reduction.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, by Writing under their Hands and Seals, to lease the Tolls arising within, or in relation to the said Roads, or any Part or Parts of such Tolls, unto any Person or Persons from Year to Year, or for any Term of Years not exceeding Three Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Five or more of them shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

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 Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditaments lying near any Turnpike which shall be erected by virtue of this Act, the same not being a public Highway; or if any Owner or Occupier of any such Ground, Land, or Hereditaments, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by virtue of this Act to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, or other Cattle, or Beasts, without Payment of Toll, or shall take off, or cause to be taken off, any Horse, or other Cattle, or Beasts, from any Carriage, or shall leave or cause to be left upon or near to any Part of the said Roads any Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings;

off taking off Horses, &c.

to avoid paying the Tolls.

lings; whereof One Moiety ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein directed to be applied.

Exemptions from Toll.

Provided always, and be it further enacted by the Authority aforeſaid, That no Toll ſhall be taken for any Carriage, or any Horſe, Cattle, or Beaſt, loaden only with, or going unloaden for, or returning unloaden, having been only loaden with, on the ſame Day, Gravel, Stone, or other Materials for repairing the ſaid Roads, or any of the Roads in the Pariſh, Tything, or Place, in which ſuch Roads do lie; or with Turf, Peet, Coppice Wood, Faggots or other Wood, Furze, or Coals, for Fuel only; Lime, Sea Sand, Culm for burning Lime, Muck, Dung, Soil, Compoſt, or other Materials for the manuring and improving of Land, or that ſhall be uſed and employed in the ploughing, ſowing, tilling, or cultivating any Land or Ground; or in the Carriage of any Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Out-houſes, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, for manuring, cultivating, or improving of Land; or to or for any Perſon or Perſons reſiding in the Pariſh, Tything, or Place, in which any of the ſaid Roads do lie, going to or from their proper Parochial Church, Chapel, Meeting-houſe, or other Place of religious Worſhip, or attending the Funeral of any Perſon or Perſons that ſhall die and be buried in any of the ſaid Townſhips; or for any Poſt-horſe or Vehicle carrying the Mail or Packet; or for any Cattle going to or from Water or Paſture, or in order to be ſhod; or for the Horſes of any Soldiers upon their March, or Carriage attending them with their Baggage; or for any Horſe, or other Beaſt or Cattle, which ſhall be employed in the Carriage of Wool, Serges, Cloth, or other Woollen Goods, raw Hides, Skins, and Leather, to or from the Houſe of any Inhabitant of any of the ſaid Pariſhes, Tythings, or Places, in which the ſaid Roads lie, to or from any Ground, Fulling Mill, Tenter or Rack, Tan Yard, Lime Pits, or Drying Houſes, in the ſame Pariſh, belonging to or occupied by ſuch Inhabitant, where the ſame ſhall be manufactured or dried; or for any Horſe, or other Beaſt or Cattle, going to or returning from any Mill or Mills, loaden with, or returning, having been only loaden with any Corn, Grain, Malt, or Griſt, belonging to any Inhabitant of the Pariſh, Tything, or Place wherein ſuch Mill or Mills ſhall reſpectively lie; or for

any Cattle or Carriage employed in the conveying of Vagrants ſent by legal Paſſes; or for any Coach, Landau, Berlin, Chariot, Calaſh, Chaiſe or Chair, or Paſſenger on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of Devon, during the Time of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, ſuch Perſon ſhall forfeit, for every ſuch Offence, the Sum of Forty Shillings. Penalty on Perſons making illegal Claims.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may, from time to time, upon the Credit of the Tolls or Duties hereby made payable, borrow and take up at Intereſt any 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 Five or more of them, to aſſign over the ſaid Tolls or Duties, or any Part or Parts thereof, for any Term or Number of Years not exceeding the Term for which this Act is to continue, unto any Perſon or Perſons, as a Security or Securities for the Repayment of ſuch Sum or Sums of Money as ſhall be ſo borrowed, and the Intereſt thereof as aforeſaid; all and every of which Aſſignments ſo to be made ſhall be copied and entered at Length in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees, to be ſeen and peruſed, at all ſeaſonable Times, by any Perſon or Perſons, without Fee or Reward: Which ſaid Money ſo to be borrowed, the Charges of procuring and paſſing this Act as aforeſaid being thereout firſt paid, ſhall be laid out and applied in ſuch Manner as the ſaid Tolls or Duties are hereby directed to be laid out and applied, and to no other Uſe or Purpoſe whatſoever; and 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 Five or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the ſaid Tolls, and his, her, or their Executors or Adminiſtrators, Aſſignee or Aſſignees, may, and are hereby empowered, 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, Tolls may be aſſigned for Money borrowed. Aſſignments to be entered in a Book.

Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two credible Witnesses, to assign and transfer such Security and Securities, and all the Money that shall be due thereon, to any other Person or Persons whomsoever; and that all and every such Transfer or Assignment of any Security of the said Tolls or Duties, shall, from time to time, be produced or notified to the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, for the time being, within the Space of 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 thereupon, or any Part thereof.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons, who shall lend and advance any Monies on the Credit of this Act, or on the Credit of any of the Tolls to be collected on any or either of the said Roads, and shall continue Creditors thereto, shall be desirous to be repaid the principal Money and Interest due to him, her, or them, and shall deliver a Notice in Writing, signed by him, her, or them respectively, signifying such Desire to the Clerk or Clerks of the said Trustees for such Part of the Roads hereby directed to be repaired, on the Credit whereof such Monies were lent respectively, at some General Meeting of the said respective Trustees; that then, and in such Case, unless the Principal and Interest due, and to accrue due, to him, her, or them, on the Security of such Tolls as aforesaid,

Clause for paying off the Creditors.

aforesaid, shall be fully paid unto, or tendered unto and refused to be accepted by, such Creditor or Creditors so signing such Notice, within Six Months after the Delivery of such Notice as aforesaid, it shall and may be lawful to and for such Creditor and Creditors, his, her, or their Executors, Administrators or Assigns, to take Possession of the Gate or Gates then erected by virtue of this Act, on the Road in respect whereof such Money was lent, and to receive and take the Tolls hereby granted and made payable at such Gate or Gates, and apply the same to and for his, her, and their own Use and Benefit, until thereby, and therewith, or otherwise, the said principal Money and Interest, and all Costs and Charges of such Entry and Perception of the said Tolls, and all other reasonable Expences attending the same, shall be fully paid and satisfied.

Where the Repairs of the Roads are to be begun.

And be it further enacted by the Authority aforesaid, That the said Trustees shall begin to repair the said Roads, in the first Place, from the respective Places in or near Tavistock aforesaid, where mentioned in this Act to begin; and also from the said Place called Old Town Gate in Plymouth aforesaid, towards Tavistock, and from the Place called Old Pound, near Plymouth Dock aforesaid, towards Tavistock; and from all those Places shall regularly and progressively carry the said Repairs on, as far as the Produce of the said respective Tolls will admit of.

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors, of the said Roads, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary; and from time to time to remove any or either of such Officers, and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons as to them the said Trustees, or any Five or more of them, shall seem reasonable: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of

all the Monies which ſhall have been by ſuch Officer or Officers, and Perſon or Perſons reſpectively, received by virtue of this Act; and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall upon Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them, which Oath the ſaid Truſtees, or any Five or more of them, are hereby impowered to adminiſter, verify their ſaid Accounts: And if any ſuch Officer or Perſon ſhall not make and render, or refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Truſtees, or any Five or more of them, within Twenty one Days after being thereunto required by any Five or more of ſuch Truſtees, all the Books, Papers, and Writings, in his Cuſtody or Power, relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or any Five or more of them, or as they 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 Name of ſuch Truſtees, or in the Name or Names of any Five or more of them, againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies 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 Two or more Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be and reſide, ſuch Juſtice or Juſtices may, and are hereby authorized and required, by a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before him or them; and upon his and their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as

Officer refuſing to account,

may be ſued;

or, if Complaint be made,

Juſtices may enquire into the Default;

as the Truſtees, or any Five or more of them, by virtue of this Act, might have done: And if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes, upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter, without any Fee or Reward) it ſhall appear to ſuch Juſtice or Juſtices, that any of the Monies that 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 are hereby authorized and required, upon Non-payment 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 and Chattles of ſuch Officer or Officers, Perſon or Perſons reſpectively: And if no Goods or Chattles of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale, then and in either of the Caſes aforeſaid, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the Common Gaol of the County, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees, or any Five or more of them, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make) or until he ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, and give Satisfaction in reſpect thereof, to the ſaid Truſtees, or any Five or more of them.

and levy the Balance by Diſtreſs and Sale;

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

until he ſhall conform, &c.

Provided always, That no ſuch Collector, Surveyor, or other Officer or Perſon, ſhall gain a Settlement in any Pariſh or Place, by reaſon of his being appointed to, or ſerving under this Act.

Officers not to gain a Settlement under this Act.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall take ſuch Security from their Treaſurer or Treaſurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the ſaid Truſtees, or any Five or more of them, ſhall appoint.

Treaſurer to give Security.

Provided always, That as often as any Collector of the Tolls ſhall die, or be incapable of performing his Duty, it ſhall and may be lawful for any Five or more of the ſaid Truſtees, though not aſſembled at a Meeting in purſuance of this Act, by any Writing under their Hands, to appoint any other Perſon to collect ſuch Tolls: And

Truſtees may appoint Officers, tho' not at a publick Meeting.

the Perſon ſo appointed ſhall have the ſame Authority for the Recovery thereof as the Perſon he ſhall ſucceed was veſted with, until the ſaid Truſtees, or any Five or more of them, ſhall, at a Meeting to be held by virtue of this Act, appoint a Collector of ſuch Tolls.

No Victualler, &c. to have a Place of Profit.

Provided alſo, and be it enacted, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any Menial Servant of any Truſtee, ſhall be capable of holding any Place of Profit under this Act.

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

And be it further enacted by the Authority aforeſaid, That the Surveyor or Surveyors for the ſaid Roads, or any Part of them, and ſuch other Perſon and Perſons as ſhall be employed by ſuch Surveyor or Surveyors, or by the ſaid Truſtees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the repairing of the ſaid Roads, out of and from any Waſte Grounds or Commons, Rivers or Brooks, in any Pariſh, Town, or Place, in which any Part of the ſaid Roads lie, or in any neighbouring Pariſh, Town, or Place, without paying any thing for the ſame; ſuch Surveyors, or other Perſons, filling up the Pits, and levelling the Ground, from whence ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle: And if ſuch Quantities of Furze, Heath, Stones, or other Materials, proper and ſufficient for that Purpoſe, cannot be had or found in or upon ſuch Waſte Grounds or Commons, Rivers or Brooks, contiguous to that Part of the ſaid Roads intended therewith to be repaired, then, and in ſuch Caſe, the ſaid Surveyor or Surveyors, or other Perſons, as aforeſaid, may, by Order of the ſaid Truſtees, or any Five or more of them, dig, gather, take, and carry away, any ſuch Materials as aforeſaid in, upon, or out of, from, and over, the Lands of any Perſon or Perſons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Grounds planted and ſet apart as a Nurſery for Trees) paying, or tendering Payment, of ſuch Rates for ſuch Materials, and for the Damage done to ſuch private Lands over which any Materials gotten in any Waſte Ground, Common, River, or Brook, or private Grounds, ſhall be conveyed, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable.

without paying for the ſame;

levelling the Pits.

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

making Satisfaction to the Owners of the Ground.

Provided

Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Surveyor or Surveyors, and ſuch Perſon and Perſons, as he or they ſhall direct or appoint, from time to time, to enter into a Lime Quarry, or Slate Stone Quarry, or other Quarry or Quarries, to take and carry away the Chipping, Refuſe, and Rubbiſh thereof, and alſo to enter into any private Grounds or Lands, to take and carry away any leazed Stones, which ſhall be then and there gathered into Heaps, and lying on the Surface of the ſaid Grounds or Lands, without paying or making any Satisfaction for the ſame, the Owner or Owners, Occupier or Occupiers, or Perſon or Perſons appointed by him or them being preſent, or neglecting to attend on Notice being given to ſuch Owner or Occupier, Owners or Occupiers, or his, her, or their known Servant or Servants, or left at the uſual Place or Places of Abode of ſuch Owner or Owners, Occupier or Occupiers, at leaſt Twenty four Hours before ſuch taking or carrying away as aforeſaid; the ſaid Surveyor or Surveyors, or ſuch other Perſon or Perſons as aforeſaid, paying to the Owners or Occupiers of the reſpective Lands ſo entered, ſuch Sum or Sums of Money for the Damage which ſhall be done to the Fences or Lands reſpectively, in paſſing through or over the ſame, for the Purpoſes aforeſaid, as the ſaid Truſtees, or any Five or more of them, ſhall direct. Surveyors may get Materials from Quarries.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint, from time to time (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the ſaid Roads, by Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and convert the ſame to his or their own Uſe or Uſes, and to turn any Watercourſes, Sinks, or Drains, running along, into, or out of, the ſaid Roads, to the Prejudice thereof; and to open, ſcour, cleanſe, widen, or make deeper, any Watercourſes or Ditches adjoining thereto, and make the ſame as deep and large as he or they ſhall think neceſſary; and to cut down, lop, or top, any Trees, Shrubs, or Buſhes, growing in the ſaid Road, or in the Hedges or Banks adjacent thereto; and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſſes ſhall neglect to lop or top, cut down, and remove, ſuch Trees, Shrubs, or Buſhes, or Surveyors may remove Annoyances, and cleanſe Ditches; and cut down Buſhes, &c. the Owners neglecting to remove the ſame after Notice,

or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Fourteen Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors (the Charges whereof to be settled by the said Trustees, or any Five or more of them), shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Five Pounds.

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors for the said Roads, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads Twenty five Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow, or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Park, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road is repairing or widening; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and cross any River, Stream, Brook, Water, Ditch, or Drain, therein or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but that no Satisfaction shall be made for doing or performing any

and make a temporary Road,

and erect Bridges, &c.

making Satisfaction to the Owners.

of the Works aforeſaid, upon or through any Moor or Waſte Ground.

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

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall be and are hereby fully empowered to divert, turn, or alter, the Courſe or Path of any Part or Parts of the ſaid Roads through any Moor or Waſte Ground, without making any Satisfaction for the ſame, and alſo through any private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may thereby ſuſtain; and for that Purpoſe, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to contract and agree with the Owners of, and Perſons intereſted in, any Lands or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by the diverting, turning, or altering, the Courſe or Path of any Part or Parts of ſuch Roads through ſuch Lands or Hereditaments; and it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Femes Covert, Infants or Iſſue unborn, Lunaticks, Ideots, or other Perſon or Perſons whatſoever, and to and for all Femes Covert, who are or ſhall be ſeiſed or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them, or any Five or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter whatſoever, to the contrary notwithſtanding; and all ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be, and are hereby indemnified for what they ſhall do by virtue of this Act; and if any ſuch Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole,

Bodies Politick, &c. to contract for Sale of ſuch Lands.

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

Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given or left in Writing, at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads are intended to be diverted, turned or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating, then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands and Hereditaments do lie; 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 require, to summon and call before such Jury, and examine upon Oath all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses; which Oath any Five or more of the said Trustees are hereby impowered to administer; and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all Ways and Means, as well for their own, as for the said Jury's Information of the Premisses; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; And for summoning and returning

Damages to be settled by a Jury.

Verdict of the Jury to be binding.

turning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return an indifferent Jury of Twenty four Persons qualified to serve upon Juries, to appear before such Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is, and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined, or to give Evidence, and which Fine or Fines shall be levied and recovered in such Manner as the Penalties and Forfeitures are herein after directed to be levied and recovered; so that no such Fine be more than Ten Pounds, nor less than Five Pounds, on any One Person for One Offence.

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

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

Fine not to exceed 10*l.*

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising within or upon account of the Road to intended to be diverted, turned, or altered, or out of the Monies to

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

be

be borrowed upon the Credit of such Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit: And the said Trustees, or any Five or more of them, shall cause such Parts of the said Roads as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair, in such Manner as the Roads hereby appointed to be repaired are, by this or any other Law, to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be compleated, the Lands constituting or making Part of the former Road, unless leading over some Wood or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied to the Repair of that Part of the said Road so diverted and turned.

Lands, &c. when purchased, to be made Part of the Road, and deemed a publick Highway, and kept in Repair as such.

Old Road may be sold.

Buildings, &c. not to be injured.

Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend to impower the said Trustees in widening, turning, or altering any Part of the said Roads, to the pulling down of any House or other Building, or taking in the Site of any House, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, except as is herein after excepted.

And whereas the Road leading from the lower Market House in Tavistock to the East Bridge over the River Tavy, is very narrow and incommodious; and if a House situate on the South Side of the Lower Market Street in Tavistock aforesaid, belonging to his Grace the Duke of Bedford,

Bedford, and Richard Vyvyan Willesford, in Leaſe to Elizabeth Gee; another Dwelling House, Yard, and Stable, belonging to the ſaid Duke, in the Occupation of William White and Richard Morris, called the Milkhouſe, ſituate in the Great Abbey Yard in Taviſtock aforeſaid, and a Malt-houſe in the ſaid Great Abbey Yard, belonging to the ſaid Duke, in the Occupation of William Bunney, Hercules Pyne, and Henry Corniſh, were pulled down and removed, and the Road carried acroſs the Church-yard to the Lower Abbey Gate, and a Bridge made there acroſs the River Tavy, it would be much ſhorter, and more commodious: And whereas the Road leading from the Lower Market Houſe in Taviſtock aforeſaid, towards Wringworthy and Lanehead, leads through a Place called Stairs Head and Exeter Lane in Taviſtock aforeſaid, is alſo very narrow and incommodious; be it therefore enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, at a publick Meeting to be held by virtue of this Act, ſhall have Power, and they are hereby authorized and required to treat with the Proprietors and Perſons intereſted in the before-mentioned Houſes and Premiſſes reſpectively, and alſo with the Proprietors and Perſons intereſted in the Houſes, Stables, Gardens, and Orchards, ſituate on the South Side of Stairs Head and Exeter Lane aforeſaid, for the abſolute Purchaſe thereof, for the Purpoſe of improving the ſaid Roads, and to pay for the ſame out of the Monies to be raiſed by virtue of this Act, upon or in reſpect to the ſaid Roads reſpectively: And if the ſaid Truſtees, or any Nine or more of them, cannot make a perfect and valid Agreement with the Proprietor or Proprietors, and other Perſons intereſted in the ſaid Dwelling-houſes, Malt-houſes, Stables, Gardens, and Orchards, reſpectively, for the abſolute Purchaſe thereof, for the Purpoſes aforeſaid; then the ſaid Truſtees, or any Nine or more of them, may and ſhall, and they are hereby impowered and required to cauſe the ſame to be enquired into and ſettled by a Jury, in the ſame Manner, and under the ſame Powers, Regulations, Reſtrictions, Penalties, and Determinations, as are herein before given and directed, for the purchaſing of Lands, for widening or altering any of the Roads hereby directed to be repaired; And as ſoon as the ſaid Dwelling-houſes, Malt-houſe, Stables, Gardens, and Orchards, ſhall be purchaſed, or the Money to be aſſeſſed by a Jury, as aforeſaid, ſhall have been properly tendered, by Order of the ſaid Truſtees, or any Nine or more of them, the ſaid

Truſtees impowered to purchaſe certain Houſes, &c. and lay the Scites of them into the Roads.

Dwelling-houſe, Malt-houſe, Stables, Gardens, and Orchards, ſhall be, and are hereby veſted in the ſaid Truſtees: And it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, by Writing under their Hands and Seals, to cauſe the ſame to be pulled down and removed, or taken in, in order to alter and widen the ſaid Roads reſpectively; and the Materials whereof the ſame ſhall reſpectively conſiſt, may be ſold by order of the ſaid Truſtees, or any Nine or more of them, for the beſt Price that can be got for the ſame; and the Money ariſing by ſuch Sale ſhall be applied in ſuch Manner as the Tolls to be collected upon the ſaid Road are hereby directed to be applied; any thing herein contained to the contrary notwithſtanding.

Road leading from the *Lower Market House*, to be continued to the River *Tavy*.

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 authorized and required, to cauſe the Road leading from the ſaid Lower Market Houſe to Saint John's Lane to be carried from the Lower Market Houſe in Taviſtock aforeſaid, over the Ground whereon the Houſe in Leaſe to Elizabeth Gee, as aforeſaid, now ſtands, and from thence acroſs the Church-yard at the Eaſt End thereof to the ſaid Houſe called the Milkhouſe, and from thence through the Great Abbey Yard, and over the Lands near the Lower Abbey Gate, whereon Part of the ſaid Malt-houſe now ſtands, and the Garden thereto belonging, to the River Tavy; and that the ſaid Truſtees, or any Nine or more of them, ſhall, and they are hereby required, to cauſe the Bridge called the Eaſt Bridge, acroſs the ſaid River Tavy, to be pulled down and removed, and the Materials whereof the ſame conſiſts to be made uſe of in erecting another Bridge, of the Width of Fourteen Feet at the leaſt, for the Paſſage of Paſſengers and Carriages, acroſs the ſaid River Tavy, from the South Side of the Land whereon the ſaid Malt-houſe now ſtands, to the oppoſite Shore; which ſaid laſt mentioned Bridge the ſaid Truſtees, or any Nine or more of them, are hereby required to erect, or cauſe to be erected, out of the Monies to be raiſed as aforeſaid.

Truſtees not to act where intereſted.

Provided always, That no Perſon ſhall act as a Truſtee in any Caſe relating to the contracting for or purchaſing of any Lands or Hereditaments, wherein he ſhall be particularly concerned or intereſted.

Where a new Road ſhall be made, Inhabitants not liable to repair the former Road, except, &c.

Provided alſo, That if any new Road ſhall be made as aforeſaid, inſtead of any former Road, over any Moor or Waſte Ground, the Inhabitants of the Parish or Place ſhall not be obliged to repair ſuch former Road, unleſs the

ſame

same doth lead to some Town or Place with which such new Road doth not communicate.

Roads over Moors, &c. to be 50 Feet broad.

And whereas some Parts of the Road by this Act directed to be repaired, lie over several Moors, Commons, Waste Grounds, open Fields or Pastures, and if the same were to be inclosed, the said Roads may not be left of a sufficient Breadth for the Accommodation of Travellers; be it therefore enacted, That when any Part of the said Roads over any Moor, Common, Waste Grounds, open Fields or Pastures, shall be made or repaired in pursuance of this Act, the said Road or Roads shall for ever thereafter be and remain Fifty Feet broad, and be deemed a publick and common Highway.

Persons liable to do Statute-work to continue so.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees and Committees, of any Lands, Tenements, Rents and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places in which any Part of the said Roads lie, and all other Persons liable to perform the Work, commonly called Statute-work, upon the said Roads, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do.

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

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

And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places in which any Part of the said Roads do lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Six Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors, an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish in such Lists which of such Persons shall, or by this

this Act ſhall be deemed to keep a Team or Teams, and, which of them are Labourers only, or do not, or by this Act are not, deemed to keep a Team or Teams; and the Statute-work ſhall be done by all ſuch Perſons, on ſuch Parts of the ſaid Roads, hereby intended to be repaired, as lie within the ſaid reſpective Townſhips, Pariſhes, and Places, in ſuch Manner and at ſuch Times as the ſaid Truſtees, or any Five or more of them, or the ſaid Turnpike Surveyor or Surveyors, ſhall, from time to time, direct and appoint; and that Three Days Work ſhall be done by every ſuch Perſon and Team on the ſaid Roads, in every Year: And the ſaid Surveyor or Surveyors of the Highways, Churchwardens or Overſeers of the Poor, for ſuch Townſhips, Pariſhes, or Places, reſpectively, within Six Days after Notice ſhall be given to him or them by ſuch Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of ſuch Perſons are to do ſuch Work, upon any Part or Parts of the ſaid Roads, ſhall give publick Notice thereof to ſuch Perſons: And if any Surveyor, Churchwarden, or Overſeer of the Poor, for any ſuch Townſhip, Pariſh, or Place, aforeſaid, ſhall neglect or refuſe to do as he is hereby directed and required, every ſuch Surveyor, Churchwarden, or Overſeer, ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of Forty Shillings; And every Perſon who ſhall neglect or refuſe to do ſuch Work, at ſuch Times and Places, and in ſuch Manner, as ſhall be appointed by the ſaid Truſtees, or any Five or more of them, by ſuch Turnpike Surveyor or Surveyors, every ſuch Perſon ſhall forfeit and pay the reſpective Sums herein after-mentioned; that is to ſay, Every Perſon who ſhall keep, or by virtue of this Act ſhall be deemed to keep, a Team or Teams, for every Day's Default for each Team, the Sum of Ten Shillings; and every Perſon keeping a Packhorſe or Packhorſes, or other Beaſt of Burden (and no Team, nor by this Act deemed to keep a Team) for every Day's Default for every ſuch Horſe or Beaſt and Driver, the Sum of Three Shillings: And every other Inhabitant or Perſon liable to work on the ſaid Roads as a Labourer only, for every Day's Default the Sum of One Shilling, and Sixpence: And every Perſon who ſhall, according to ſuch publick Notice as aforeſaid, come as a Labourer, or with a Team, Packhorſe or Beaſt of Burden, to work on the ſaid Road, and be found idle or negligent by the ſaid Turnpike Surveyor or Surveyors, where the Work is to be done, ſuch Surveyor or Surveyors may and are hereby

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

and on Perſons not performing Statute-work, &c.

hereby required to discharge such Person; and it shall be deemed as if such Person or such Team had not come or been sent to do such Work, and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the said respective Penalties before-mentioned: And all Persons doing such Days Work on the said Roads shall not be liable to do any other Statute-work thereon.

Trustees may compound with Parishes for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also, that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had, at a Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year, or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants, upon any Part of the said Roads; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Roads, in respect whereof such Composition-monies are paid; and all such Surveyors or Overseers of the Poor shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Application of the Money.

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

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than on Wheel Carriages, or shall suffer any Part of any Trees or Piece of Timber or Stone, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof, or shall wilfully drive any loaded Waggon, Wain, or Cart, along any Foot or Horse Causeway, being Part of, lying near, or

adjoining to, the said Roads, or shall shovel up, rake, or carry away any Stones, Gravel, Sand, or Soil, from off or on the Sides of the said Roads or such Causeway as aforesaid, or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Road or Causeway, to the Annoyance or Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Road 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 Stones or Posts to be set up, in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Distance of every such Stone or Post from any Town or Place as they shall think fit; and also to erect Guide or Direction Posts, with such Inscriptions thereon as the said Trustees, or any Five or more of them, shall think proper; and if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, or obliterate any Inscription that shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for the County or Place wherein such Offences shall be committed, which Oath such Justice is hereby impowered and required to administer without Fee or Reward, every such Person so offending shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied; and in case such Penalties shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize, for any Space not exceeding Two Months, nor less than One Month, unless such Forfeiture, and all reasonable Charges, shall be sooner paid; and every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately

Penalty on defacing Mile-stones, &c.

delivered

delivered to a Constable or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of Levying and Recovery thereof is not herein otherwise directed, shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, which Oath any such Justice is or are hereby impowered and required to administer without Fee or Reward, to be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of any such Justice, which Warrant or Warrants such Justice is hereby impowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be, if not otherwise directed to be applied by this Act, from time to time, paid to any Five or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the Repair of that Part of the Road in relation whereunto, or in respect whereof, such Offence shall be committed; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the County Gaol, or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Two Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath

hath been already appointed, such Persons may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Six Calendar Months after the Cause of Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten entire Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of that Part of the said Roads where such Cause of Complaint shall arise, and within Four Days after such Notice, entering into Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices, at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Ten Days Notice of Appeal to be given.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage in an Action on the Case.

Distress not to be deemed unlawful for want of Form only;

nor the Party distraining be deemed a Trespasser *ab initio*.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made, by or on the Behalf of the Party or Parties, who shall have committed, or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful

Plaintiff not to recover, if Tender of Amends hath been made.

lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings or Orders and Judgements ſhall be had, made, and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforeſaid, That no Mortgage, Aſſignment, Transfer, or other Security for borrowing Money, or any Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Truſtee or Truſtees, or Juſtice or Juſtices of the Peace, or exhibited before them, or under the Hands and Seals, or Hand and Seal of, or only ſigned by, any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp Duty whatſoever.

Proceedings to be entered in a Book.

Provided, and it is hereby further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Truſtees, or their Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Clerk or Clerks, at any Meeting of Five or more of the ſaid Truſtees aſſembled, as the Caſe ſhall require, and ſuch Orders ſhall be deemed and taken to be Original Orders; which ſaid Book or Books, and alſo the ſaid Book directed to be kept for regiſtering the ſaid Mortgages, Aſſignments, and Transfers, ſhall and may be produced and read in Evidence in all Courts whatſoever.

Books to be read in Evidence.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforeſaid, That this Act ſhall commence and have Continuance from the Day of paſſing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament.

Proceedings not to be quaſh'd for want of Form; or removable by *Certiorari*.

And be it further enacted by the Authority aforeſaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the contrary notwithſtanding.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in Purſuance of this Act, until Twenty one Days Notice ſhall be thereof given to the Clerk or Clerks to the ſaid Truſtees, or after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, and every ſuch Action or Suit ſhall be laid or brought in the County of Devon, and not elſewhere; and the Defendant and Defendants in every ſuch Action or Suit, ſhall and may at his Election plead

General Iſſue.

ſpecially, or the General Iſſue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in Purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before Twenty one Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants: And upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be Nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant ſhall recover

Treble Coſts.

Treble Coſts; and have ſuch other Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

Publick Act.

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

FINIS.

4