Anno ſecundo

Georgii III. Regis.

An Act for amending, widening, and keeping in Repair, ſeveral Roads leading from *Bridge Town Pomeroy*, and from *Teing Bridge*, in the County of *Devon*.

WHEREAS the Roads leading from the Head of the Borough of Bridgetown Pomeroy, in the Pariſh of Berry Pomeroy, in the County of Devon, to a Place called Waton Gate, in the Pariſh of Stoke Gabriel; and from thence to Gampton Croſs, in the Pariſh of Churſton Ferrers; and from the ſaid Borough of Bridgetown Pomeroy, to the Town of Paington, and from thence to a Place called The Sands; and from the ſaid Borough of Bridgetown Pomeroy, to a Place called Five Lanes, in the Pariſh of Marledon; and from a Bridge called Teing Bridge, in the Pariſh of Teingraſe, to a Place called Bovey Mills, in the Pariſh of Bovey Tracey, in the County of Devon, are in a ruinous Preamble.

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Condition, and narrow in ſeveral Places, and cannot be ſufficiently amended, widened, and kept in Repair, by the ordinary Courſe of Law: May it therefore pleaſe your moſt Excellent Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Sir William Courtenay Baronet, Sir Richard Warwicke Bampfylde Baronet, the Right Honourable Harry Powlett, commonly called Lord Harry Powlett; the Right Honourable Webb Seymour, commonly called Lord Webb Seymour; the Right Honourable William Seymour, commonly called Lord William Seymour; the Right Honourable and Reverend Francis Seymour, commonly called Lord Francis Seymour; Sir Thomas Carew Baronet, Sir John Rogers Baronet, Sir George Yonge Baronet, the Right Honourable Sir Thomas Clarke Knight, Maſter of the Rolls; Sir Henry Gould Knight, the Honourable Edward Clifford, John Adams, Richard Adams, William Adams, John Amyatt, Robert Abraham, George Baker Clerk, Thomas Baker Clerk, Thomas Radcliff Banbury Clerk, John Baring, John Bertie Clerk, Jacob Bartlett, Thomas Bartlett, Humphry Bartlett, Jacob Bickford Bartlett, Chriſtopher Beek Clerk, Samuel Belfield Clerk, Finney Belfield, Allan Belfield, Nicholas Brooking, Edward Bowey, John Bradford, John Browne, Edmund Browne, William Browne, George Browſe, Henry Browſe, Nicholas Butland, Gilbert Burrington Clerk, William Bagwill, Chriſtopher Baſtow, William Calley, Elias Carter Clerk, George Caunter, George Cary, William Chadder, Arthur Champernowne, Francis Champernowne Clerk, Rawlin Champernowne, William Cholwich, John Cholwich, Thomas Cholwich, Matthew Churchward, James Churchward, Thomas Clarke, John Clarke, Philip Cockey, Thomas Comyns, Nicholas Cove, William Cowell Clerk, Richard Cranch, John Croker, William Cuming, Samuel Cuming, William Cholwich, Chriſtopher Clarke, Henry Courtenay, Peregrine Courtenay, Abraham Creed, William Cockey, Francis Cary, Davy Clerk, Richard Doidge, Philobeth Domett Clerk, John Drew, Charles Eaſtley, John Eaſtley, Philip Edwards, Timothy Hare Earle, Timothy Earle, Chriſtopher Farwell D. D. Arthur Farwell, John Ford, John Fowell, Thomas Fownes Clerk, Nicholas Fowler, James Fynes D. D. James Fynes, Langdon Full, Thomas Friend, William Gillard, Philip Gillard, George Gillard, Pomeroy Gilbert, John

Truſtees Names.

John Goodridge, Jeffery Goodridge, Howell Griffith, William Drake Gould, Charles Hale, Lampen Harris, John Hawkins, Charles Hayne, William Hellyer, John Henryſon M. D. William Hole, William Hole junior, Arthur Holdſworth, Richard Hurrell, John Huxham M. D. Thomas Hewgoe Clerk, Thomas Hunt, Thomas Holdſworth, Richard Hawkins, Knowling Hawkins, Henry Holdſworth Clerk, John Huxham, James Holditch, Hugh Hawkes, Thomas Hutton Clerk, Richard Jackſon, William Ilbert, Richard Inglett, Richard Jackſon, Nicholas Narracott Kendall, William Kitſon, Peter Knowling, William Kitſon Clerk, Thomas Kitſon Clerk, Richard Savage Lloyd, Thomas Lane, Samuel Lane, Henry Laroche, Jeffery Lang, George Lavers, William Lang, Thomas Lear, Thomas Lear junior, Henry Legaſſicke Clerk, Henry Fownes Luttrell, George Lyde, John Lyde, John Lyde junior, Richard Legaſſicke, Rawlin Mallock, Richard Metherell, William Metherell, Edward Metherell, John Michell, Francis Milman Clerk, James Mapowder junior, Clerk, John Madox, Richard Marſhall Clerk, Theodore Mills Clerk, Philip Mathew, Norton Nelſon, William Neyle Clerk, Henry Noſworthy, John Noſworthy Clerk, James Newberry, Emanuel Northey, Richard Newman, William Payne, William Penny, Jaſper Parrett, Richard Pering, John Pidſley, Chriſtopher Pridam, John Prowſe, Richard Puddicombe, Nicholas Prout, Roger Prideaux, John Parker, John Parker junior, Samuel Payne Clerk, Richard Preſton, George Rhodes, Frederick Rogers, John Rowe M. D. George Rule, James Rowe Clerk, Ambroſe Rhodes, John Rowe, Humphry Savery, John Savery, John Scoble, Francis Seymour, Henry Seymour, John Seale, Hugh Searle, William Searle, John Short, John Sloman, Charles Spooner, John Spooner, William Strode, Richard Strode, Thomas Searle, John Shapleigh, William Sandford D. D. Edward Shepheard, Thomas Sheppard, John Salter Clerk, John Southard, John Searle, Jonathan Steed, Joſeph Taunton, Charles Taylor, Charles Taylor junior, George Taylor Clerk, George Taylor, Joſeph Taylor Clerk, Thomas Taylor, Walter Taylor Clerk, George Hele Treby, Browſe Triſt, Hore Browſe Triſt, Nicholas Triſt Clerk, Thomas Triſt, Jonathan Watſon, Samuel Widdecombe, George Wills, John Wills, John Wills, Robert Wills Clerk, John Windeatt, Samuel Windeatt, John Wiſe, John Wolrige Clerk, John Wolſton, William John Woolcombe, Samuel Wotton, Samuel Windeatt junior, Thomas Windeatt, John Oliver Williams, Robert Walker Clerk,

Thomas White, John Widdecombe, William Yabbacom, John Yarde, Gilbert Yarde, Gilbert Yarde Clerk, Francis Yarde, John Duke, Gilbert Butland, Diſtin Clerk, Richard Goodridge, and Gabriel Jackſon, ſhall be, and they and their Succeſſors are hereby appointed Truſtees for ſurveying, ordering, widening, amending, and keeping in Repair, the ſaid Roads, and alſo for putting in Execution all other the Powers in and by this Act given.

Qualification of Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be qualified or capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Repriſes, to his own Uſe, or ſhall be Heir Apparent to ſome Perſon having ſuch Eſtate of the yearly Value of One hundred Pounds, or poſſeſſed of, or intitled unto, a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount or Value of One thouſand five hundred Pounds; and if any Perſon or Perſons ſo unqualified or made incapable to act for the Cauſes aforeſaid, ſhall nevertheleſs preſume to act contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Penalty on acting if not qualified.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby required to erect, or cauſe to be erected, a Gate or Gates, Turnpike or Turnpikes, and Toll-houſe or Toll-houſes, at ſome convenient Place at the Head of Bridgetown Pomeroy, upon, in, and acroſs, the ſaid Road leading from Bridgetown Pomeroy, to Waton Gate, Paington, and the Five Lanes, hereby intended to be repaired; and alſo ſhall and may, and are hereby required to erect, or cauſe to be erected, a Side-gate or Side-gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, on the South Side of the ſaid Town of Bridgetown Pomeroy, in or acroſs a certain Lane called Shut Lane.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may demand, receive, and take, at the Turnpike or Turnpikes, Side-gate and Side-gates, so to be erected, the following Tolls or Duties, before any Horse, Mare, or Gelding, Mr, Mule, Ass, or other Cattle, Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatsoever, shall pass or be permitted to pass through the same; that is to say, and take Tolls thereat.

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

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

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

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

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as, a Toll or Duty; and the Money thereby to be raised and collected, shall be and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses, Intents, Tolls vested in the Trustees.

tents, and Purpoſes, and in ſuch Manner as is herein after mentioned and directed: And it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, under their Hands and Seals, from time to time, authorize and appoint, to demand and take the Tolls hereby granted and made payable, and to levy ſuch Tolls upon ſuch Perſon or Perſons who ſhall, after Demand made thereof, refuſe or neglect to pay the ſame, by Diſtreſs of any Horſe or Horſes, or other Cattle or Carriage, upon which ſuch Tolls are by this Act impoſed, or by Diſtreſs of any of the Goods or Chattles carried on, or drawn by, ſuch Carriage or Cattle, or of any other Goods or Chattles of or belonging to the Perſon or Perſons who ought to pay the ſame, and to detain ſuch Goods and Chattles ſo diſtrained, until ſuch Tolls or Duties, with the reaſonable Charges of diſtraining and keeping the ſame, ſhall be paid; and ſuch Perſon or Perſons ſo diſtraining, after the Space of Four Days next after the Day on which ſuch Diſtreſs ſhall and may ſell the Cattle, Carriage, or Goods ſo diſtrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

Tolls may be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 4 Days.

Truſtees may vary the Tolls.

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

Application of the Monies.

And be it further enacted by the Authority aforeſaid, That out of the Firſt Money ariſing by the Tolls which ſhall be collected at the Turnpikes to be erected by virtue of this Act, upon, acroſs, or on the Sides of, the ſaid Roads, or the Money which ſhall be borrowed upon the Credit thereof, the ſaid Truſtees, or any Five or more of them, ſhall in the firſt Place pay and diſcharge all the Expences and Charges of procuring and paſſing this Act: And the Remainder of the Money ſo raiſed, ſhall be laid out and applied in defraying the Expences of erecting Gates, Turnpikes, and Toll-houſes, and repairing and widening

widening the ſaid Roads, and defraying the neceſſary Coſts, Charges, and Expences attending the ſame, and the Execution of this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct, and to no other Uſe or Purpoſe whatſoever.

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

And be it further enacted by the Authority aforeſaid, That all and every the Gates, Turnpikes, and Toll-houſes, to be erected as aforeſaid by virtue of this Act, and the Property, Intereſt, and Right of, in, and to the ſame, and the Materials of which the ſame ſhall conſiſt, ſhall be and are hereby veſted in the ſaid Truſtees, appointed or to be appointed to put this Act in Execution; and they, or any Five or more of them, are hereby authorized and impowered to diſpoſe thereof as they ſhall think proper; and alſo in their own Names, or in the Names of any One or more of them, or of their Treaſurer or Treaſurers, Clerk or Clerks, for the time being, to bring, or cauſe to be brought, any Action or Actions againſt any Perſon or Perſons who ſhall contract with the Truſtees appointed or to be appointed to put this Act in Execution, or with any or either of them, or with their Clerk, Treaſurer, Surveyor, or other Officer or Officers, for the time being, or ſhall be by them, any or either of them, employed in, or undertake any Matter or Thing relative to the ſaid Truſt, and ſhall fail to perform and fulfil ſuch Contract or Undertaking; and alſo to bring, or cauſe to be brought, any Action or Actions, and to proſecute, or order and direct the proſecuting, of any Bill or Bills of Indictment, or other Proſecutions, againſt any Perſon or Perſons who ſhall dig up, break, pull down, ſteal, take, carry away, deſtroy, ſpoil, or injure the ſaid Roads, or any Part thereof, or any Gate or Gates, Turnpike or Turnpikes, Tollhouſe or Toll-houſes, which ſhall be erected by virtue of this Act, or any of the Materials of which the ſame ſhall be made, built, or conſiſt: And in every ſuch Action, the Plaintiff or Plaintiffs ſhall recover ſuch Damages as the ſaid Truſt ſhall appear to have ſuſtained, to be applied, when recovered and received, to make good the ſame, or to the general Purpoſes of this Act.

Tolls to be paid but Once a Day.

And be it enacted by the Authority aforeſaid, That whoſoever ſhall pay the Toll by this Act granted, for the paſſing of any Carriage or Cattle, at any Gate or Turnpike that ſhall be erected by virtue of this Act, at the Head of Bridgetown Pomeroy aforeſaid, or at any Side-gate, in or acroſs Shut Lane aforeſaid, ſuch Perſon, upon producing a Note or Ticket of the Day, denoting ſuch Payment, ſhall be permitted to paſs and repaſs with

the ſame Carriage or Cattle Toll-free, through all, any, or either of ſuch Gate or Gates, at any Time or Times during the ſame Day, to be computed from Twelve of the Clock in One Night, to Twelve of the Clock of the next Night; which ſaid Notes or Tickets the Collectors or Receivers of the ſaid Tolls at ſuch Gates or Turnpikes, on Receipt thereof, are hereby required to give gratis, if demanded.

Exemptions from Tolls.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be charged with, or compellable to pay, any of the Tolls made payable by this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Beaſt, drawing or not drawing the ſame, which ſhall be uſed or employed in the Carriage of any Stone, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Lime, Dung, Mould, Soil, or Compoſt of any Kind, for the manuring of any Garden or other Land or Ground, or that ſhall be uſed or employed in the plowing, ſowing, tilling, or cultivating, any Land or Ground, or in the Carriage of any Hay, Straw, or Corn in the Straw, or Wood, not ſold or diſpoſed of, but to be laid up in the Houſes, Outhouſes, Yards, or Backſides, of the Owner or Owners thereof, or for any Plough, Harrow, Dray, or other Implement of Husbandry, or for any Horſe, Mare, Gelding, Ox, or other Beaſt, drawing the ſame in order for repairing thereof, or uſing the ſame in Husbandry, or any Thing whatſoever that ſhall be uſed or employed in Husbandry or manuring of Land; or for any Horſe, Mare, Gelding, Ox, Aſs, Mule, or other Beaſt or Cattle going to, or returning from, Water or Paſture, or in order to be ſhod; or for any Poſt Horſe carrying any Mail or Packet; or for the Horſes of Soldiers upon their March; or for any Waggon or other Carriage, or Horſe or other Beaſt, drawing or not drawing the ſame, which ſhall be loaden with, or employed in carrying, the Arms or Baggage of ſuch Soldiers; or for any Horſe or other Beaſt which ſhall be employed in the Carriage of Serges or other Woollen Goods, to or from the Houſe of any Inhabitant of either of the ſaid Pariſhes in which the ſaid Roads lie, to or from any Fulling Mill, Tenter, or Rack, belonging to or occupied by ſuch Inhabitant where the ſame ſhall be manufactured or dried; or for any Horſe or other Beaſt employed in the Carriage of any Raw Hides, Skins, or Leather, to or from the Houſe of any ſuch Inhabitant, to or from any Tan-pit, Yard, or Work-houſe, occupied by ſuch Inhabitant; or for any Carriage,

Horſe,

Horse, or other Beast, employed in passing Vagrants travelling with lawful Passes; nor shall any of the Tolls hereby laid be demanded or taken from any Inhabitant of either of the said Parishes, who shall pass through any of the said Turnpikes on Sundays, to or from any Church, Chapel, or other Place of Religious Worship, in the Parish where such Person resides, or who shall attend the Funeral of any Person to be buried in any of the said Parishes.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the Assembly Room in the Town of Totnes, on the Day Three Weeks next after the passing of this Act, and proceed in the Execution of this Act; and shall then, and from time to time, adjourn themselves to meet again there, or at any other convenient Place, when and as the said Trustees, or any Five or more of them, shall think proper; and that the said Trustees, or any Five or more of them, may also meet for putting this Act in Execution, at any other Time, or at any other Place, as often as it shall be thought necessary and required by any Five or more of the said Trustees, by Writing or Writings under their Hands, to be affixed on some publick Place in the Town of Totnes, and on all the Turnpike Gates, at least Seven Days before such Meeting.

Trustees may borrow Money upon the Credit of the Tolls.

And, for the more speedy repairing and widening the said Roads, be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, from time to time, upon the Credit of the Tolls hereby made payable, borrow and take up, at such Rate of Interest as shall be agreed on, any such Sum or Sums of Money as they, or any Five or more of them, shall think needful; and may, and they are hereby authorized, by Writing or Writings under their Hands and Seals, or the Hands and Seals of any Seven or more of them, to assign over the said Tolls, or any Part or Parcel thereof, for any Term or Number of Years, not exceeding the Term for which this Act is to continue, unto any Person or Persons, as a Security or Securities for the Repayment of such Sum or Sums of Money as shall be so borrowed, and the Interest thereof: All and every of which Assignments so to be made, shall be copied and entered 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.

Tolls may be assigned for Money borrowed.

Entries to be made of all Assignments.

Provided

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

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

Limitation of the Sum to be borrowed.

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

All Creditors to be deemed equal in Degree.

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

Notice to be given of borrowing Money.

Provided always, and it is hereby declared, That no Money ſhall be borrowed by the ſaid Truſtees on the Credit of the Tolls hereby granted, unleſs Notice for that Purpoſe in Writing, under the Hand or Hands of the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees, be, by Order of ſuch Truſtees, or any Five or more of them, affixed upon ſome publick Place in the Town of Totnes, and likewiſe upon all the Turnpike-gates that ſhall be erected by virtue of this Act, at leaſt Eight Days before borrowing the ſame.

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

And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons, to whom any ſuch Aſſignment or Aſſignments of the Tolls ſhall be made by the ſaid Truſtees, or any Seven or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the ſaid Tolls; and his, her, or their Executors or Adminiſtrators, Aſſignee or Aſſignees, may and are hereby impowered from time to time, by proper Words of Aſſignment

ment to be indorsed on his, her, or their Security or Securities, or by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, to assign and transfer such Security and Securities, and all the Money that shall be due thereon, to any other Person or Persons whomsoever; and that all and every such Transfer or Assignment of any Security of the said Tolls shall, from time to time, be produced or notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees for the time being, within the Space of Three Calendar Months after the respective Dates thereof, who shall make or cause to be made a proper Memorial or Entry of all and every such Assignments or Transfers, containing the Dates 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 for Years therein mentioned and contained, and other the material Contents of the same, and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, in the Book or Books to be kept for entering the said original Assignments made by the said Trustees as aforesaid; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence, and no more, by the respective Persons to whom such Assignments shall be transferred, for each and every such Entry; and after such Entry made, but not otherwise, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors or Administrators, to the Benefit thereof, and Payment thereon; and it shall not be in the Power of the Person or Persons, making such Assignment, to make void, release, or discharge the same, or the Money due thereon, or any Part thereof.

Entries to be made of all Assignments.

Clerk's Fee.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby authorized and impowered, from time to time, to elect, and, by any Writing or Writings under their Hands and Seals, appoint fit and proper Persons to be Collectors and Receivers of the Tolls hereby made payable; and also One or more fit and proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officer or Officers as shall be thought necessary; and such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove or displace as they

Trustees may appoint Officers;

and remove them, and appoint others.

ſhall think fit, and to chuſe and appoint others in the room and place of ſuch of them as ſhall be ſo removed, or ſhall die; Notice of ſuch Removal or Death, and of the Time and Place of Meeting for the Purpoſe of filling up the Vacancy thereby occaſioned, being firſt fixed on ſome publick Place in the Town of Totnes, and on all and every the Turnpike-gates to be erected by virtue of this Act, at leaſt Eight Days before ſuch Election; and may and are hereby authorized and impowered, by and out of the Money which ſhall ariſe from, or be raiſed by any of the Ways or Means aforeſaid, to contract for, allow and pay to the ſeveral Collectors, Receivers, Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and other Officer or Officers appointed as aforeſaid, and to ſuch other Perſon or Perſons as ſhall be aſſiſting to them, or either of them, in or about the Repair of the ſaid Road, or any Part thereof, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, and Services in thoſe Reſpects, as to the ſaid Truſtees, or any Seven or more of them, ſhall ſeem reaſonable.

Truſtees to allow Officers Salaries.

Officers to account upon Oath.

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

verify their Accounts, and the particular Items and Articles thereof, and the ſeveral Receipts and Payments which ſhall be therein contained: And if any or either of the Officers or Perſons ſo accounting, or to account as aforeſaid, being required ſo to do, ſhall refuſe or neglect to render or give up ſuch Account or Accounts as aforeſaid, or to produce or deliver to the ſaid Truſtees, or to any Five or more of them, the Receipts or Vouchers relating to the ſame, or to verify the Items and Articles thereof, upon his or their Oath or Oaths, or ſhall refuſe or neglect to pay ſuch Money, as upon the Balance of any Account or Accounts ſhall be in his or their Hands, to the ſaid Truſtees, or as they, or any Five or more of them, ſhall direct or appoint; then, and in either of the Caſes aforeſaid, ſuch Truſtees, or any Five or more of them, may, and are hereby authorized and impowered to bring or cauſe to be brought any Action or Actions, in the Names of ſuch Truſtees, or in the Name or Names of any One or more of them, againſt the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting as aforeſaid, in order for the Recovery of the Money that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, reſpectively; or, if Complaint ſhall be made of any ſuch Refuſal or Neglect as aforeſaid, to any Juſtice or Juſtices of the Peace of the County or Place where the Officer or Officers, Perſon or Perſons, neglecting or refuſing ſhall be or reſide; ſuch Juſtice or Juſtices may, and is and are hereby authorized and required, by a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to cauſe to be brought before him or them ſuch Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting; and upon his or their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, by virtue of this Act, might have done: And if, upon Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom ſuch Complaint or Complaints ſhall be made, or by the Teſtimony of One or more Witneſs or Witneſſes, upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter gratis) it ſhall appear to ſuch Juſtice or Juſtices, that any of the Money which ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice or Juſtices may, and is and are hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants, under his

Officers refuſing to account,

may be ſued;

or, if Complaint be made,

Juſtices may enquire into the Default;

and levy the Balance by Diſtreſs and Sale;

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

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

until Payment or Compoſition made.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, or any other Perſon or Perſons who ſhall be employed or appointed for that Purpoſe by the ſaid Truſtees, or any Five or more of them, or by the ſaid Surveyor or Surveyors, or either of them, may, and is and are hereby authorized and

and impowered, from time to time, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the Repair of the Roads, in, upon, out of, or from any Waste or Common, River or Brook, in any Parish, Town, Village, Hamlet, or Place, adjoining to, or lying near, the said Road, or in any neighbouring Parish, Town, Village, Hamlet, or Place, to be used, disposed of, and applied, in repairing the said Road, without paying any Thing for the same; they the said Trustees, Surveyor, or Surveyors, or other Person or Persons, filling up the Pits, and levelling the Ground from which such Materials shall be taken, or causing the same to be done: And where there are not sufficient Quantities of Furze, Heath, Stones, Gravel, Sand or other Materials proper for that Purpose, to be had or found, in, upon, out of, or from such Waste, Common, River or Brook, it shall and may be lawful to and for the said Trustees, or any Five or more of them, or for the said Surveyor or Surveyors, or other Person or Persons by them employed, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken and carried away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials proper and sufficient for that Purpose, in, upon, out of, or from the Lands, Fields, or Grounds of any Person or Persons, where the same may be had or found, to be used, disposed of, and applied, in or towards repairing the said Roads; such Lands, Fields, or Grounds, not being the Site of any House or Houses, or a Yard, Garden, Orchard, Park, Paddock, Wood, or Coppice, or planted with Trees, as an Avenue to or for the Ornament of any House, or inclosed, set apart, and used, as a Plantation or Nursery for Trees; paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, in, from, or over which such Materials shall be cut, taken, and carried away, such Sum or Sums of Money for the Damage they shall respectively sustain thereby, as by the said Trustees, or any Five or more of them, shall be adjudged reasonable; which Adjudication they are hereby authorized and required to make within One Month after any Demand in Writing, by any such Owners or Occupiers respectively to be delivered at any publick Meeting of the said Trustees, or to their Surveyor or Surveyors, Clerk or Clerks, for the time being, or without any such Demand, if the said Trustees, or any Five or more of them, shall think fit.

without paying for the same.

If sufficient Materials cannot be had there,

making Satisfaction to the Owners of the Grounds.

Surveyors may take Materials from Quarries.

Provided always, and be it enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, or any other Perſon or Perſons employed or directed ſo to do by the ſaid Truſtees, or any Five or more of them, or by the ſaid Surveyor or Surveyors, may, and they are hereby authorized to enter into a Lime Quarry, Marble Quarry, or other Quarry, and to take and carry away the broken Stones, Chipping, and Rubbiſh thereof, or ſo much and ſuch Parts thereof as ſhall be thought fit to be employed in the Repair of the ſaid reſpective Roads, without paying any thing for the ſame; Notice being given to the Owners or Occupiers of ſuch Quarries reſpectively, at leaſt Twenty four Hours before the firſt Entrance therein, for the Purpoſe aforeſaid.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, to be appointed as aforeſaid, or any other Perſon or Perſons, having a Warrant or Order from and under the Hands of the ſaid Truſtees, or any Five or more of them, for thoſe Purpoſes reſpectively, from time to time, to remove, or cauſe to be removed, all Annoyances, Filth, Dung, Aſhes, Rubbiſh, and all other Nuiſances, Incroachments, or Obſtructions whatſoever, which are or ſhall be in or upon any Part or Parts of the ſaid Roads hereby intended to be repaired; and to cut down, lop, or top, and carry away, any Trees, Boughs of Trees, or Buſhes, growing in the ſaid Roads, or in the Hedges or Banks adjoining thereto; and to open, ſcour, or cleanſe any Ditch, Drain, or Watercourſe, lying, or which ſhall lie in, or leading, or which ſhall lead into or out of the ſaid Roads, or any Part or Parts thereof; in caſe the Owners or Occupiers, or Perſon or Perſons occaſioning ſuch Annoyances, or who ought to remove the ſame, or cut, top, or lop, and carry away, ſuch Trees or Buſhes, or to open, ſcour, or cleanſe ſuch Ditch, Drain, or Watercourſe, ſhall refuſe or neglect ſo to do for the Space of Ten Days after Notice in Writing to them, any, or either of them, given for that Purpoſe, or left at their, any, or either of their, Place or Places of Abode, under the Hand or Hands of the ſaid Surveyor or Surveyors, or of the ſaid Truſtees, or any Five or more of them, or of their Clerk or Clerks for the time being; the Charge whereof to be ſettled by the ſaid Truſtees, or any Five or more of them, by Writing under their Hands, ſhall be reimburſed and paid to their Treaſurer

cut down Trees,

and cleanſe Ditches,

the Owners neglecting to remove the ſame after Notice;

Surveyors to be reimburſed the Charges,

or

or Treasurers for the time being, by the respective Person or Persons so refusing or neglecting, as aforesaid. And in case such Person or Persons so refusing or neglecting, shall not, upon Demand, pay and reimburse such Charges as aforesaid, the same shall or may, from time to time, be levied by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County (which Warrant or Warrants such Justice or Justices is and are hereby impowered and required to grant) by Distress and Sale of the Goods and Chattles of the Person or Persons so offending, returning the Overplus, if any be, after all Charges paid, to the Owner or Owners thereof, upon Demand. to be levied by Distress and Sale.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, at any Time or Times, during the Continuance of this Act, to make, or cause to be made, any Causeway or Causeways, Ditches, Drains, or Trenches, in or along the Side or Sides of any Part or Parts of the said Roads hereby intended to be repaired; and to make, erect, or build, or cause to be made, erected, or built, any Bridge or Bridges, or Arch or Arches, of Stone, Brick, or Timber, upon, in, or across the same Roads, or any Part or Parts thereof; and also to enlarge or widen the same Roads, in such Part or Parts thereof as shall be thought necessary, by contracting, opening, or removing, any Ditch, Hedge, or Fence, adjoining thereto; and to dig, cut, make, or cause to be digged, cut, or made, any Ditches, Drains, or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part thereof, from being overflowed with Water; and to erect, or cause to be erected, a Bridge or Bridges over such Watercourses, if necessary; and also to make, or cause to be made, a Road or Way, by, through, or over the Grounds adjoining to any narrow or ruinous Part or Parts of the Roads hereby intended to be repaired, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old narrow or ruinous Road is repairing, and until such Time as it shall be safe and convenient for Passengers and Carriages to travel through the same; making such Satisfaction to the Owners or Occupiers of such Lands and Grounds as shall be so made use of, the Hedges, Ditches, or Fences whereof, shall be so contracted, opened, or removed, or through which any such Ditches, Surveyors may make Causeways, &c. and erect Bridges, &c. and make a temporary Road. making Satisfaction to the Owners.

Ditches, Drains, or Watercourſes ſhall be cut, or on which any ſuch Bridge or Bridges ſhall be erected, or through which ſuch temporary Road or Roads ſhall be made, for the Damages they may thereby ſuſtain, as by the ſaid Truſtees, or any Five or more of them, ſhall be adjudged reaſonable; which Adjudication they are hereby authorized and required to make within One Month after any Demand in Writing, by any ſuch Owners or Occupiers reſpectively, to be delivered to the ſaid Truſtees at any publick Meeting, or to their Clerk or Clerks, Treaſurer or Treaſurers, for the time being, or without any ſuch Demand, if the ſaid Truſtees, or any Five or more of them, think fit.

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

And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall, at any Time or Times, during the Continuance of this Act, think proper to widen or alter any Part or Parts of the ſaid Roads, by taking into the ſame any Lands or Grounds lying contiguous thereto, or ſhall think proper to turn or divert any Part or Parts of the ſaid Roads through any Lands or Grounds, for the better Accommodation or Convenience of Travellers, it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby authorized and impowered to widen, alter, turn, or divert the ſame, or any Part thereof, or cauſe the ſame to be widened, altered, turned, or diverted, as they ſhall think fit; provided that ſuch Part or Parts of the ſaid Roads as ſhall be ſo widened or diverted, be not thereby made wider than, or extended beyond, the Breadth of Forty Feet; and, for that Purpoſe, to treat, contract, and agree, with the Owner or Owners, Occupier or Occupiers of any ſuch Lands or Grounds, for the abſolute Purchaſe of ſo much, or ſuch Part or Parts thereof, as the ſaid Truſtees, or any Seven or more of them, ſhall think neceſſary, or for the Loſs or Damage which the ſaid Owners or Occupiers ſhall or may receive, by the widening, altering, turning, or diverting, any Part or Parts of the ſaid Roads.

And whereas it may happen that ſome Perſons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, or others, ſeiſed or poſſeſſed of Lands or Grounds, which, according to the Powers by this Act given, may be neceſſary to be taken and added to, or made Part of, the ſaid Roads, may be willing to ſell and convey the ſame for the Purpoſes aforeſaid, but are incapable of ſo doing, by reaſon of Infancy or other Diſability; be it

it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Ideots or Lunaticks, Huſbands, or Truſtees whatſoever, for or on Behalf of any Infants, Ideots, Lunaticks, Feme Coverts, or Ceſtuique Truſts, and for all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in, any ſuch Lands or Grounds, to treat, contract, and agree, with the ſaid Truſtees, or any Seven or more of them, for Sale of ſuch Lands or Grounds, or any Part or Parts thereof, for the Purpoſes aforeſaid, or for Satisfaction to be made them reſpectively therefore, or for their Intereſt therein; and to ſell and convey the ſame, as Occaſion ſhall require; and that all Contracts, Agreements, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, or Uſage, to the contrary notwithſtanding: And the Perſon and Perſons making the ſame, is and are, and ſhall be, hereby indemnified for what he or they ſhall reſpectively do by virtue of, or in purſuance of, this Act.

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

And be it further enacted by the Authority aforeſaid, That if any ſuch Owner, Occupier, Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Huſband, Guardian, Truſtee, Committee, or other Perſon or Perſons intereſted in ſuch Lands and Grounds, upon Notice in Writing, deſcribing the Land or Ground intended to be purchaſed, and the Place or Places where the ſame ſhall lie, to him or them reſpectively given, or left at his or their Dwelling Houſe or Houſes, or Place or Places of Abode, or at the Dwelling Houſe or Place of Abode of the Tenant in Poſſeſſion of ſuch Land or Ground, or affixed, in caſe ſuch Land or Ground ſhall be untenanted, on the Door of the Dwelling Houſe, if any, or ſome other moſt publick Place on the Tenement to which ſuch Land or Ground ſo intended to be purchaſed, ſhall belong, ſhall, for the Space of Thirty Days after ſuch Notice given, left, or affixed, as aforeſaid, refuſe or neglect to treat for ſuch Land or Ground, or ſhall not agree as to the Price or Value thereof, or ſhall, by reaſon of Abſence, be prevented from treating; then, and in every ſuch Caſe, the ſaid Truſtees, or any Five or more of them, ſhall cauſe it to be inquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men reſiding near the ſaid reſpective Roads (which Oaths the ſaid Truſtees, or any Two or more

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

Damages to be ſettled by a Jury.

of them, are hereby authorized and impowered to adminiſter) what Damages ſhall be ſuſtained by, and what Satisfaction or Recompence ſhall be made to, ſuch Owner or other Perſon or Perſons intereſted, on account of the taking ſuch Land or Ground into the ſaid Road, according to their reſpective Intereſts therein; and, in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be and require, to ſummon and call before them, all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes, before the ſaid Jury, upon Oath (which Oath the ſaid Truſtees, or any Two or more of them, are hereby impowered and required to adminiſter) and they ſhall order and cauſe the ſaid Jury to view the Place in Queſtion, and to uſe all other lawful Means, as well for their own, as the ſaid Jury's Information in the Premiſſes, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and after the ſaid Jury ſhall have inquired of, aſcertained, and ſettled ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereon order, adjudge, and determine, the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners or Occupiers of the ſaid Lands or Grounds, or other Perſon or Perſons intereſted therein, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all and every Perſon and Perſons whomſoever, to all Intents and Purpoſes whatſoever: And for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the ſaid County of Devon, thereby requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons qualified by Law to ſerve on Juries, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; which Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impanel, ſummon, and return, ſuch Perſons accordingly; and out of the Perſons ſo impanelled, and returned, or out of ſuch Twenty four of them as ſhall appear according to and upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default

Verdict of the Jury to be binding.

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

of a ſufficient Number of the Jurymen ſo returned, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured or ſummoned, qualified to attend the Service, to the Number of Twelve; to all or any of which Jurymen to be ſummoned in purſuance of this Act, all Perſons concerned ſhall, from time to time, and at all Times, have their lawful Challenges, in ſuch and the like Manner, as any Party in any Action brought or to be brought, depending or to be depending, in any of His Majeſty's Courts of Record at Weſtminſter, is or ſhall be by the Law intitled to; and the ſaid Truſtees, or any Five or more of them, are hereby impowered, from time to time, to impoſe any reaſonable Fine or Fines not exceeding the Sum of Ten Pounds for One ſingle Offence, on ſuch Sheriff, his Deputy or Bailiff reſpectively, who ſhall make Default in the Premiſſes; and alſo to impoſe any reaſonable Fine or Fines not exceeding the Sum of Forty Shillings for One ſingle Offence, on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear, or after having appeared, ſhall refuſe to be ſworn on the ſaid Jury, or after having been ſworn, ſhall refuſe to give, or not giving his or their Verdict of and upon the Matter in Queſtion, or the Damages he or they ſhall be ſworn to try, or to inquire of, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act, and on every or any of the Perſons, who being required to give Evidence or Teſtimony before the ſaid Jury touching the Premiſſes, ſhall refuſe or neglect to attend, or to be ſworn or examined, or give Evidence or Teſtimony touching the ſame.

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

And be it further enacted by the Authority aforeſaid, That from and after ſuch Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein and thereby found and directed to be given for the ſaid Lands, to the Owner or Owners thereof, or other Perſon or Perſons intereſted therein, or to the known Steward or Agent of ſuch Owner or Perſon; or after the Execution of any Conveyance of the ſaid Lands to the ſaid Truſtees, or any Seven or more of them, by the reſpective Owner or Owners thereof, or by any other Perſon or Perſons by this Act impowered to ſell and convey the ſame, and pay or tender the Money thereby ſtipulated to be paid as the Conſideration thereof, the ſaid Lands, and every Part thereof, and the Fee-ſimple and Inheritance thereof, and of every

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

Part thereof, ſhall be and is hereby veſted in ſuch Perſon or Perſons, and in like Manner as the old Road, or the Part or Parts thereof to which ſuch Lands ſhall be added, are or ſhall be by Law veſted, without any Fine or Recovery, notwithſtanding the ſame Lands ſhall or may be limited and ſettled to, for, or upon, any Uſe, Truſt, Limitation in Tail, Remainder, or otherwiſe, and notwithſtanding any Politick, Corporate, or other Intereſt therein; and that then and from thenceforth, the ſaid Truſtees, or any Five or more of them, or any Perſon or Perſons by them, or any Five or more of them, for that Purpoſe impowered or employed, may, and is and are hereby authorized to take and lay the ſaid Land, and every Part thereof, into the ſaid Road; and then, and from thenceforth for ever afterwards, ſuch Lands, and every Part thereof, ſhall be deemed, taken, and uſed as, and the ſame is hereby declared to be, a Part or Parts of the ſaid Road, and a publick and common Highway, and ſhall for ever be repaired and kept in Repair as ſuch; any Right, Title, Intereſt, Law, Cuſtom, or other Uſage, to the contrary thereof in any wiſe notwithſtanding: And in caſe any Land or Ground ſhall be purchaſed for the turning or diverting any Part or Parts of the ſaid Roads, and the new Road ſhall be made and compleated, the Lands and Grounds comprized in and conſtituting the old Road, or that Part thereof in lieu of which ſuch new Road ſhall be purchaſed and made, ſhall and may be ſold or diſpoſed of for the beſt Price that can or may be gotten for the ſame; and the Money ariſing by ſuch Sale, ſhall be applied to the repairing the Roads hereby directed to be repaired; and the Conveyance or Conveyances to be made of ſuch Lands or Grounds being executed by the ſaid Truſtees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the ſaid County of Devon, ſhall be good and effectual in the Law, to all Intents and Purpoſes whatſoever.

and deemed a publick Highway,

and kept in Repair as ſuch.

Old Road may be ſold.

Buildings, &c. not to be injured.

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

Perſons liable to repair Bridges, &c. to continue ſo.

And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons, Towns, Pariſhes, Tills, Hamlets, Tythings, and Places, and the Inhabitants

ants

ants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of this Act, hath or have been uſed, or of Right ought, by reaſon of Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridge or Drain lying in or upon the ſame, ſhall, notwithſtanding this Act, be ſubject and liable to, and charged and chargeable with, the repairing and keeping in Repair the ſame Part of the ſaid Road, Bridge, or Drain, in the ſame Manner as they, every or any of them, have or hath heretofore uſually done or ought to do: And that the Inhabitants of the ſeveral Pariſhes, Hamlets, and Places, through which the ſaid Roads lead, and all others, who, by the Laws and Statutes of this Realm, are or ſhall be obliged or liable to work on the Highways for the repairing thereof, commonly called Statute-work, ſhall be ſubject and liable thereto, and ſhall and are hereby required to do and perform ſuch and ſo many Days Work, in or towards the Repair of ſuch Parts of the ſaid Roads by this Act directed to be repaired, lying within the ſaid Pariſhes, Hamlets, or Places, in which ſuch Perſons reſpectively are or ſhall be obliged or liable to perform ſuch Work, and at ſuch Times and in ſuch Manner, as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall direct or appoint.

Inhabitants to do Statute-work.

And, to the End that the ſaid Truſtees may the more certainly know the ſeveral Perſons who are or ſhall be liable to do Statute-work on the Highways, within the ſeveral Pariſhes, Hamlets, and Places wherein the Roads hereby directed to be repaired do lie, and what Sort of Duty they ought reſpectively to do; be it further enacted by the Authority aforeſaid, That the Surveyors of the Highways of and for the ſaid Pariſhes, Hamlets, and Places, where or in or for which ſuch Surveyor or Surveyors uſually have been or ought to be choſen, ſhall, and they are hereby required, before the Twenty fifth Day of March in every Year, during the Continuance of this Act, to return and deliver in to the ſaid Truſtees, at a publick Meeting, or to their Clerk or Clerks, Treaſurer or Treaſurers, for the time being, true and perfect Liſts in Writing, under their reſpective Hands, of the Names of all the Perſons liable to do Statute-duty on the Highway, within ſuch Pariſhes, Hamlets, and Places reſpectively; and ſhall in ſuch Liſts, and every of them, diſtinguiſh and ſet forth which of ſuch Perſons ſhall keep

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

a Team or Teams, or shall be by Law deemed so to do; and the Number of Pack Horses and other Beasts of Burthen kept by such as do not or are not deemed to keep a Team, and which of them are Labourers, or liable to do their Statute-duties as Labourers only; and if any such Surveyor or Surveyors shall not deliver in such Lists, or by such Times and in such Manner as by this Act are directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds.

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

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall annually adjudge what Proportion of the Statute-labour is fit to be employed on the Road hereby intended to be repaired in the Course of the ensuing Year, within the several Parishes, Hamlets, or Places, in which the Roads hereby intended to be repaired lie, or such of them from which the said Trustees think proper to require any Part of the Statute-labour to be performed on the said Road; and of such Adjudication shall cause Notice in Writing, under their Hands, or the Hand or Hands of their Clerk or Clerks, Treasurer or Treasurers, for the time being, to be delivered to the Surveyor or Surveyors of the Highways for the time being, for such Parishes, Hamlets, or Places respectively, at least Twenty Days before the General Easter Quarter Sessions of the Peace to be holden in and for the said County of Devon, in every Year: And in case such Surveyor or Surveyors shall be dissatisfied with any such Adjudication, it shall and may be lawful for such Surveyor or Surveyors to appeal to the said Sessions; and the Justices, in such their Sessions, are hereby authorized and impowered to adjust and determine what Proportion of the Statute-labour, in such Parish, Hamlet, or Place, shall be done on the Roads hereby intended to be repaired (such Surveyor or Surveyors of the Highways as aforesaid having first given Ten Days Notice in Writing of such Appeal, to the said Trustees, or to their Treasurer or Treasurers, Clerk or Clerks, for the time being): And if any or either of the Inhabitants of the said several Parishes, Hamlets, or Places, or other Person or Persons liable to do Statute-work in and upon the said Roads, shall not perform the same at such Times and Places, and in such Manner, as they shall be respectively directed or appointed to do by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them appointed, such Inhabitants or Persons;

Penalty on Persons not performing Statute-work.

and

and every of them, ſhall, for every ſuch Neglect or Default, forfeit and pay the ſeveral Sums of Money herein after mentioned; that is to ſay, Every ſuch Inhabitant or Perſon keeping, or deemed by Law to keep, a Team, for every Day's Default for every ſuch Team, the Sum of Ten Shillings; and every Inhabitant or Perſon keeping a Pack-horſe or Pack-horſes, or other Beaſt of Burden (and no Team, nor deemed to keep a Team) for every Day's Default for every ſuch Horſe, or Beaſt, and Driver, the Sum of Three Shillings; and every other Inhabitant or Perſon liable to work on the ſaid Roads as a Labourer only, for every Day's Default, the Sum of One Shilling and Six Pence; and if any Perſon or Perſons, who ſhall come or be ſent as a Labourer or Labourers, or with a Team or Draught, Pack-horſe, or Beaſt of Burden, to work on the ſaid Roads, ſhall be found idle or negligent by the Turnpike Surveyor or Surveyors, ſuch Surveyor or Surveyors is and are hereby impowered to remove and turn off ſuch Perſon or Perſons; and in that Caſe the reſpective Forfeitures and Payments before-mentioned ſhall be incurred and payable, as if ſuch Perſon or Perſons had refuſed or neglected to come, or ſuch Team or Draught, Horſe or Beaſt, had not been ſent.

Perſons found idle to be turned off.

Provided always, and be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may and are hereby authorized and impowered, from time to time, during the Continuance of this Act, to compound with the Surveyor or Surveyors of all, any, or either of the Pariſhes, Hamlets, or Places, through which the ſaid Roads do lead, or with the ſeveral Inhabitants of ſuch Pariſhes, Hamlets, and Places reſpectively, for a certain Sum or Sums of Money, by the Day or otherwiſe, not exceeding a Year, as the ſaid Truſtees, or any Five or more of them, ſhall think reaſonable, in lieu of the Statute-work or other Work to be done by ſuch Pariſhes, Hamlets, or Places reſpectively, or the ſeveral and reſpective Inhabitants thereof; and alſo from time to time, if they ſhall think fit, to compound and agree for a Year, or for any leſs Time, with any Perſon or Perſons uſing the ſaid Road, for any certain Sum or Sums of Money, for or in lieu of the Tolls or Duties hereby impoſed, or any of them, for the paſſing of ſuch Perſons, their Carriages or Cattle, through the ſeveral Gates or Turnpikes to be erected by virtue of this Act, or any or either of them; and in caſe any ſuch Compoſition-money ſhall not be paid within Ten Days

Truſtees may compound with Pariſhes for Statute-work.

Days after the same shall become payable according to such Composition by Agreement, that then it shall and may be lawful to and for One or more Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals (Oath being first made that the same has been demanded, and remains unpaid, which Oath the said Justice or Justices is and are hereby impowered and required to administer), to levy the same by Distress and Sale of the Goods of the Surveyor or Surveyors of the Highways for the time being of the Parish, Hamlet, or Place, in respect of which such Composition shall be made, or of the Person or Persons so having compounded, and neglected to pay his or their Composition-money; returning the Overplus (if any be) after deducting the Charges of such Distress and Sale, to the Owner or Owners thereof upon Demand: And in case the Surveyor or Surveyors of the Highways of any Parish, Hamlet, or Place, for or in respect of which such Composition shall be made as aforesaid, shall pay the Composition-money; or if such Composition-money shall be recovered and levied of his or their Goods and Chattles in manner herein before directed; then, and in either of the said Cases, such Surveyor or Surveyors shall be repaid and reimbursed the Composition-money, which shall be so paid by or recovered of him or them as aforesaid, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be repaid and reimbursed the Money by them expended in buying Materials for mending the Highways.

Composition-money, how to be reimbursed.

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 are hereby impowered and required to cause the said Roads to be measured, and Mile-stones or Posts to be fixed or set up on the Sides thereof, with Inscriptions to be made thereon, denoting the Number of Miles and Distances of Places, as they, or any Five or more of them, shall think fit.

Penalty on Persons going thro' or permitting private Passage,

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

any Perſon or Perſons, with any ſuch Carriage or Cattle, to go or paſs through the ſame Tenement, Land, or Ground, or any Field, Gate, or private Paſſage, or other Place, belonging to ſuch Owner or Occupier; or if any Perſon or Perſons ſhall give to, or receive of, any other Perſon or Perſons, except the Perſon or Perſons appointed to receive the Tolls, any Note or Ticket of the Day, directed to be given by the Collectors or Receivers of the Tolls; or ſhall make uſe of any forged Note or Ticket; or if any Perſon, driving or owning any Carriage, ſhall, at any Time or Times, take off, or cauſe or ſuffer to be taken off, from ſuch Carriage, any Horſe, Mule, Aſs, Ox, or other Cattle, at or before the ſame ſhall come to any of the Gates or Turnpikes to be erected by virtue of this Act; or if any Perſon or Perſons ſhall leave in any Houſe or Place, upon or near the ſaid Roads, any Carriage or Cattle, chargeable with, or liable to pay, any or either of the Tolls by this Act impoſed; or if any Perſon or Perſons ſhall claim or take the Benefit of either of the Exemptions by this Act given, not being really intitled to the ſame (ſo that by any or either of the Means aforeſaid, the Payment of any or either of the ſaid Tolls ſhall be evaded or leſſened) or if any Perſon or Perſons ſhall wilfully or deſignedly throw, caſt, or lay, or cauſe to be thrown, caſt, or laid, any Dirt, Duſt, Aſhes, Straw, Dung, Rubbiſh, or other Annoyances, in or upon the Roads hereby intended to be repaired, or any Part thereof, or any Ditch, Drain, or Watercourſe belonging thereto; or if any Perſon or Perſons ſhall hale or draw, or cauſe to be haled or drawn, upon, in, or along, any Part of the Roads hereby intended to be repaired, any Tree or Trees, Piece or Pieces of Timber, or any other Draught, otherwiſe than and except upon Wheel Carriages, and ſo as no Part of the Load ſhall drag on the Ground; that then, and in any of the Caſes aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings; and if any Perſon or Perſons ſhall wilfully or deſignedly deſtroy, pull down, dig up, break, or injure, any or either of the Mileſtones or Poſts hereby directed to be fixed or ſet up, or eraſe, obliterate, or deface, any of the Inſcriptions which ſhall be made thereon, or any Part thereof, or cauſe or procure the ſame to be done, every ſuch Perſon ſo offending ſhall forfeit and pay the Sum of Forty Shillings for every Stone or Poſt ſo wilfully or deſignedly deſtroyed, pulled down, dug up, broken, injured, obliterated, or defaced, and One Half of every ſuch Penalty ſhall, when

or giving or receiving Tickets;

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

Penalty on Perſons making illegal Claims.

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

Penalty on defacing Mileſtones, &c.

recovered, go and be applied to the Uſe of the Informer, upon whoſe Oath ſuch Offender or Offenders ſhall be convicted.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforeſaid, That all the Penalties, Fines, and Forfeitures, impoſed or made payable by this Act, or which ſhall be incurred thereby, or by reaſon of any thing herein contained, and every Part thereof, ſhall, from time to time, be paid (except ſuch the Payment whereof is otherwiſe herein before directed) to the Truſtees, or to any Five or more of them, or to their Treaſurer or Treaſurers for the time being, and ſhall be laid out (except ſuch or ſuch Parts thereof the Application of which is herein before particularly directed) in and towards the Purpoſes of this Act; and for the Recovery of the ſaid Penalties, Fines, and Forfeitures, or of ſuch of them for the Recovery whereof no other Method or Methods is or are herein before preſcribed, any Juſtice or Juſtices of the Peace of the County or Place where the Party or Parties incurring the ſame ſhall be or reſide, may, and is and are hereby authorized and required, from time to time, upon Proof thereof, or of the ſeveral Matters, Cauſes, or Things for which ſuch Penalties, Fines, or Forfeitures, ſhall be incurred, either by the Confeſſion of the Party or Parties, or by the Oath of One or more Witneſs or Witneſſes (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter gratis) by a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to cauſe the ſame to be levied and raiſed by Diſtreſs and Sale of the Goods, Chattles, and Effects of the Party or Parties ſo incurring; and if any more Money ſhall at any Time or Times be raiſed and levied by ſuch Diſtreſſes and Sales, than ſhall be ſufficient to pay the reſpective Penalties, Fines, or Forfeitures, for which the ſame ſhall be taken and made, and the reaſonable Charges of making and taking the ſame, ſuch Overplus ſhall, if demanded, be paid to the reſpective Owner or Owners of the Goods, and Chattles, and Effects which ſhall be ſo diſtrained and ſold; and if no Goods, Chattles, or Effects, of the Perſon or Perſons who ſhall incur any of the ſaid Penalties, Fines, or Forfeitures, can be found ſufficient to anſwer the ſame, and the Charges of ſuch Diſtreſſes and Sales as aforeſaid, if any ſuch ſhall be taken or made, then, and in every ſuch Caſe, ſuch Juſtice or Juſtices may and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Per-

ſon or Perſons to be committed to the Common Gaol of the ſaid County, for any Time not exceeding Three Calendar Months for the Firſt Offence, or until ſuch Penalties, Fines, or Forfeitures, and Charges of ſuch Diſtreſſes and Sales, if any ſuch there be, ſhall be paid; and for the Second and every other Offence of the ſame Kind or Nature, for any Time not exceeding Six Calendar Months, nor leſs than One Calendar Month, or until ſuch Penalties, Fines, or Forfeitures, by him, her, or them incurred, and Charges of the ſaid Diſtreſſes and Sales, if any ſuch there be, ſhall be fully ſatisfied and paid.

Perſons aggrieved may appeal.

Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſuſtaining Damage, for which Satisfaction is herein before directed to be made and adjudged by the ſaid Truſtees, ſhall be diſſatisfied with any ſuch Adjudication, or if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved, by any thing done in purſuance or by the Authority of this Act, ſuch Perſon or Perſons may appeal to the Juſtices, at the next General Quarter Seſſions of the Peace to be holden in and for the ſaid County, he, ſhe, or they, giving or cauſing to be given Ten Days Notice in Writing of ſuch Appeal, and of the Cauſe and Matters thereof, to the ſaid Truſtees at a publick Meeting, or to their Clerk or Clerks, Treaſurer or Treaſurers, for the time being, and entering into a Recognizance, within Five Days after ſuch Notice given, before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, to try ſuch Appeal at ſuch Seſſions; and in caſe the ſame ſhall be diſallowed, to pay ſuch Coſts and Charges, as the Juſtices there ſhall direct in that Behalf; which ſaid Juſtices at their ſaid Seſſions, upon due Proof of ſuch Notice being given, and of ſuch Recognizance being entered into as aforeſaid, ſhall and are hereby authorized and required to proceed in, hear, and determine the Matter of ſuch Appeal; and, if they ſee Cauſe, vacate or alter ſuch Adjudication or Adjudications, Conviction or Convictions, Commitment or Commitments, or adjudge a larger or leſs Sum to be paid, in Satisfaction for the Damage which ſhall appear to have been ſuſtained by, or mitigate or annul at their Diſcretion the Fine or Fines laid on, or Penalty or Penalties incurred by the Party or Parties appealing; and if any Money ſhall have been received in conſequence thereof, may order the ſame, or any Part thereof, to be refunded, and ſet the Party or Parties at Liberty, or otherwiſe

10 Days Notice of Appeal to be given.

may

may ratify and confirm the ſame; and give ſuch Coſts to the Appellant or Reſpondent as they ſhall think fit; and the Judgement and Determination of the ſaid Juſtices, at ſuch next General Quarter Seſſions, ſhall be final and concluſive to all Parties concerned or intereſted therein.

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

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

8 Days Notice to be given of ſuch Election.

No Truſtee to act, unleſs at a publick Meeting.

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

Truſtees to defray their own Expences.

In Default of a ſufficient Number of Truſtees to act,

And be it further enacted by the Authority aforeſaid, That if there ſhall not appear at any Meeting, which ſhall be appointed to be held by the ſaid Truſtees, a ſufficient Number of them to act, then and in every ſuch Caſe the Truſtees then preſent, or their Clerk or Clerks,

Treaſurer

Treasurer or Treasurers, for the time being, shall and may adjourn the said Meeting; and by Notice in Writing, signed by the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, to be affixed on some public Place in the Town of Totnes, and on all the Turnpikes to be erected by virtue of this Act, at least Eight Days before the next Meeting, shall appoint another Meeting of the said Trustees on that Day Fortnight on which the Meeting so adjourned was appointed. Notice to be given of another Meeting.

And be it further enacted by the Authority aforesaid, That no Order or Orders made by the said Trustees at any Meeting or Meetings to be had in pursuance of this Act, or by their Successors, or any Five or more of them, in Execution of any of the Trusts, Powers, or Authorities of this Act, shall be revoked, repealed, or set aside, by any subsequent Order or Orders of the said Trustees, or their Successors, at any subsequent Meeting or Meetings, unless at such subsequent Meeting or Meetings there shall be present a greater Number of Trustees than were present at the making of the original Order or Orders. No Order to be repealed unless by a greater Number of Trustees than were present at the making of it.

And be it further enacted by the Authority aforesaid, That such of the Trustees appointed or to be appointed by virtue of this Act, as is or are or shall be a Justice or Justices of the Peace, may and is and are hereby authorized and impowered to act as a Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees, except in such Matters or Things in which he or they shall be personally interested; and in such Cases no Person or Persons whatsoever, being so interested, shall be capable of acting either as a Trustee or Justice. Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That if any Person or Persons appointed or to be appointed a Trustee or Trustees by virtue of this Act, shall have or accept of any Place of Profit arising out of the Tolls and Money by this Act made payable, such Person or Persons, after his or their Acceptance of such Place or Places of Profit, during his or their respective Enjoyment of the same, shall be incapable of acting as a Trustee or Trustees, in or under or in Execution of the Authorities and Powers to them hereby given. No Trustee to accept of any Place of Profit arising from the Tolls.

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

Alehouſe, or other public Houſe of Entertainment, or ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors by retail.

Treaſurer to give Security.

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

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Aſſignment, Tranſfer, or other Security for the borrowing Money, or other Writing whatſoever, made in purſuance of this Act, and for putting the ſame in Execution, ſhall be charged or chargeable with any Stamp or Duty whatſoever.

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

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

nor removeable by *Certiorari*.

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

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

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, 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; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action on the Caſe.

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

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

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceedings, 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

have been made, it shall and may be 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.

Commencement and Continuance of this Act.

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

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Money that shall be borrowed, collected, and received, laid out, expended, and paid, by virtue of this Act, for the time being, and of all Orders, Compositions, Acts, Matters, and Proceedings, which shall be made or done by the said Trustees in pursuance hereof, or in Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered and made in a Book or Books to be kept for those Purposes by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees for the time being; and such Orders so entered shall be signed by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees for the time being, at any Meeting of the said Trustees, or any Five or more of them, assembled, as the Case shall require; and being so signed, shall be deemed and taken to be Original Orders, as if the same were under the Hands and Seals of the said Trustees; which said Book or Books, and also the Book or Books herein before directed to be kept for entering and registering the said Assignments and Transfers, shall or may be produced and read in Evidence, in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance and by the Authority of this Act.

Books to be read in Evidence.

And whereas Part of the Roads by this Act directed to be repaired, which is herein before described as leading from the Head of the Borough of Bridgetown Pomeroy, to Waton Gate, Paington, and the Five Lanes, branch off from the Road or Highway leading from Biddaford, through Bridgetown Pomeroy, to Newton Abbott, at the Head of Bridgetown Pomeroy; and which Road or Highway from Biddaford, through Bridgetown Pomeroy, to

Newton Abbott, has already been in Part repaired by virtue of or under an Act, made and paſſed in the Thirty ſecond Year of the Reign of His late Majeſty King George the Second, intituled, An Act for amending, widening, and keeping in Repair, the Road from the Hollow Way, on the Weſt Side of Lord *Clifford*'s Park Gate, where the *Exeter* Turnpike Road ends, to a Place called *Biddaford*, in the County of *Devon*; and by the ſaid Act Authority is given to erect any Gate or Gates, Turnpike or Turnpikes, on that Road as therein is mentioned; and by virtue thereof, Two Gates have been erected, One at a Place called Bunker's Hill, and another at a Place called Fork Green; and any Perſon or Perſons who pay Toll at One of the ſaid Gates, either at Bunker's Hill or Fork Green, are at Liberty to paſs through the other gratis; and it is apprehended, that if any Perſon or Perſons who ſhall paſs through either of the ſaid Gates or Turnpikes at Bunker's Hill or Fork Green, were to be liable to pay the Tolls by the ſaid Act required and made payable, and alſo the Tolls by this preſent Act impoſed, for or on account of travelling the ſaid Roads leading from Bridgetown Pomeroy, to Waton Gate, Paington, and the ſaid Place called Five Lanes, it would be too heavy a Burthen on ſuch Travellers, and might tempt them to uſe ſome other Road, to the Prejudice of both theſe Turnpikes: To prevent ſuch Grievance, be it further enacted by the Authority aforeſaid, That whoſoever ſhall pay the Tolls by the ſaid Act required for the paſſing of any Carriage or Cattle at either of the ſaid Gates or Turnpikes erected at Bunker's Hill or Fork Green aforeſaid, ſuch Perſon, upon producing a Note or Ticket of the Day, denoting ſuch Payment, which the Collectors of the ſaid Tolls, by the ſaid Act impoſed, are thereby directed to give, ſhall be permitted to paſs and repaſs with the ſame Carriage or Cattle Toll-free, through all and every or any of the Gates or Turnpikes to be erected at the Head of Bridgetown Pomeroy as aforeſaid, or through all and every or any Gate or Gates, Turnpike or Turnpikes, to be erected in, acroſs, or upon, the ſaid Lane called Shut Lane, by virtue of this preſent Act, at any Time or Times during the ſame Day, to be computed from Twelve of the Clock in the One Night, to Twelve of the Clock in the next Night; and ſo in like Manner, whoſoever ſhall pay the Tolls by this preſent Act required for the paſſing of any Carriage or Cattle at any Gate or Turnpike which ſhall be erected at the Head of Bridgetown Pomeroy as aforeſaid, or in or upon,

Perſons having paid the Toll at *Bunker's Hill* or *Fork Green*, not to pay again the ſame Day at *Bridgetown Pomeroy*, &c.

upon the ſaid Lane called Shut-Lane, by virtue of this Act, ſuch Perſon, upon producing a Note or Ticket of the Day, denoting ſuch Payment, which the Collectors of the ſaid Tolls are herein before directed to give, ſhall be permitted to paſs and repaſs with the ſame Carriage or Cattle Toll-free, through the ſaid Gates erected at Bunker's Hill and Fork Green aforeſaid, at any Time or Times during the ſame Day, to be computed as aforeſaid; any thing contained in the ſaid recited Act to the contrary notwithſtanding.

Limitation of Actions.

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

General Iſſue.

Treble Coſts.

or under the Authority of this Act, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have for his and their Coſts in other Caſes by Law.

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

FINIS.