Anno tertio

Georgii III. Regis.

An Act for amending and widening ſeveral Roads leading from or near the North End of the Town and Borough of *Totnes*, in the County of *Devon*.



WHEREAS the Road from the North End of the Town and Borough of Totnes to Staverton Bridge, and from thence through Pridhamſleigh to a Houſe lately known by the Sign of The Three Tons, adjoining to the Turnpike Road in the Pariſh of Aſhburton, and from Staverton Bridge aforeſaid to Auſtin's Bridge, and from Totnes to Cobbaton Lane End, next to Willing Croſs, and from thence to Crab Tree Croſs, in the Pariſh of Dean Prior, and from Willing Croſs aforeſaid to Huxham's Croſs, and from thence to the End of Marſh Lane, and from Simon's Tree Barn, in the Pariſh of Dartington, to the End of Fork Green, in the Pariſh of Haberton, and from Cott, in Dartington aforeſaid, to Whitely Brook, in the County of Devon, are in a ruinous Condition, and in many Places narrow and incommodious, and cannot be effectually amended, widened, and kept in good Repair, by the ordinary Courſe of Law; Preamble.

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 the Right Honourable Sir Thomas Clarke Knight, Master of the Rolls; Sir Richard Warwick Bampfylde Baronet, John Parker junior, Esquire; Sir Bouchier Wrey Baronet, Sir John Rogers Baronet, Browse Trist Esquire, Richard Savage Lloyd Esquire, John Adams, John Amyatt, William Adams, Robert Abraham, Sampson Adams, William Adams, William Bastard, John Browne, William Browne, Edmund Browne, John Baring, Thomas Baker Clerk, Thomas Radcliffe Banbury Clerk, Nicholas Brooking, Edward Bovey, Thomas Brooking, William Brooking, Christopher Bidlake, Peter Bradridge, Peter Bradridge junior, Thomas Bradridge, Robert Bradford Clerk, Richard Bennet, William Bowden, Christopher Bastow, Bastow, Benjamin Blackaller, Arthur Champernowne, Rawlin Champernowne, Philip Cockey, Philip Cockey junior, William Cockey, Richard Cranch, John Clarke, William Cowell Clerk, George Caunter, Samuel Cuming, William Cuming, William Corbin, William Coleton, John Caunter, Benjamin Cockings, Elias Carter Clerk, Peter Cockey, William Chadder, Nicholas Cooke, John Duke, John Dunning, John Dunning junior, Bernard Dolbear, Richard Eales, John Edwards, Philip Edwards, John Evens, John Fowell, John Field, William Folkes, James Furfman, Christopher Farwell M. D. Arthur Farwell, William Drake Gould, Thomas Granger Clerk, Edward Gould, Philip Goodridge, Goodridge, Charles Hale, John Bidlake Herring, William Hewit, John Harris, Hugh Hawkes, Arthur Holdsworth, John Harris, Richard Harris, William Herne, John Hill, James Hicks, Thomas Hewgoe Clerk, John Huxham M. D. John Henryson M. D. John Huxham Clerk, Thomas Hutton Clerk, Andrew Harwood, James Holditch, Thomas Holman, William Ilbert, William Elford Ilbert, Richard Jackson, John Jacobs, Richard Jackson, Nicholas Narracott Kendall, William Long, Peter Knowling, Thomas Lane, George Lavers, Thomas Lear, Samuel Lane, Henry Laroche, Alexander Laskey Clerk, Alexander Luscombe, William Ley, Philip Luscombe, John Lyde, John Lyde junior, James Mapowder Clerk, William Maddick, William Maddick junior, John Madox, William Mann, Thomas May, Francis Milman Clerk, Francis Milman, Edward Mitchell Clerk, John Mitchell, William Marshall,

Trustees Names.

John Moyſey, Robert Mugford, Philip Michelmore, Norton Nelſon, William Penny, John Noſworthy Clerk, Henry Noſworthy, Thomas Nayler Clerk, William Payne, Samuel Payne Clerk, Chriſtopher Predam, Robert Palk, Richard Preſton, Walter Palk, Richard Perry junior, Frederick Rogers, John Rowe, John Rowe Surgeon, John Rowe, George Rule, Charles Rule, Thomas Sheppard, John Seale, William Strode, William Searle, Waltham Savery, Robert Savery Clerk, William Searle junior, John Salter Clerk, John Searle, Chriſtopher Searle, William Searle, Allen Searle, John Sandoe, Thomas Smerdon Clerk, John Soper, Laurence Sulivan, John Sowter, John Scoble, John Sunter, Hore Browſe Triſt, Nicholas Triſt Clerk, George Taylor, Walter Taylor Clerk, Thomas Taylor, John Taylor, John Taylor junior, Nicholas Taylor, Aaron Tozer, Solomon Tozer, John Tozer, Nicholas Tripe, Joſeph Taunton, John Tucker, Thomas Veale, John Wills, John Wiſe, John Wills, John Wolrige Clerk, Robert Wills Clerk, James Wills, Chriſtopher Watſon, Samuel Windeatt, John Windeatt, John Winſor, John Winſor junior, William Winſor, George Winſor, John Woolſton, Auſtin Widger, George Winſor, Thomas Whitaway junior, John Yarde, Francis Yarde, Gilbert Yarde, Gilbert Yarde Clerk, John Yolland, Philobeth Domett Clerk, John Hele, William Skinner, and Thomas Triſt, ſhall be, and they are hereby nominated and appointed Truſtees for the ſurveying, ordering, amending, widening, repairing, and keeping in Repair, the ſaid Roads, and likewiſe for putting in Execution all other the Powers in and by this Act given.

Qualification of Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be qualified or capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Reprizes, to his own Uſe; or ſhall be Heir Apparent to ſome Perſon having ſuch Eſtate of the yearly Value of One hundred Pounds; or poſſeſſed of, or intitled unto, Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount or Value of One thouſand Pounds: And if any Perſon or Perſons ſo unqualified or made incapable to act for the Cauſes aforeſaid, ſhall nevertheleſs preſume to act, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall inform or

Penalty on acting if not qualified.

ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, or any ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſhall and may erect a Gate or Gates, Turnpike or Turnpikes, upon, in, or acroſs, any Part or Parts of the ſaid Road; and alſo a Toll-houſe or Toll-houſes in and upon the ſame, as they the ſaid Truſtees, or any Five or more of them, ſhall judge proper.

and take the following Tolls thereat.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or ſuch Perſon or Perſons as they, or any 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, Gelding, Ox, Mule, Aſs, or other Cattle, Coach, Chariot, Landau, Berlin, Phaeton, Chaiſe, Chaiſe-Marine, Car, Calaſh, Chair, Caravan, Hearſe, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatſoever, ſhall paſs, or be permitted to paſs, through the ſame; that is to ſay,

The Tolls.

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

For every Waggon, Wain, Cart, Dray, or other Carriage, drawn by Five or more Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings; and drawn by Four Horſes, or other Beaſts of Draught, the Sum of Two Shillings; 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

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burthen, 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 so thereby to be raised and collected, shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after-mentioned and directed: And it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, from time to time, authorize and appoint, to demand and take the Tolls hereby granted and made payable, and to levy such Tolls upon any 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 or drawn by or on such Cattle or Carriage, 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 be taken, 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 vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and upon, in, or across, any Lane or By-way that does or shall lead into or out of the same; and at such Gate or Gates,

Trustees may erect Side-gates,

and take Tolls thereat,

Gates, Turnpike or Turnpikes, to receive and take such Tolls as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue thereof, so as the same do not extend to a Double Charge upon any Person or Persons passing through any other of the Gates or Turnpikes to be erected by virtue of this Act, upon the same Division of the said Road on which such Sidegate or Gates shall be erected.

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

Trustees may reduce the Tolls, &c.

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 Five or more of them, from time to time, to vary or alter all, any, or either of the several Tolls aforesaid, as they shall think proper and see Occasion, provided they do not, at any Time, exceed the Tolls granted by this Act, nor lessen or reduce them, until the full 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 several Turnpikes to be erected by virtue of this Act, upon, across, or on the Sides of the said Road as aforesaid, or the Money which shall be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Expences and Charges of procuring and passing this Act; and the Remainder of the Money so raised, shall be laid out and applied in defraying the Expence of erecting Gates, Turnpikes, and Toll-houses, and repairing and widening the said Road, and defraying the necessary Costs, Charges, and Expences, attending the same, and the Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall direct, and to no other Use or Purpose whatsoever.

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

And be it further enacted by the Authority aforesaid, That all and every the Gates and 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 bring, or cause to be brought, any Action or Actions, in their own Name, or in the Name or Names of any Five or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, for the time being, and to prefer and prosecute, or order and direct the preferring

ferring and prosecuting of any Bill or Bills of Indictment, or other Prosecutions, against any Person or Persons, who shall dig up, break, pull down, steal, take away, destroy, spoil, or injure, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, which shall by virtue of this Act be erected upon, in, across, or on the Side of the said Road, or any of the Materials of which the same shall be made, built, or consist.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Coach, Chariot, Chaise, Waggon, Cart, Dray, Horse, Ox, Ass, or other Carriage or Cattle, on which a Toll is hereby laid, go or pass through any Ground, Field, Gate, private Passage, or other Place adjoining, or lying near to, any or either of the Gates or Turnpikes to be, by virtue of this Act, erected, the same not being a common Road; or if any Owner or Occupier of any Tenement, Land, or Ground, which shall adjoin or lie near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons with any such Coach, Chariot, Chaise, Waggon, Cart, Dray, Horse, Ox, Ass, or other 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 collect or receive the Tolls hereby made payable, any Note or Ticket of the Day by this Act 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 or Persons driving or owning any Coach, Chariot, Chaise, Waggon, Cart, Dray, or other Carriage, shall, at any Time or Times, take off, or cause or suffer to be taken off, from such Carriage, any Horse, Ass, Mule, Ox, or other Cattle, at or before the same shall come to any of the Gates or Turnpikes to be erected by virtue of this Act; or if any Person or Persons shall leave in any House or Place upon or near the Road, any Carriage or Cattle, chargeable with, or liable to pay any or either of the Tolls by this Act imposed, whereby or by Means whereof, or of either of the Offences aforesaid, the Payment of any or either of the said Tolls shall be evaded or lessened; that then, and in either of the Cases aforesaid, every Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses before the said Trustees, or any Two or more of them, or before any One or more Justice or

Penalty on Persons disposing of Tickets to avoid paying the Tolls.

Justices of the Peace of and for the said County of Devon (which Oath the said Justice or Justices is and are hereby impowered and required to administer gratis) shall for every such Offence, forfeit the Sum of Twenty Shillings, and pay the same to the said Trustees, or their Treasurer or Treasurers for the time being; which Sum, in case the same be not forthwith paid, shall be levied and recovered in the Manner herein after directed, and, when recovered, shall go and be applied, One Moiety thereof to the Use of the Informer, upon whose Oath such Offender or Offenders shall be convicted, and the other Moiety towards amending the said Road.

Tolls to be paid but Once a Day.

And be it enacted by the Authority aforesaid, That if any Person shall pay the respective Tolls by this Act granted for the passing of any Carriage or Cattle, at any Gate or Turnpike that shall be erected by virtue of this Act, upon, in, across, or on the Side of the said Road, such Person upon producing a Note or Ticket of the Day, denoting such Payment, and at what Gate the same was made, shall be permitted to pass and repass with the same Carriage or Cattle Toll-free, through the same, and every or any other Gate or Turnpike, 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, and so in like Manner if any Person shall pay the respective Tolls by this Act granted for the passing of any Carriage or Cattle, at any Gate or Turnpike which shall be erected by virtue of this Act, upon, in, across, or on the Side of the said Road, such Person, upon producing such Note or Ticket as aforesaid, shall be permitted to pass and repass with the same Carriage or Cattle Toll-free through the same, and every or any other Gate or Turnpike, at any Time or Times during the same Day, to be computed as aforesaid; which said Notes or Tickets, the Collectors or Receivers of the said Tolls at the several Gates or Turnpikes to be erected by virtue of this Act, on Receipt thereof, are hereby required to give gratis, if demanded.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with, or compellable to pay any of the Tolls made payable by this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing the same, which shall be used or employed in the Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Lime, 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, Corn in the Straw, or Wood, not sold or disposed of, but to be laid up in the Houses, Out-houses, 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 the repairing thereof, or using the same in Husbandry; or any Thing whatsoever that shall be used or employed in Husbandry, or manuring of Land; or for any Horse, Mare, Gelding, Ox, Ass, Mule, or other Beast or Cattle, 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 any of the said Parishes in which the said Road lies, to or from any Fulling Mill, Tenter, or Rack belonging to or occupied by such Inhabitant where the same shall be manufactured or dried; or for any Horse or other Beast employed in the Carriage of Raw Hides, Skins, or Leather, to or from the House of any such Inhabitant, to or from any Tan Pit, Yard, or Workhouse, occupied by such Inhabitant; or for any Carriage, Horse, or other Beast employed in passing Vagrants travelling with lawful Passes.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings; One Moiety whereof shall go and be applied to the Use of the Informer, upon whose Oath such Offender shall be convicted, and the other Moiety towards amending the said Roads. Penalty on making illegal Claims.

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 House of Mary Blackler, being a Publick House, in the Parish of Dartington aforesaid, on the Day Three Weeks next after the passing of this Act, and shall proceed to the Execution of this Act, and shall then, and from time to time, adjourn themselves to meet again there, or at any other Place, as the said Trustees, or Time and Place of Trustees Meeting.

any

any Five or more of them, shall think convenient; and that the said Trustees, or any Five or more of them, may also meet at any other Time for putting this Act in Execution, as often as it shall be thought necessary and required by any Five or more of the said Trustees, by Writing under their Hands to be affixed on all the Turnpike Gates to be erected by virtue of this Act, at least Seven Days before such Meeting.

Tolls may be assigned for Money borrowed.

And, for the more speedy repairing and widening the said Road, be it further enacted by the Authority aforesaid, That the said Trustees, or any 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, not exceeding Four Pounds and Ten Shillings per Centum by the Year, 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, 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 Parts thereof, for any Term or Number of Years, not exceeding the Term for which this Act is to continue, unto any Person or Persons, as a Security or Securities for the Repayment of such Sum or Sums of Money as shall be so borrowed, and the Interest thereof as aforesaid; all and every of which Assignments so to be made, shall be copied, and entered at Length in a Book or Books, to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, to be seen and perused, at all seasonable Times, by any Person or Persons, without Fee or Reward; which said Money, so to be borrowed (the Charges of procuring and passing this Act, as aforesaid, being thereout first paid) shall be laid out and applied in such Manner as the said Tolls are hereby directed to be laid out and applied, and to no other Use or Purpose whatsoever.

Assignments to be entered in a Book.

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

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

Provided also, and be it enacted by the Authority aforesaid, That no more than the Sum of Two thousand five hundred

hundred Pounds shall be borrowed on the Credit of the said Tolls, unless the Person or Persons intitled to Four Fifths of the Money which shall at that Time be due and owing on the Credit thereof shall consent thereto, and shall signify such Consent under his, her, or their Hand or Hands to the said Trustees, or any Five or more of them.

All Creditors to be deemed equal in Degree.

And be it further 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 so to be borrowed, in respect to the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders, and Persons to whom Assignments shall be made as aforesaid, shall, as 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 for borrowing Money.

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

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, to whom any such Assignment or Assignments of the Tolls shall be made by the said Trustees, or any Five or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls, and his, her, or their Executors or Administrators, Assignee or Assignees, may, and are hereby impowered, from time to time, by proper Words of Assignment, to be indorsed on his, her, or their Security or Securities, or by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two 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 said 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 Date thereof, and the Names, Additions, and Places of Abode of the several Parties thereto, and the Sum or Sums of Money, Term or Terms of Years therein mentioned and contained, and other the material Contents of the same, and the Names, Additions, and Places of Abode of the Witnesses to the Execution thereof, in the Book or Books to be kept for entering the said original Assignments made by the said Trustees as aforesaid, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence, and no more, by the respective Persons to whom such Assignments shall be transferred, for each and every such Entry; and after such Entry made, but not otherwise, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors or Administrators, to the Benefit thereof, and Payment thereon, and it shall not be in the Power of the Person or Persons making such Assignment, to make void, release, or discharge the same, or the Money due thereon, or any Part thereof.

Clerk's Fee.

Trustees may appoint Officers;

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 Road, and such other Officer or Officers as they the said Trustees, or any Seven or more of them, shall think necessary; and such Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, or any or either of them, from time to time, to remove or displace as they 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 given and fixed on all 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 by and from the several Tolls 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

and remove them, and appoint others.

Trustees to allow Officers Salaries.

pointed 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.

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 and every the Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officers, who shall be appointed as aforesaid, and all and every Person and Persons who shall have or receive any of the Money which shall be collected, borrowed, raised, or received by virtue of this Act, shall, from time to time, when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up to them the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall appoint, full, true, fair, and perfect Accounts, in Writing, under their respective Hands, of all the Money which shall have been by them respectively had, collected, or received, and how, to whom, and for what, such Money, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall, and are hereby respectively required to pay all such Money as, upon the Balance of such Accounts, shall appear to 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 and 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 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 any Five or more of them, the Receipts or Vouchers relating to the same, or to verify the Items or 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 appear to be in his, her, or their respective Hands, to the said Trustees, or as they,

Officers refusing to account,

or

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 for 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 a Warrant or Warrants under 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

Justices to inquire into the Default,

and levy the Money by Distress and Sale.

For want of Distress, Offender to be committed,

fuſe 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 produce or deliver up to the ſaid Juſtice or Juſtices, the ſeveral Receipts and Vouchers relating to ſuch Accounts reſpectively; then, and in either of the Caſes aforeſaid, the ſaid Juſtice or Juſtices may and is and are hereby authorized and required, by 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 County of Devon, there to remain without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their reſpective Accounts, and verified the ſame, and the Items thereof, upon Oath, and ſhall have produced and delivered up the Receipts and Vouchers relating to ſuch Accounts reſpectively, and ſhall have paid all the Money which ſhall appear to be in their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſſes and Sales, as ſhall in thoſe Reſpects have been made, or ſhall have compounded with the ſaid Truſtees, or any Five or more of them, for the ſame, and paid the Money which ſhall be thereby ſtipulated to be paid them; which ſaid Compoſition and Money the ſaid Truſtees, or any Five or more of them, are hereby authorized and impowered to make and receive.

until Payment or Compoſition made.

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 impowered, from time to time, to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the Repair of Roads, in, upon, out of, or from, any Waſte or Common, River or Brook, in any Pariſh, Town, Village, Hamlet, or Place, adjoining to, or lying near, the ſaid Road, or in any neighbouring Pariſh, Town, Village, Hamlet, or Place, to be uſed, diſpoſed of, and applied, in repairing the ſaid Road, without paying any thing for the ſame; they the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits, and levelling the Ground, from which ſuch Materials ſhall be taken, or cauſing the ſame to be done; and

Surveyors may dig Gravel, &c.

without paying for the ſame;

levelling the Pits.

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

where there are not sufficient Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for that Purpose to be had or found, in, upon, out of, or from, such Waste or Common, River or Brook, it shall and may be lawful to and for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or other Person or Persons by them employed (having an Order from the said Trustees, or any Five or more of them) to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials proper and sufficient for that Purpose, in, upon, out of, or from, the Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found, to be used, disposed of, and applied, in or towards repairing the said Road) such Lands, Fields, or Grounds, or either of them, not being the Scite of any House or Houses, or a Yard, Garden, Orchard, Park, Paddock, watered Meadow, Wood, or Coppice, or planted with Trees as an Avenue to or for the Ornament of any House, or inclosed, set apart, and used, as a Plantation or Nursery for Trees) they the said Trustees, Surveyor or Surveyors, or other Person or Persons, or some or One of them, paying or offering to pay to the respective Owners or Occupiers of such Lands, Fields, or Grounds, in, from, or over, which such Materials shall be cut, digged, gathered, taken, and carried away, such Sum or Sums of Money for the same, and for the Damage they shall respectively sustain thereby, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions, to be holden in and for the said County of Devon, or the major Part of them then present, on Eight Days Notice thereof to be given in Writing by the said Surveyor or Surveyors to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families, shall hear, settle, and determine the Matter of such Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

Provided

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, or any other Person or Persons employed or directed so to do by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, may, and they are hereby authorized to enter into any Lime Quarry, Marble Quarry, or other Quarry, and to take and carry away the Chipping and Rubbish thereof, without paying any thing for the same, the Owner or Occupier of such Quarry being present, or Notice being given to such Owner or Occupier, or to some or One of his or her Family, at least Twenty four Hours before such taking and carrying away as aforesaid. Surveyors may take Materials from Quarries,

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 by him or them appointed or employed, having a Warrant or Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively, from time to time, to remove, or cause to be removed, all Annoyances, Filth, Dung, Ashes, or Rubbish, and all other Nuisances or Obstructions whatsoever, which are or shall be in or upon any Part or Parts of the said Road hereby intended to be repaired; and to cut down, top, or lop, and carry away, any Trees, Boughs of Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto; and to open, scour, or cleanse, any Ditch, Drain, or Watercourse, lying or which shall lie in, or leading or which shall lead into or out of, the said Road, or any Part thereof; in case the Owners or Occupiers, or Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cut, top, or lop, and carry away, such Trees, Boughs of 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 Eight Days after Notice in Writing to him, her, or them respectively given for that Purpose, or left at his, her, or their respective Place of Abode, under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, or of their Clerk or Clerks for the time being; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, by Writing under their Hands, shall be reimbursed and paid to the said Surveyor or Surveyors 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 Surveyors may remove Annoyances, the Owners neglecting to remove the same after Notice; Surveyors to be reimbursed the Charges.

to

to the said Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, 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 the said Justice or Justices are hereby impowered and required to grant, from time to time, to levy the said Charges upon the Person or Persons so offending as aforesaid, by Distress and Sale of his and their respective Goods and Chattles, returning the Overplus (if any be) after all Charges paid, to the Owner or Owners thereof, upon Demand; and if, after the Removal of any of the said Annoyances, such Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before any Justice or Justices of the Peace for the said County, shall, for every such Offence, forfeit and pay to the said Trustees, or to any Five or more of them, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be levied and recovered in Manner aforesaid.

Penalty of a Second Offence.

Surveyors may make Causeways, &c.

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, or their Surveyor or Surveyors, to be appointed as aforesaid, or any other Person or Persons by the said Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, appointed and employed (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) 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 to dig, cut, or make, or cause to be digged, cut, or made, any Ditches, Drains, or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part thereof, from being overflowed with Water; and to erect 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 widened or repaired, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst

and erect Bridges, &c.

make a temporary Road.

whilſt the old, narrow, or ruinous Road is widening or 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, or through which any ſuch Ditches, Drains, or Watercourſes, ſhall be cut, or on which any ſuch Bridge or Bridges ſhall be erected, or through which ſuch 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 Satisfaction the ſaid Truſtees, or any Five or more of them, are hereby impowered to pay out of the Money which ſhall be borrowed, collected, or raiſed, by virtue of this Act; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or Perſon or Perſons by them appointed and employed as aforeſaid, and the ſaid Owners or Occupiers, or any or either of them, concerning ſuch Damages, or the Satisfaction to be made therefore, the Juſtices of the Peace, at their next General Quarter Seſſions to be holden in and for the ſaid County, or the major Part of them preſent at ſuch Seſſions, on Eight Days Notice thereof to be given in Writing by the ſaid Surveyor or Surveyors, to the ſaid Owner or Occupier, Owners or Occupiers, or by the ſaid Owner or Occupier, Owners or Occupiers to the ſaid Surveyor or Surveyors, or to be left at their reſpective Place or Places of Abode, with ſome or one of their reſpective Families, ſhall hear, ſettle, adjudge, and finally determine the ſame.

making Satisfaction to the Owners of the Ground.

Juſtices to determine Differences.

And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees, or any Five or more of them, ſhall, 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 and Conveniency of Travellers, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and impowered to widen, alter, turn, or divert the ſame, or any Part thereof, or to 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

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

any such Lands or Grounds, for the absolute Purchase of so much of such Part or Parts thereof, as they the said Trustees, or any Five 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.

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

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, seised or possessed of Lands or Grounds, which, according to the Powers by this Act given, may be necessary to be taken in, 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 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 Idiots or Lunaticks, Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Idiots, Lunaticks, Femes Covert, or Cestuiques Trusts, and for all and every other Person and Persons whatsoever, 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 Five 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 or Persons making the same, is, and are, and shall be, hereby indemnified for what he or they shall respectively do by virtue or in pursuance of this Act.

Persons neglecting to treat, &c.

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 or 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,

Ground, or affixed, in case such Land or Ground shall be untenanted, on the Door of the Dwelling-house, if any, or some other publick Place on the Tenement to which such Land or Ground so intended to be purchased shall belong, shall, for the Space of Twenty 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 Road (which Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer) what Damages shall be sustained by, and what Satisfaction or Recompence shall be made to, such Owner, or other Person or Persons interested on account of the taking such Lands or Ground into the said Road, according to their respective Interest therein; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be and require, to summon and call before them all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses concerning the Premisses, and shall examine all such Witnesses before the said Jury, upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the Places in Question, and to use all other lawful Means, as well for their own, as the said Jury's 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 so 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 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 summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be binding.

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

their Warrant or Warrants to the Sheriff of the ſaid County of Devon, thereby commanding and requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons, qualified by Law to ſerve on Juries, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; which Sheriff, or his Deputy or Deputies, is and are hereby required thereupon, to impanel, ſummon, and return, ſuch Twenty four Perſons accordingly; and out of the Perſons ſo impanelled and returned, or out of ſuch of them as ſhall appear according to and upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of the Jurymen ſo returned, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured or ſummoned, qualified as aforeſaid, 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 Law intitled to; and the ſaid Truſtees, or any Five or more of them, are hereby impowered, from time to time, to impoſe any reaſonable Fine or Fines, not exceeding the Sum of Ten Pounds, upon any One Perſon, for One ſingle Offence, on ſuch Sheriff, his Deputy or Bailiff reſpectively, who ſhall make Default in the Premiſſes, and alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear, or, after having appeared, ſhall refuſe to be ſworn on the ſaid Jury, or, after having been ſworn, ſhall refuſe to give, or not giving his or their Verdict of and upon the Matter in Queſtion, or the Damages he or they ſhall be ſworn to try, or to inquire of, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act; and on every or any of the Perſons who, being required to give Evidence or Teſtimony before the ſaid Jury touching the Premiſſes, ſhall refuſe or neglect to attend, or be ſworn, or examined, or give Evidence or Teſtimony touching the ſame.

Jurors may be challenged.

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

And be it further enacted by the Authority aforesaid, That from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein and thereby found and directed to be given for the said Lands to the respective Owner or Owners thereof, or other Person or Persons interested therein, or 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 Payment or Tender of the Money thereby stipulated to be paid as the Consideration thereof (which Money, Damages, and Recompence, the said Trustees, or any Five or more of them, are hereby impowered to pay, or cause to be paid, out of the Money which shall be borrowed, raised, and collected, by virtue of this Act) the said Lands, and every Part thereof, and the Fee-simple and Inheritance thereof, and of every Part thereof, shall be, and is hereby vested in the said Trustees, and their Heirs, without any Fine or Recovery, notwithstanding the same shall or may be limited and settled to, for, or upon, any Use, Trust, Limitation in Tail, Remainder, or otherwise; or notwithstanding any Politick, Corporate, or other Interest therein; and that then and from thenceforth, the said Trustees, or any Five or more of them, or any Person or Persons by them, or any Five or more of them, for that Purpose impowered or employed, may, and is and are hereby authorized to take and lay the said Land, and every Part thereof, into the said Road; and then, and from thenceforth for ever afterwards, such Lands, and every Part thereof, shall be deemed, taken and used, as, and the same are hereby declared to be, a Part or Parts of the said Roads, 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 Usage, to the contrary thereof in any wise notwithstanding: And in case any Land or Ground shall be purchased for the turning or diverting any Part or Parts of the said Road, and the new Road shall be made and completed, the Lands and Grounds comprised in and constituting the old Road, or that Part thereof in lieu of which such new Road shall be purchased and made, shall or 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

Money allowed for Lands, how to be charged and rendered.

Lands when purchased to be made Part of the Roads.

Old Road to be sold.

ven or more of them, and inrolled with the Clerk of the Peace of the said County of Devon, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

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 Roads, 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; any thing herein contained to the contrary notwithstanding.

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

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Tills, Hamlets, Tythings, and Places, and Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making this Act, hath or have been used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Road hereby intended to be repaired, or any Bridge or Drain 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 Parts of the said Road, Bridges, or Drains, in the same Manner as they, every, or any of them have or hath heretofore usually done, or ought to do; and that the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Road leads, 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 still be subject and liable thereto, 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, lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall direct or appoint, and that every such Inhabitant of the said Parishes, Hamlets, and Places, 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 Parishes, Hamlets, and Places, in which they shall respectively live, as Persons keeping Teams are by Law obliged or ought to do.

And,

And, to the end that the said Trustees may the more certainly know the Inhabitants of all the Parishes, Hamlets, and Places, wherein the Road hereby directed to be repaired doth lie, who are liable to do Statute-work on their Highways, 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 One of their Meetings to be by them held, true and perfect Lists, in Writing, under their respective Hands, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, that are liable to do their Statute Duties in or upon the said Highways, and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall keep a Team or Teams, or by this Act shall be deemed so to do, and the Number of Pack-Horses and other Beasts of Burthen kept by such of the said Inhabitants as do not, or by this Act are not deemed to keep a Team, and which of the said Inhabitants are Labourers, or liable to do their Statute Duties as Labourers only,

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

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Parishes, Hamlets, or Places, through which the said Road doth lead, shall not deliver in such Lists of the Inhabitants of their several Parishes, Hamlets, or Places, by such Time, 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: And if any or either of the Inhabitants of the said several Parishes, Hamlets, or Places, liable by Law to do Statute-work 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 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 authorized, 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 keeping, or who by virtue of this Act shall be deemed to keep, a Team, for every Day's Work the Sum of Ten Shillings; and every

Penalty on Surveyors neglecting to deliver in such Lists.

Penalty on Persons not performing Statute-work.

Inhabitant

Inhabitant keeping a Pack-horse or Pack-horses, or other Beast of Burthen, and no Team, not by this Act deemed to keep a Team, for every Day's Work 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 Road as a Labourer only, for every Day's Work the Sum of One Shilling and Six Pence:

Persons found idle to be returned off.

And if any Person or Persons who shall come as a Labourer or Labourers, or be sent with any Team or Draught, Pack-horse or Beast of Burthen, 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.

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

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being of any of the Parishes, Hamlets, or Places, wherein the Road hereby intended to be repaired doth lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have at any Time directed or appointed too large a Proportion of the Statute-work in any Parish, Hamlet, or Place, to be done on the said Road, it shall and may be lawful for such Surveyor or Surveyors of the Highways aforesaid to appeal to the General Quarter Sessions of the Peace next after such Direction or Appointment to be holden in and for the said County; and the Justices, in such their Sessions, are hereby authorized and impowered to adjust and determine what Proportion of the Statute-work in any Parish, Hamlet, or Place, shall be done on the Road hereby intended to be repaired; such Surveyor or Surveyors of the Highways as aforesaid having first given Eight Days Notice in Writing of such Appeal to the Surveyor or Surveyors authorized by the said Trustees as aforesaid, or to their Clerk or Clerks.

Trustees may compound with Parishes for Statute-work.

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 and agree with the Surveyor or Surveyors of all, any, or either of the Parishes, Hamlets, or Places, through which the said Road doth lead, or with the several Inhabitants of such Parishes, Hamlets, and Places respectively, for a certain Sum or Sums of Mo-

ney by the Day, Year, or otherwise, 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 in case any such Composition-money shall not be paid within Eight Days after the same shall become payable, according to such Composition or 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, to impower the Person or Persons authorized by the said Trustees, or any Five or more of them, to receive such Composition-money, 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 Person or Persons so having compounded for, or in lieu of, any Statute-work or other Work, or 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; returning the Overplus (if any be) after deducting the Charges of such Distress and Sale, to the Owner or Owners thereof, upon Demand: And in case the Surveyor or Surveyors of the Highways of any Parish, Hamlet, or Place, for or in respect of which such Composition shall be made as aforesaid, shall pay the Composition-money, or if such Composition-money shall be recovered and levied by Distress and Sale of his Goods and Chattles, in Manner herein before directed; then, and in either of the said Cases, such Surveyor or Surveyors shall be paid 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 recovered and applied.

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

Provided also, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, from time to time, as they shall think fit, to compound or agree for a Year, or for any less Time, with any Person or Persons living in any or either of the Towns, Hamlets, Parishes, or Places through which the said Road hereby directed to be repaired doth lead, or in the Neighbourhood thereof, for any Sum or Sums of Money, for or in lieu of the said Tolls or Duties, or any of them, for the passing of such Persons, their Carriages or Cattle,

Trustees may compound with Travellers.

tle, through the several Gates or Turnpikes to be erected by virtue of this Act, any or either of them; which Composition-money, in case the same shall not be paid within Eight Days after the Time specified in such Composition or Agreement for the Payment thereof, shall be recovered and levied in such and the like Manner as Compositions for Statute Labour are herein before directed to be recovered and levied.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required to cause the said Road to be measured, and Mile Stones or Posts to be fixed or set up on the Sides thereof, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places, as they, or any Five or more of them, shall think fit: And that if any Person or Persons shall wilfully or designedly destroy, pull down, dig up, break or injure, any or either of the Stones or Posts that shall be so 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, and being thereof convicted by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said County (which Oath the said Justice or Justices is and are hereby impowered and required to administer) shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly destroyed, pulled down, dug up, broken, injured, obliterated, or defaced, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Conviction shall be made; such Forfeitures, or a sufficient Part thereof, to be laid out and applied in repairing the Stones or Posts so pulled down, broken, obliterated, or defaced, or in supplying new ones in their Stead, and the Residue thereof (if any) in repairing the said Road: And in case the Person or Persons so offending and convicted shall have no Goods or Chattles, then it shall and may be lawful for any One or more Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the House of Correction for the said County, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and such Person or Persons shall not be discharged, until he, she, or they

Penalty on defacing Mile-stones;

to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

they shall have paid the said Forfeiture or Forfeitures, or until the Expiration of the said Calendar Month.

Penalty on haling Timber, otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, upon, in, or along, any Part of the said Road hereby intended to be repaired, any Tree or Trees, or Piece or Pieces of Timber, or any other heavy Weight or Load (otherwise than and except upon Wheel Carriages, with Wheels at least Three Feet in Height, and so as no Part of the Load or Carriage shall drag on the Ground) every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

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 said Trustees, or any Five or more of them, or their Treasurer or Treasurers for the time being, and shall be laid out and applied (except such Parts thereof the Application of which is herein before particularly directed) in and towards the repairing, widening, and amending the said Road, and other the general Purposes of this Act, and for the Recovery of the said Penalties, Fines, and Forfeitures (or of such of them for the Recovery whereof no other Method or Methods is or are herein before prescribed) 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, and 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, and Forfeitures, for which the same shall be taken and made, and the reasonable Charges of making and taking the same, such

Overplus

Overplus shall, if demanded, be paid to the respective Owner or Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, or Effects, of the Person or Persons who shall incur any of such Penalties, Fines, or Forfeitures, can be found sufficient to answer the same, and the Charges of such Distresses and Sales as aforesaid, if any such shall be taken or made, then, and in such Cases, such Justice or Justices may and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Person or Persons to be committed to the Common Gaol of the said County, for any Time not exceeding Three Calendar Months for the First Offence, or until such Penalties, Fines, or Forfeitures, and the Charges of such Distresses and Sales (if any such there be) shall be paid; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Six Calendar Months, or less than One Calendar Month, or until such Penalties, Fines, and Forfeitures, by him, her, or them incurred, and the Charges of the said Distresses and Sales (if any such there be) shall be fully satisfied and paid.

Persons aggrieved may appeal to the Quarter-Sessions.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved by any Penalty or Penalties, Conviction or Convictions, Commitment or Commitments, in pursuance of this Act, such Person or Persons may appeal to the Justices at the next General Quarter Sessions of the Peace to be holden in and for the said County, he, she, or they, giving, or causing to be given, Ten Days Notice in Writing, of such Appeal, and of the Cause and Matter thereof, to the said Trustees, or 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 such Recognizance being entered into as aforesaid, shall and are hereby authorized and required to proceed in, hear and determine the Matter of such Appeal; and may, if they see Cause, mitigate or annul at their Discretion the Penalty or Penalties laid on or incurred by the Party or Parties appealing, or alter or vacate such Conviction or Convictions,

Notice of Appeal to be given.

Convictions, Commitment or Commitments, and set the Party or Parties at Liberty, or otherwise may ratify and confirm the same, and give such Costs to the Appellant or Respondent as they shall think fit; and the Order, 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.

Proceedings not to be quashed for want of Form;

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order, which shall be made in pursuance of this Act, or in Execution of the Powers hereby given, shall be quashed, vacated, or discharged, for or on account of Form only; nor shall the same be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

nor removeable by *Certiorari.*

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 distraining; 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 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 Proceeding, before such Action brought; and in case no such Tender shall 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.

No Order to be repealed, unless 7 Trustees be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or their Successors,

tees, or any Five or more of them, in Execution of any of the Trusts, Powers, or Authorities of this Act, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Seven Trustees be then present.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Authorities and Powers hereby given, and the several Tolls hereby made payable (subject to the Power herein before given to the said Trustees, to vary or alter the same) 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 Sessions of Parliament.

If the Roads shall be adjudged to be sufficiently repaired before the Expiration of the said Term, and the Money due be repaid, the Tolls, &c. to cease.

Provided always, That if at any Time before the Expiration of the said Term of Twenty one Years, all the said Roads hereby directed to be repaired shall be effectually amended and made good, and all such Money as shall have been borrowed upon the Credit of this Act, with the Interest thereof, and the Costs and Charges attending the same, and all Money due and owing on Account of this Act, or the Execution thereof, shall be fully satisfied and paid, the aforesaid Tolls or Duties, and the Powers hereby granted and given, shall cease and determine; any thing herein before contained to the contrary thereof in any wise notwithstanding.

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, and of all Orders, Compositions, Acts, Matters, Proceedings, and Things, 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 of 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 and may be produced and read in Evidence in all Cases of Appeals,

peals, Suits, or Actions, touching any thing done in Pursuance and by the Authority of this Act.

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, by Writing or Writings under their Hands and Seals, from time to time, during the Continuance of the Term hereby granted, to elect, 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 all the Turnpike Gates erected in pursuance of this Act, at least Ten Days before the Meeting for such Election; and all and every the Person and Persons so chosen and appointed to be joined with the surviving or remaining Trustees in putting this Act in Execution, shall and may, and is and are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees herein before named and appointed are by this Act impowered to do.

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

Notice to be given of such Election.

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

No Trustee shall act but at a publick Meeting.

Trustees to defray their own Expences.

Provided always, 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 or Treasurers, for the time being, shall and may adjourn the said Meeting; and by Notice in Writing, signed by the said Clerk or Clerks, Treasurer or Treasurers, to be fixed on all the Turnpike-gates

In Default of a sufficient Number of Trustees to act,

Notice to be given of another Meeting.

gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House or Place where the Meeting so adjourned was to have been held, on that Day Fortnight on which such last Meeting of the Trustees was appointed to have been held.

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

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, in the Execution of the Powers hereby given to any 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.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons appointed or to be appointed a Trustee or Trustees in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Tolls and Money by this Act made payable, such Person or Persons, after his or their Acceptance of such Place or Places of Profit, during his or their respective Enjoyment of the same, shall be incapable of acting as a Trustee or Trustees, in, or under, or in Execution of the Authorities and Powers to them hereby given.

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

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

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning, or in Execution of any of the Powers or Authorities

hereby given, shall be chargeable with any Stamp or Duty whatsoever.

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

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 by virtue or in pursuance of this Act, or in relation to the Matters herein contained, 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 brought, laid, and tried, in the said County of Devon, and not elsewhere; and that the Defendant or Defendants in such Actions or Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County, then, and in either of such Cases, the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs, in any such Action or Actions, Suit or Suits, shall become Nonsuited, or suffer a Discontinuance, after the Defendant or Defendants shall have appeared; or if, upon any Demurrer or Demurrers in any such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Causes shall be tried, whereby it may appear that such Action or Suit was prosecuted against the Defendant or Defendants, for some Matters contained in, or done in pursuance of this Act; and shall have such Remedy for recovering the same, as Limitation of Actions. General Issue. Treble Costs.

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 shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.