Anno tertio

Georgii III. Regis.

An Act for repairing, widening, and keeping in Repair, ſeveral Roads leading from the Town of *Barnſtaple*, in the County of *Devon*.



WHEREAS the Roads leading from the Town of Barnſtaple, through the ſeveral Pariſhes of Biſhops-Tawton, Landkey, and Swimbridge, by Hanaford Village, over the Ridgeway, to a certain Place called Keſſcott Hill, from whence the Southmolton Turnpike Road leads to the Town of Southmolton, in the ſaid County of Devon; and alſo the Roads leading from the ſaid Town of Barnſtaple, through the ſeveral Pariſhes of Biſhops-Tawton, Landkey, Swimbridge, Chittlehampton, Warkley, and Chulmleigh, to a certain Moor or Common in the ſaid Pariſh of Chulmleigh, called Beacon, otherwiſe Bicton Moor, from whence the Southmolton Turnpike and Poſt Road leads to the City of Exeter; and alſo the Roads leading from the ſaid Town of Barnſtaple, through the ſeveral Pariſhes of Biſhops-Tawton, Tawſtock, Atherington, High Bickington, Burrington, and Aiſh-Reigney, to a certain Place called Hansford Preamble.

Hansford Bridge; and from thence through the Parish of Chulmleigh, to the Town of Chulmleigh, in the said County of Devon; and also the Roads leading from the said Town of Barnstaple, through the several Parishes of Tawstock, Newton, Fremington, Alverdiscot, Huntshaw, Torrington, commonly called Great Torrington, Little Torrington, Peter's Marland, Petrockstow, otherwise Padstow, Meath, Hatherleigh, Jacobstow, and Inwardleigh, to a certain Place called Folley, in the said Parish of Inwardleigh, from whence the Oakhampton Turnpike Road leads towards the Towns of Oakhampton and Plymouth, in the said County of Devon; and also the Roads leading from the said Town of Barnstaple, through the several Parishes of Tawstock, Fremington, Westleigh, and Bideford, to the Town of Bideford, in the said County of Devon; and also the Roads leading from the said Town of Bideford, through the several Parishes of Bideford, Ware-Giffard, Huntshaw, and Torrington, to the Town of Torrington, in the said County of Devon; are in a ruinous Condition, and, in several Parts, narrow and incommodious, and the same cannot be effectually repaired, widened, and rendered commodious, by the present Methods provided by 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 Honourable Hugh Fortescue, the Honourable Mathew Fortescue, the Honourable John Fortescue, Sir Thomas Dyke Acland Baronet, Sir Richard Warwick Bampfylde, Sir John Chichester, Sir Bouchier Wrey, Baronets; John Dyke Acland, Humphry Aram, Thomas Dyke Acland, Robert Awse of Torrington, Charles Warwick Bampfylde, John Codrington Warwick Bampfylde, Amias Warwick Bampfylde, Richard Warwick Bampfylde, James Buller, John Buller, Francis Buller, William Buller Clerk, James Buller the younger, John Buller the younger, Francis Buller the younger, Edward Buller, Robert Butcher, Nathaniel Brown, John Bellew, William Barbor, John Berry, Peter Bird, Francis Basset, William Barbor M. D. George Buck, Lewis Buck Clerk, William Buck, Joseph Baller, John Baker, Thomas Berry of Westleigh, John Besly, Richard Blynch, John Bartlett, Samuel Banbury, Peter Beavis Clerk, Bate of Westleigh, Clerk; Joshua Bawden Clerk, Thomas Bury of Colleton, the Mayor, Recorder, Deputy Recorder, Aldermen, and Capital Burgesses of Barnstaple, now and for the time being; the Mayor, Recorder, Aldermen,

Trustees Names.

Aldermen, and Capital Burgeſſes of the Town of Bideford, now and for the time being; John Chicheſter of Youlſton, Charles Chicheſter, John Clark, James Chanter, Henry Colley, Bartholomew Coombe, John Coombe, William Coombe, John Clevland, John Clevland junior, Archibald Clevland, George Clevland, Auguſtus Clevland, Peregrine Courtenay, Roger Chappell, Charles Cutliffe, Richard Coffin, Henry Reginald Courtenay, Peter Comyns, John Davie, Charles Davie, John Drake, Henry Drake, John Downe, Henry Downe, Charles Davie junior, John Deane, Deane of Horrod, William Dodge, William Daddo, Thomas Earle, Amos Fox, Joſeph Friendſhip, Philip Furze, Thomas Fiſher Clerk, John Foot Clerk, Coulſon Fellowes, William Gribble, Robert Gribble, Benjamin Grant, Nicholas Gay, James Gay, Henry Hele, William Higginſon, John Honychurch, Thomas Honychurch, Richard Hony, James Hamlyn, Edward Houndle, Charles Hill Clerk, Charles Hill junior, Clerk; James Hiern, Richard Hole, James Hopkins, James Horrod, John Harris of Pickwell, Thomas Harward, Mathew Hole, John Hiern, Horace Hele, Richard Harding, Henry Hole, William Johnſon, Daniel Johnſon, Benjamin Incledon, Chicheſter Incledon, William Iriſham, Peter Johnſon, John Toſſel Johnſon, Benjamin Knott, Richard Knight, Thomas Kenny, John Lethbridge, Thomas Lethbridge, Philip Lane, William Moulle, Henry Minchinton, John Marſhall, Hammond Marſhall, Charles Marſhall, Daniel Marriott, Samuel May, John Meddon junior, William Melhuiſh, Melhuiſh Clerk, Thomas Morriſon, Hooper Morriſon, Clerks; John Northcott, Paul Orchard, Thomas Owen Clerk, John Palmer, George Parminter, William Prince, John Parker, John Pine, Pine Clerk, Thompſon Pater, John Pyne, Richard Rooke, Mathew Reeder, Monier Rock, John Robbins, Dennis Rolle, George Rooke, John Rogers, John Saltren, Edward Smith, John Stafford, John C. Saunders, Henry Servant, Chriſtopher Stephen, Stewkly Stephens, John Strange, John Seldon, Thomas Steed Clerk, Nicholas Shephard ſenior, Philip Sydenham, Theodorus Sheere, Philip Sydenham the younger, Thomas Saltren Clerk, William Strange, Thomas Smith, Henry Stevens of Croſs, Richard Stevens of Winſcot, Oneſiphorus Sheere, Doctor Spurway, William Spry, John Toſſel, Paul Tucker, Henry Gardiner Tippetts, John Tuckfield, Charles Trelawney, Richard Turner, the Mayor, Recorder, Aldermen, and Capital Burgeſſes of the Borough and Town of Great Torrington, now and for the time being; Henry Venn, James Veale, John Vickry Clerk, George Wickey,

Isaac Williams, Joshua Worth, Thomas West, John Rolle Walter, John Walrond, William Saltren Willett, Joseph Worth Clerk, John Woolcomb, Lewis Wellington, George Wicky Clerk, Wollacombe, Philip Rogers Webber, Major Robert Wrey, John Wrey Clerk, Thomas Woolacombe, Henry Yonge Clerk, William Yonge, and their Successors, to be appointed in Manner herein after-mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

And be it further enacted, 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 the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of One hundred Pounds; or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of Two hundred Pounds; or possessed of or intitled unto a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Three thousand Pounds: And if any Person hereby deemed incapable to act, shall presume to 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 and 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, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the Guild Hall in Barnstaple, on Thursday the Nineteenth Day of May, One thousand seven hundred and sixty three, and shall then choose a Clerk or Clerks to write their Orders, and take Minutes, and make Entries of their Proceedings, and do such other Acts as they shall think necessary to be done in Pursuance and Execution of this present Act; and shall then and there adjourn themselves to, and shall afterwards meet at, the Place aforesaid, or at any other Place in or near the said Roads so to be repaired, as the said Trustees, or any Five or more of them, shall think convenient and proper, as often as it shall be necessary for putting this Act in Execution; and in case any Difference or Dispute shall arise amongst the said Trustees, relating to the Trust reposed in them by virtue of this Act, at any

of

of the said Meetings of the said Trustees appointed or to be appointed by and in pursuance and for the Purposes of this Act, such Difference or Dispute shall be determined by the major Part of the Trustees then present at such Meeting, such major Part consisting of Five or more; but if it should at any Time so happen that there shall not be a sufficient Number of Trustees present at any of the aforesaid Meetings, so as to determine the said Difference or Dispute by the major Part to consist of Five at the least, such Difference or Dispute shall be adjourned over to, and determined at, the next Meeting, when a sufficient Number of Trustees shall happen to be present to determine the same as aforesaid; and if it shall happen upon any Adjournment of such Meeting, that Five at least of the Trustees shall not appear on such Adjournment, such Meeting shall be deemed to be adjourned over to that Day Sevennight, and shall and may be holden at the same Place without further Notice, and so toties quoties, as often as the like Case shall happen; and that the said Trustees, at their first and all their subsequent Meetings, shall pay their own Charges and Expences.

In Default of a sufficient Number of Trustees to act,

Meeting to be adjourned to that Day Sevennight.

Trustees to bear their own Expences.

And be it further enacted, That no Person shall be capable of acting as a Trustee under the Authority of this Act, who shall hold any Place of Profit arising out of the Tolls hereby granted.

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

And be it further enacted, That a Trustee or Trustees, appointed in or by virtue of this Act, who 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, in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees.

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

And be it further enacted, That as often as any One or more of the said Trustees shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, under their Hands and Seals, to appoint another Trustee or Trustees, in the Room of such Trustee or Trustees so dying or refusing to act; and Notice of the Time and Place of Meeting for the Election of such Trustee or Trustees shall be given by the Clerk to the Trustees, by affixing the same in Writing on all the Gates or Turnpikes which shall be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election; and the Person or Persons so appointed shall and may act in the Execution of this Act, as fully as any Trustee or Trustees hereby nominated is or are impowered to do.

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

And

Trustees may erect Turnpikes and Toll Houses,

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across the said Road, and a Toll-house to each Gate or Turnpike; and shall demand and take the following Tolls at each of the said Gates or Turnpikes, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls:

For every Waggon, Wain, Cart, or other Carriage, carrying or laden with, or empty and going for, or returning immediately after having been laden with Lime only, drawn by Five or more Horses, Oxen, or Beasts of Draught, the Sum of Six Pence; and drawn by Three or Four Horses, Oxen, or Beasts of Draught, the Sum of Four Pence; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Two Pence; and drawn by One Horse, or other Beast, the Sum of One Penny.

And for every Horse, Mare, Gelding, Mule, or Ass, so laden, going or returning as aforesaid, and not drawing, One Halfpenny.

And for every other Waggon, Wain, Cart, or other Carriage, not so laden, going, or returning, drawn by Five or more Horses, Oxen, or Beasts of Draught, the Sum of One Shilling; and drawn by Three or Four Horses, Oxen, or other Beasts, the Sum of Eight Pence; and drawn by Two Horses, Oxen, or other Beasts, the Sum of Four Pence; and drawn by One Horse, or other Beast, the Sum of Two Pence.

And for every other Horse, Mare, Gelding, Mule, or Ass, or other Beast of Burthen, not so laden, going or returning as aforesaid, and not drawing, the Sum of One Penny.

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

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

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

drawn by One Horse, Mare, Gelding, Mule, or other Beast, the Sum of Three Pence.

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be paid to such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint to collect the same; and the Money so to be raised is hereby vested in the said Trustees, and shall be applied in such Manner as is herein after-mentioned: 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, it shall be lawful for the Person or Persons appointed as aforesaid to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, Beasts, or Goods, so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Roads, or upon, in, or across any Lane or Way leading into the same, to prevent Persons evading the Payment of the Tolls hereby granted; and there to cause to be taken and levied such Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof, so as the same do not extend to a double Charge upon any Person passing through any other of the Gates or Turnpikes erected by virtue of this Act.

Trustees may erect Side-gates,

and take Tolls thereat,

so as the same do not extend to a double Charge.

Provided always, and be it further enacted, That nothing herein contained shall impower the said Trustees, or any of them, to erect or place any Turnpike or Toll-gate within the Distance of Four Miles of Philleigh Bridge.

And be it further enacted, That the said Gates or Turnpikes and Toll-houses, and the Materials of which the same shall consist, and all Materials which shall be provided by the said Trustees, or by their Surveyor or Surveyors for repairing the said Road, shall be, and they are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impow-

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

cred to bring or cause any Action or Actions to be brought in the Name of their Treasurer or Clerk, or to prefer and order and direct the preferring of Indictments against any Person or Persons, who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate, Turnpike, or Toll-house, which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided for the repairing of the said Roads.

Application of the Monies.

And be it further enacted, That out of the First Money arising by the Tolls hereby granted, or out of such Money as shall be borrowed on 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 Costs of procuring and passing this Act; and shall apply the Remainder of the Money so raised in erecting Gates or Turnpikes and Toll-houses, and repairing, widening, and amending the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever.

The Tolls to be deemed so many separate Funds for Repair of the respective Roads, &c.

And be it further enacted, That after the Charges of passing this Act, and also the Charges of erecting the Turnpikes, Gates, and Toll-houses, and other necessary Expences attending the Execution hereof, shall have been fully discharged, the several Tolls and Duties arising and levied on the said several Roads respectively, shall be deemed so many separate Funds for the Repair of the respective Roads whereon the same shall arise and become due, and for the Repayment of the Money borrowed thereon, and the Interest thereof, as the same shall from time to time become due and payable, and shall from thenceforth become vested in the Trustees, for the Use of such Roads respectively; and that when any One or more of the said separate Roads shall be sufficiently amended, and the same shall be so determined by the said Trustees, or the major Part of them present at any General Meeting, such major Part not being less than Nine, and the Money borrowed on the Credit of the Tolls or Duties to be collected on such Road shall be repaid, together with all Interest due for the same, it may and shall be lawful for the said Trustees, or any Five or more of them, to apply any Part of the Tolls or Duties collected on such Road towards the amending all or any of the other Roads hereby directed to be amended; any thing herein contained to the contrary notwithstanding.

and when one Road shall be sufficiently repaired, Part of the Tolls hereof, to be applied in repairing other Roads.

And

And be it further enacted, That if any Perſon ſhall have paid the Toll by this Act granted, for the paſſing of any Cattle or Beaſt through any Gate or Turnpike erected by virtue of this Act, the ſame Perſon, upon producing a Note or Ticket denoting ſuch Payment, ſhall be permitted to paſs through the ſame, or any other Gate or Turnpike to be erected by virtue of this Act, with the ſame Cattle or Beaſt, Toll-free, 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 in the next Night; which ſaid Note or Ticket the Collector of the Tolls is hereby required to give gratis upon the Payment of ſuch Toll. Tolls to be paid but Once a Day.

Provided always, and be it further enacted, That if any Perſon or Perſons driving or having the Care of any Horſes, Cattle, or Carriages, which ſhall go unladen for Lime through any of the Turnpikes to be erected by virtue of this Act, and ſhall pay the Toll for ſuch Horſes, Cattle, or Carriages, and ſhall produce a Ticket denoting the ſame, ſuch Perſon or Perſons ſhall not be charged with or compellable to pay any Toll or Duty for the ſame Horſes, Cattle, or Carriages, returning the next Day laden with Lime only. Exemptions with reſpect to Cattle or Carriages going for and returning with Lime.

And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, may at any Time during the Continuance of this Act, let the Tolls hereby granted, or any Part thereof, on Leaſe to any Perſon or Perſons, by the Year, for ſuch Sum or Sums of Money as the ſaid Truſtees or any Nine or more of them ſhall think reaſonable; which Sum or Sums of Money ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and ſhall be applied as the Tolls hereby granted are to be applied, and to no other Uſe or Purpoſe whatſoever. Truſtees may leaſe, &c. the Tolls.

And be it further enacted, That no Inhabitant of the Town of Southmolton who ſhall have paid the Toll or Duty for the paſſing of any Horſe, Cattle, or Carriage, on any Friday, or on the Day the Fair is held for Sale of Cattle at Barnſtaple, yearly, in the Month of September, through the Gate or Turnpike erected at Nadder Water, by virtue of an Act paſſed in the Thirty ſecond Year of the Reign of His late Majeſty, for repairing, widening, and rendering ſafe and commodious ſeveral Roads leading from the Town of Southmolton, in the County of Devon, ſhall be ſubject or liable the ſame Day to the Payment of any Toll or Duty at any Gate or Turnpike erected by virtue of this Act between the ſaid Gate or Turnpike and the Particular Exemptions granted to the Inhabitants of *Southmolton*.

Town

Town of Barnſtaple, ſuch Perſon producing a Note or Ticket denoting ſuch Payment.

Exemptions from Tolls.

And be it further enacted, That no Toll ſhall be demanded or taken at any Gate or Turnpike erected by virtue of this Act, for any Cattle or Carriage laden with or going for Culm to be uſed in the burning of Lime, or laden with or going for Materials for repairing any Road or Highway, or laden with or going for Dung, Mould, Soil, or Sea Sand for manuring of any Garden, or other Land or Ground, or Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of, but to be laid up in the Houſes, Outhouſes, Barns, Yards, or Backſides of the Owners thereof, or drawing any Plough, Harrow, or other Implement of Huſbandry, or for any Coaches or other Carriages, or from Paſſengers 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, or going to, or returning from, the Election of a Burgeſs or Burgeſſes to ſerve in Parliament for the Town of Barnſtaple; or for any Coach or other Carriage or Horſe, of any Perſon or Perſons going to or from Church, or other Place of Religious Worſhip they uſually reſort to on Sundays, or attending the Funeral of any Perſon who ſhall die and be buried in any Pariſh through which the ſaid Roads lead; nor for any Cattle going to, or returning from, Paſture or Water, for the Purpoſe of Watering or Grazing only, and not going for or coming from Sale, except as herein after excepted; or for any Poſthorſe or Carriage with the Mail; or for the Horſes of any Officers or Soldiers on their March; or for any Carts or Carriages attending them; or for Horſes or Carriages travelling with Vagrants ſent by Paſſes.

Limitation of Exemptions and Regulations with reſpect to Cattle going to or returning from Water or Paſture.

And, to prevent the evading of the Tolls under Pretence of Horſes or Cattle going to or returning from Water or Paſture, be it further enacted, That no Horſe, Mare, Gelding, or Cattle, ſhall be exempted from paying the reſpective Tolls by this Act granted and made payable, which ſhall be going to or from Water beyond the Diſtance of Two Miles, or to or from Paſture beyond the Diſtance of Two Miles from the firſt Turnpike-gate through which ſuch Horſe, Mare, Gelding, or Cattle ſhall paſs; and that in caſe of any Horſe, Mare, Gelding, or Cattle, going to or coming from ſuch Water or Paſture, the Perſon or Perſons going through any of the ſaid Gates or Turnpikes with or for the ſame, ſhall pay the uſual Tolls at the ſaid Gates or Turnpikes, and receive from the Collector there a particular Ticket, which ſhall be called a Water or Paſture Ticket, with the particular Hour of the Day when ſuch Perſon or Perſons went through

through the said Gate with or for such Horse, Mare, Gelding, or other Cattle; which Ticket the respective Collectors are hereby required to give gratis on Receipt of the Toll; and on such Person or Persons returning to the said Gate with the said Horse, Mare, Gelding, or other Cattle, if from Water, within Two Hours, or if from Pasture, on the same Day, and within a reasonable Time after he or they shall have so first gone through the same, such Person or Persons shall receive the Money so paid as Toll back again; and that no Horse, Mare, Gelding, or other Cattle shall be exempt from paying the respective Toll or Tolls on account of going to Water or Pasture, unless under these Circumstances: And in case any Disputes shall arise concerning the same, such Disputes shall be determined by the said Trustees, or any Five or more of them, from time to time, at their respective Meetings, whose Determinations thereupon shall be final; any thing in this Act to the contrary notwithstanding.

Disputes concerning the same to be determined by the Trustees.

Provided nevertheless, That if any Person shall claim and take Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Roads.

Penalty on Persons making illegal Claims.

And be it further enacted, That if any Person occupying any Land near to any Gate or Turnpike erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way with any Cattle; or if any Person shall with any Cattle pass through any such Gate, Passage, or private Way; or if any Person shall unload or take from or out of any Waggon, Cart, Carriage, or Beast, any Grain, Goods, Wares, or Commodities, or any Part of the Loading of such Carriage or Beast, or shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall give to, or receive from, any Person (except the Toll-gatherers to be appointed by this Act) any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person shall forcibly pass through any such Gate or Turnpike with any Cattle, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on Persons permitting or going thro' private Passage, &c.

And, for the more speedy repairing and widening the said Roads, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, upon the Credit of the Tolls hereby made payable, and to be collected on the said respective Roads, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and may and they are hereby authorized and impowered to mortgage or assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; which said Sums of Money so to be borrowed (the Charges of procuring and passing of this Act in the Manner aforesaid being thereout first paid) shall be laid out and applied in and for the repairing and widening the said Roads, in such Manner as the said Tolls are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

And be it further enacted, That all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments of the Tolls shall be made, or who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may, and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

Assignments may be transferred.

Provided always, and be it further enacted, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls or Duties hereby granted, unless Notice for that Purpose in Writing, under the Hand or Hands of the Clerk or Clerks to the said Trustees be affixed upon the Guild Hall Door, or other publick Place within the said Town of Barnstaple, and likewise at or upon all the Gates that shall be then erected by virtue of this Act, of the Time or Times of borrowing such Money, at least Ten Days before borrowing the same.

Notice to be given for borrowing Money.

And be it further enacted, That the said Trustees, or the major Part of them, such major Part not being less than Five, at their first or other Meeting or Meetings, shall and may, if they shall think fit, pursue the Method herein after prescribed for borrowing and securing Monies on the Credit of the said Tolls (that is to say) that the said Trustees, or the major Part of them, such major Part not being less than Five, at such first or other Meeting

Method prescribed for borrowing and securing Money.

Meeting or Meetings, shall and may resolve on and declare what gross Sum of Money they shall think requisite to be borrowed on the Security of the said Tolls, and what Part of such Sum shall be forthwith raised and paid in, and into whose Hands, and what Rate of Interest shall be allowed for the same, and also in what Manner the Money to be forthwith raised, or any Part thereof, shall be applied; which Resolution and Declaration shall at the same Meeting be entered by the Clerk of the said Trustees in a Book to be provided for that Purpose, and shall at the same Meeting be signed by the said Trustees, or any Three or more of them, so concurring in such Resolution and Declaration; and the Person or Persons, to whom such Part of the said gross Sums shall be appointed to be paid as aforesaid, may and is and are hereby authorized to receive the same Money from such Person or Persons as shall be willing to advance the same, and upon Receipt thereof to execute respective Deeds-poll unto the Person or Persons so advancing such Money, in the respective Sums of Fifty Pounds each, according to the Amount of the Sums by them respectively advanced; each of which said Deeds-poll shall purport, That the principal Sum of Fifty Pounds therein mentioned is in Part of the Sum directed to be raised at such Meeting of the said Trustees, or the major Part of them, such major Part not being less than Five, on the Credit of the Tolls appointed to be collected for the Purposes of this Act; and that the said Sum of Fifty Pounds, with Interest for the same, is payable out of the said Tolls to the Person named in such respective Deeds-poll, or the Bearer thereof; and the said Person or Persons, so appointed to receive such Part of the said gross Sum, shall at the Time of issuing of the said Deeds-poll, or any of them, cause the same respectively to be sealed with such Seal as the said Trustees, or the major Part of them, such major Part not being less than Five, at such Meeting shall direct; and the said Trustees, or any Three of them as aforesaid, shall sign their Names to each of the said Deeds poll; which signing and sealing shall be attested by the Clerk of the said Trustees, or in any other Manner as the said Trustees, or the major Part of them, such major Part not being less than Five, at such Meeting, shall think necessary and direct: And that at the next Meeting of the said Trustees the said Persons appointed to receive such Money as aforesaid, shall produce or account for the same to the said Trustees then assembled; and such Part thereof as shall not be accounted for shall

be

be disposed of as they, or the major Part of them, such major Part not being less than Five, shall direct; at which Meeting the Persons possessing the Deeds-poll shall produce the same before the Trustees then assembled, and thereupon the Clerk of the said Trustees shall make Entries in the said Book, wherein such Resolution and Declaration shall be entered as aforesaid, of the respective Dates of the said Deeds-poll, and the Names of the Persons to whom they purport to be issued, and by whom they are signed and attested, and shall mark the said Deeds-poll in this Manner (entered, Number One, and so on as they stand in Course in such Book, ---- A. B. Clerk of the Trustees) and after such Entries shall be made in the said Book in a Series one after another, the said Trustees at such Meeting, or any Three or more of them, shall subscribe their Names thereto in the said Book in Manner as above directed, and may at the same or any other subsequent Meeting or Meetings direct the Residue of the said gross Sum, or such Part or Parts thereof as from time to time they shall think necessary to raise, to be borrowed and received by such Persons as at such Meeting or Meetings shall by the said Trustees, or the major Part of them, such major Part not being less than Five or more of them then assembled, be appointed for that Purpose; who may and are hereby authorized accordingly to receive the same, and to execute respective Deeds-poll for the same, to the Purport and in Manner before directed; which Money, so from time to time received, shall be produced or accounted for at the next Meeting of the said Trustees after the Receipt thereof, and such Part thereof as shall not be accounted for shall be disposed of as the said Trustees shall direct, in Manner before-mentioned; and the said last-mentioned Deeds-poll shall be also then produced, and Entries shall be made in the said Book of such further Resolution and Declaration or Resolutions and Declarations of the said Trustees, and of the said Deeds-poll, in Manner before-mentioned, and the Numbers to be marked as aforesaid on the said last-mentioned Deeds-poll shall go progressively from the last Number in the last preceding Entry.

And be it further enacted, That there shall be no Preference given to the Persons advancing any Part or Parts of the said gross Sum in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Proprietors of the said Deeds-poll, so far as the said gross Sum shall extend, shall be,

And

and are hereby declared to be, Creditors on the said Tolls in an equal Degree one with another: And in case the said Trustees, or the major Part of them, such major Part not being less than Five, shall pursue this Method of borrowing Money on the said Tolls, then and in such Case, for the Security of the Lenders or Persons intitled to the said Deeds, it shall not be lawful to borrow any further Sum of Money on the Credit of the said Tolls beyond the gross Sum so first resolved to be raised, without the Consent of the Proprietors of the said Deeds-poll, to be signified by their Subscription on the Face of the said Deeds-poll, to be witnessed by the Clerk to the said Trustees, and of a proper Entry for that Purpose in such Book wherein such Entries shall be made as aforesaid, or unless the Money due to the Proprietors of the Deeds-poll, or such of them as will not give their Consent, shall be first paid off and discharged; and then, and in such Case, it shall be lawful for the said Trustees, or the major Part of them, such major Part not being less than Five, at a Meeting or Meetings, to borrow such Sum or Sums of Money on the Security of the said Tolls, and to pursue the same Method therein, or any other Method they shall think more expedient.

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

And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their or any of their signing the said Entries, or signing or sealing the said Mortgages, Assignments, Securities, Deeds-poll, or any or either of them.

Clause for paying off the Creditors, if the major Part in Number and Value of them shall signify their Desire for that Purpose.

And be it further enacted, That in case any Person or Persons who shall lend and advance any Money upon the Credit of the Tolls hereby made payable, or his, her, or their Assignee or Assignees, shall be at any Time desirous to be repaid the Money due to him, her, or them, and shall deliver a Notice in Writing, signifying such his, her, or their Desire, to the Clerk or Clerks to the said Trustees, at some Meeting of the said Trustees; that then and in such Case, unless the principal Money and Interest due and to grow due to him, her, or them, on the Security of the said Tolls, shall be fully paid to him, her, or them, within Three Months after the Delivery of such Notice, it shall and may be lawful to and for him, her, or them, to receive and collect, or cause to be received and collected, the Tolls granted by this Act, or such Part or Parts

thereof as shall be charged with the Payment of his, her, or their Debt or Debts, and to apply the same to the Payment of the Principal and Interest of his, her, or their Debt or Debts, until the same shall be discharged.

Trustees may appoint Officers;

and remove them, and appoint others.

And be it further enacted, That the said Trustees, or any Seven or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and such Officers and other Persons, or any or either of them, from time to time to remove, and to appoint others, in case of Death or such Removal; and may, out of the Monies which shall arise by the Tolls aforesaid, make such Allowances to such Officers and other Persons, for their Services, as to the said Trustees, or any Seven or more of them, shall seem reasonable: And all and every such Officers and other Persons shall, from time to time (when thereunto required by the said Trustees, or any Five or more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing, under their respective Hands, upon Oath, to be taken before Five or more of the said Trustees (which Oath Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall, to that Time, have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same: And in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath such Account, or to make such Payment, as aforesaid, then any One or more Justice or Justices of the Peace for the County or Place where such Officer or other Person shall reside, shall make Enquiry concerning such Default in a summary Way, either by Confession of the Parties themselves, or by the Testimony of One or more credible Witness or Witnesses upon Oath; (which Oath the said Justice or Justices is and are hereby impowered and required to administer) and if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the

Officers to account upon Oath.

Officers refusing to account,

Justices may enquire into the Default;

and commit the Offender, until Payment or Composition made.

the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby impowered to make.

Treasurer to give Security.

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

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

And be it further enacted, That no Person keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of holding any Place of Trust or Profit under this Act.

Surveyors may dig Gravel, &c. without paying for the same;

And be it further enacted, That the Surveyor or Surveyors, appointed by the said Trustees, or any Seven or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads in, upon, out of, or from any River or Brook, Waste, or Common, in any Parish, Town, or Place, in, adjoining to, or lying near the Roads aforesaid, to be used in repairing the said Roads, without paying any thing for the same; they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be taken, or causing the same to be done; and if Quantities of such Materials sufficient for that Purpose cannot be found in or upon such Rivers or Brooks, Waste, or Common, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of such Materials proper and sufficient for that Purpose, in, upon, or out of the Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Road (such Lands and Grounds not being a Yard, walled Garden, Orchard, Park, Paddock, Plantation, or Nursery of Trees) they the said Surveyors, or other Person or Persons, paying or offering

levelling the Pits.

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

to

making Satisfaction to the Owners of the Grounds.

to pay to the respective Owners or Occupiers of such Lands or Grounds such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Eight Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers to the said Surveyor or Surveyors, to be left at their respective Places of Abode, with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages; and the Judgement or Order of the Justices therein shall be final and conclusive to all Parties.

Justices to determine Differences.

Penalty of taking away Materials collected by Surveyors.

Provided also, and be it further enacted by the Authority aforesaid, That in case any Owner of the Soil, or Occupier of the Ground where such Materials shall be dug or gathered, or any other Person or Persons, shall at any Time, during the Continuance of this Act, load, take, or carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors, acting in pursuance and under the Authority of this Act, or any Person or Persons by him appointed, have got, gathered, or digged, out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of repairing the said Roads, or any Part thereof, or shall dig, gather, get, take, lead, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made or opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor, or his Workmen, shall have discontinued getting any such Materials thereout, or working therein for the Space of Forty Days (other than and except the Owner or Occupier of such private Ground, for his own private Use, and Persons by him lawfully authorized to get Materials therein, for the proper Use of such Owner or Occupier only, and not for Sale) every Person and Persons so offending, and being thereof convicted, by Confession of the Party, or Oath of One credible Witness, before

One

One or more Justice or Justices of the Peace of the said County of Devon, shall for every such Offence, forfeit and pay unto the said Trustees the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Surveyors may make Causeways, &c.

And be it further enacted, That the said Trustees, or any Seven or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may and is and are hereby authorized and impowered to make, or cause to be made, Causeways in or along the Sides of any Part or Parts of the said Roads; and shall and may build, or cause to be built, any Bridge or Bridges upon, in, or across, the said Roads, or any Part thereof; and to cut, or cause to be cut, any Watercourses in, through, or across any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; and also to make, or cause to be made, a Road or Way by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the said Roads hereby intended to be repaired (not being the Site of, or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Seven or more of them, shall seem reasonable.

and erect Bridges, &c.

make a temporary Road.

Surveyors may remove Annoyances,

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Roads, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for the Space of Twenty Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants un-

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges.

der the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace, for the County or Place where the Offence shall be committed, from time to time to levy the Charges thereof upon such Owners or Occupiers by Distress and Sale of his, her, and their Goods and Chattles; rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the said County or Place, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Penalty of a Second Offence.

Owners neglecting to scour their Watercourses, &c.

And be it further enacted, That if any Person or Persons, who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Roads, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing, to be left at his, her, or their respective Place or Places of Abode, the said Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons; rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may cleanse them,

and levy the Charges by Distress and Sale.

All Contracts entered into by the Trustees, &c. deemed valid.

And whereas Doubts have been made of the Validity of Contracts entered into by Trustees appointed by Acts of Parliament for surveying and amending Turnpike Roads, their Clerks, Treasurers, or other Officers, with Workmen

Workmen and other Persons, touching the Repair of such Roads, and whether (as such Trustees, and those acting under them, do not actually sustain any special Damage) any Damages can be recovered against the Parties making Default in fulfilling such Contracts; Now, for obviating such Doubts, it is hereby enacted and declared, That all Contracts in Writing entered into pursuant to an Order at any Meeting made by the said Trustees hereby appointed, or hereafter to be appointed, for repairing the said Roads, or any Three or more of them, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workmen, or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for putting the said Road or Roads into such Condition and Repair as by the said Contracts the said Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid, and making Default in fulfilling the said Contract; any Law or Usage to the contrary in any wise notwithstanding.

Surveyors may turn the Roads over any Moor, &c.

And it is hereby further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as shall be appointed by the said Surveyor or Surveyors, to divert and turn the said Roads and Highways over any Part of the Moors or Waste Grounds contiguous or adjoining thereto, or through which the said Roads do, or any Part thereof doth now pass; and also to widen any of the narrow Parts of the said Highways or Roads, by opening, clearing, and laying into the said Highways or Roads any Grounds of any Person or Persons lying contiguous thereto (not being the Site of a House, walled Garden, Park, Paddock, or Avenue to a House) and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors shall adjudge necessary for the better amending and keeping the said Road or Roads in good Repair; making such Satisfaction to the Owners or Occupiers of such Ground which shall be so laid into or added to the said Road, for the Damages which he, she, or they, may thereby sustain, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable: And in case of any Difference between the said Trustees and any of the said Owners or Occupiers, concerning the said Damages, it shall and may be lawful for the Justices of the Peace, at their next General Quarter

and also widen the narrow Parts of the Roads;

Justices to determine Differences.

ter Seſſions, to be holden in and for the County of Devon, upon Application to them made, to hear, ſettle, and determine, the ſaid Damages; and the Judgement or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

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

And be it further enacted, 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, turn, or alter, any Part or Parts of the ſaid Roads, for the better Accommodation of Paſſengers, that then the ſaid Truſtees, or any Seven or more of them, ſhall have full Power and Authority to treat, contract, and agree with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall or may any ways ſuſtain, by ſuch widening, turning, or altering, any Part of ſuch Roads; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Lands, Grounds, or Hereditaments, and for ſuch Loſs or Damage, ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Seven or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

And whereas it may happen that ſome Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, or others, are or may be ſeiſed or poſſeſſed of Lands, Grounds, or Hereditaments, which may by the ſaid Truſtees be thought neceſſary or proper to be taken in and added to the ſaid Roads, or through which the ſaid Roads may be turned, and ſuch Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of ſuch Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the ſame, by reaſon of Infancy, or other Diſability; be it further enacted, 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, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and for all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any

Bodies Politick, &c. impowered to treat for the Sale of ſuch Lands.

ſuch

such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons neglecting to treat, &c.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments shall lie (which Oath any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſſes (which Oath any Two or more of the ſaid Truſtees are hereby impowered to adminiſter) and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in Queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the Premiſſes, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit: And after the ſaid Jury ſhall have inquired of, aſcertained, and ſettled ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine, the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Proprietors, or Occupiers of, or other Perſons intereſted in, the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Perſon or Perſons whomſoever; and all and every ſuch Owners, Proprietors, and Occupiers, and all and every Perſon and Perſons any ways intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, be thereby from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property of, in, to, or out of the ſame: And, for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the County, wherein ſuch Lands, Grounds, or Hereditaments, ſhall lie, thereby commanding and requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons to appear before the Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall ſwear, or cauſe to be ſworn,

Verdict of the Jury to be binding.

Truſtees may iſſue a Warrant to the Sheriff, to impanel a Jury.

ſworn, Twelve, 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 full Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or, being ſo ſworn, refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſſes, ſhall refuſe or neglect to appear, or, appearing, ſhall refuſe to be ſworn and give Evidence; and from time to time to levy ſuch Fine or Fines, in the ſame Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied, ſo that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence; and all ſuch Fines ſhall be applied for ſuch Uſes, and in ſuch Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

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

Fine not to exceed 10*l.*

And be it further enacted, That all and every Sum and Sums of Money, ſo aſſeſſed, as aforeſaid, is hereby charged upon the Monies which ſhall be raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, to the Perſons reſpectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to ſuch Perſons, or their Agents, and in caſe of Refuſal to accept the ſame, then, upon leaving the ſame in the Hands of the Treaſurer to the ſaid Truſtees, for the Uſe of ſuch Perſons, ſuch Lands, Grounds, or Hereditaments, ſhall be laid into and made Part of the ſaid Roads, and ſhall, to all Intents and Purpoſes whatſoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the ſaid Roads for ever after; and ſhall be repaired and kept in Repair by ſuch Ways and Methods, and in all Reſpects in ſuch Manner, as the old Road ſo widened,

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

Lands when purchaſed to be made Part of the Road.

widened, altered, or turned, was and ought to have been kept in Repair: And after such new Road shall be completed, the Lands and Grounds comprised in or constituting the old or former Road shall be vested in, and shall and may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing the said Roads, and other the Purposes of this Act; and the Sale, or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County or Place wherein such Lands, Grounds, or Hereditaments shall lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Old Road may be sold.

And be it further enacted, That in widening, turning, or diverting any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, walled Garden, Park, Plantation, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Buildings, &c. not to be injured.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Road hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Roads, in the same Manner as they or every of them hath or have heretofore usually done, or ought to do; and that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live,

Persons liable to repair any Part of the Road, to continue so.

as

as the said Trustees, or any Five or more of them, shall direct or appoint, and at such Times, and in such Manner, as the Surveyor or Surveyors by them authorized shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Persons renting 50*l. per Ann.* deemed Team-holders.

And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March, in every Year, or oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the said Trustees true and perfect Lists, in Writing, under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute Duties in and upon the said Highways, and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them keep Packhorses, or other Beasts of Burthen, and how many in Number, and which of them, are Labourers only, or liable to do their Statute duties as Labourers only; and also Lists of all the Roads liable to be repaired within the said Parishes by the Statute-work or Labour, and the Extent thereof.

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

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or

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

Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Five Pounds: And if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, after Notice in Writing shall for that Purpose have been affixed upon the Church Door of the Town, Parish, Hamlet, or Place, where such Inhabitants respectively shall live, on the Sunday Morning preceding the Time for the Performance of such Statute-work; which Notice the Surveyor or Surveyors appointed by the said Trustees are hereby required to give, or cause to be given, and such Notice shall be deemed to all Intents and Purposes sufficient, as if such Inhabitants had been personally served therewith; such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep a Team or Teams, for every Day's Work for each Team the Sum of Ten Shillings; and every such Inhabitant or Person who shall keep 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 chargeable or liable to be charged towards the Repairs of the Highways, and not keeping or deemed by this Act to keep a Team, and not keeping a Packhorse, or other Beast of Burden, for every Day's Work the Sum of One Shilling and Six Pence: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, Cart, Packhorse, or other Beast of Burden, to work on the said Roads, for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may and is and are hereby impowered and required to remove and discharge such Person or Persons; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, Cart, Packhorse, or other Beast of Burden, to work on the said Roads; and he, she, or they shall be subject and liable to the respective Forfeitures, as if he

Penalty on Persons not performing Statute-work.

Persons found idle may be turned off.

he, she, or they, had neglected or refused to do or perform the said respective Days Work.

Trustees may compound for Statute work, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby authorized and impowered to compound with any Person or Persons, Bodies Politick or Corporate, for the Repairs to be by them done upon the said Roads, and also with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Sum and Sums of Money, by the Year or otherwise, as they the said Trustees, or any Five or more of them, and such Person or Persons, Bodies Politick or Corporate, or Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment.

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

And be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said Trustees have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment; unless the same shall be made within Eight Days preceeding such Quarter Sessions, and then to the Second Quarter Sessions next after such Direction or Appointment; and the Justices in their said Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Notice of Appeal to be given.

Penalty on haling Timber, otherwise than on Wheel Carriages.

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, along any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, otherwise than upon Wheel Carriages or Sledges, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

And

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Mile-stones or Posts to be set up on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places; and also Posts at the several Roads leading out of the Roads hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead; and if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy any or either of the Stones or Posts that shall be so set up, or erase, obliterate, or deface any of the Inscriptions which shall be made thereon, or cause the same to be done, every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down.

Penalty on defacing Mile-stones.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed; which Warrant the said Justice or Justices is and are hereby impowered and required to grant, upon the Information of any One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Roads, and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the common Gaol of the County of Devon, there to remain for One Calendar Month, to be reckoned and computed from the Day of Commitment; and such Person or Persons

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ſons ſhall not be diſcharged until he, ſhe, or they, ſhall have paid the ſaid Sum of Forty Shillings, or until the Expiration of the ſaid Calendar Month.

Perſons aggrieved may appeal to the Quarter Seſſion.

And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Act, Order, or Judgement, of any Juſtice or Juſtices of the Peace, which ſhall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace, at the next General Quarter Seſſions of the Peace for the County or Place where the Matter or Thing, for or by reaſon of which ſuch Act, Order, or Judgement, ſhall be ſo done, made, or awarded, and which ſhall be holden next after the doing, making, or awarding of ſuch Act, Order, or Judgement; he, ſhe, or they cauſing Eight Days Notice in Writing of ſuch Appeal, and of the Cauſe or Matter thereof, to be given to the Perſon or Perſons, on whoſe Oath or Oaths, or Evidence, ſuch Act, Order, or Judgement, ſhall be ſo done, made, or awarded, and to the Treaſurer or Treaſurers, or Clerk, to be appointed by virtue of this Act, or ſome or One of them; which ſaid Juſtices, at their ſaid Seſſions, upon due Proof of ſuch Notice being given, ſhall proceed in and hear and determine the Cauſes and Matters of the ſaid Appeals, and every of them; and the Orders and Judgements of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned or intereſted therein.

Proceedings not to be removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; and 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 to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereunto; 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 ſhall and may recover Satisfaction for the Special Damage in an Action upon the Caſe.

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

nor the Party diſtraining 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 as aforesaid, if Tender of Amends hath been made by or on Behalf of the Party distraining before such Action brought.

Proceedings to be entered in a Book.

And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall from time to time be duly and regularly entered in a Book or Books, which shall be kept for those Purposes by the Clerk or Clerks to the said Trustees; which said Book or Books shall and may be seen or perused at all seasonable Times by any Person or Persons whomsoever, without Fee or Reward; and such Orders so entered, being signed by such Clerk or Clerks at any Meeting of Five or more of the said Trustees, as the Case shall require, shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of Five or more of the said Trustees; which said Book or Books shall and may be produced and read in Evidence in all Cases of Suits or Actions touching any thing done in pursuance and by the Authority of this Act.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Deed-poll, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, unless 9 Trustees be present.

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

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the several Authorities, Powers, and Tolls, hereby granted and made payable, shall commence and have Continuance from

and after the Nineteenth Day of May, One thousand seven hundred and sixty three, for the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance of this Act, until Fourteen Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction, or a Tender thereof hath been made to the Party or Parties aggrieved, or after Six Months next after the Fact committed; and every such Action shall be laid in the County of Devon, and not elsewhere; and the Defendant and Defendants in every such Action or Suit, shall and may plead at his Election 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 Fourteen 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, Place, or Places, than where the Fact was committed, 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, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

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

Publick Act.

FINIS.