Anno quarto

Georgii III. Regis.

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



WHEREAS the Highways or Roads leading from the Town of Bideford, in the County of Devon, to Bowden Green, in the Pariſh of Bideford, and from thence through the ſeveral Pariſhes of Bideford, Abbotſham, Allwington, and Parkham, to Way Down, alias White Down, in the ſaid Pariſh, and from thence through Woolfardiſworthy Pariſh, to Dike Green, in the Pariſh of Clovelly, and from thence to the Port or Quay of Clovelly, and from Dike Green aforeſaid, to Stoke Church, in the Pariſh of Hartland, and from thence to a Place called Philham in the Road leading to Welcombe; and alſo from Bowden Green aforeſaid, through the Pariſhes of Bideford, Littleham, Buckland Brewer, to Thornhillhead, in Buckland Brewer aforeſaid, and from thence through Bulkworthy, Frithelſtock, and Newton Saint Petrock, to Preamble.

Walden Bridge, in the Parish of Milton Damerel, to the Town of Holsworthy; and also from the Town of Bideford aforesaid, through Part of the Parish of Northam, called the Ridge, and from thence through the several Parishes of Landcras, Monkleigh, Frithelstock, to Steperos, and to proceed Five Miles in Length Southward from the Town of Monkleigh, or from the Turnpike-gate to be erected in or near the said Town, and from Frithelstock Stone, in the said Parish of Frithelstock, over Langtree Common, in the said Parish of Langtree, through the Parishes of Marland and Petrockstow, by Chilsdon Cross, to the Town of Sheepwash, in the said County, and from thence by the Golden Inn, through the Parishes of High Hampton and Northlew, over Bradbury Down, to Brideston, and over Veal Down to where the Plymouth Turnpike Road leads from Plymouth to Oakhampton; and also from Bideford aforesaid, through Abbotsham, to the Windmill, in the Hartland Road, in the said Parish of Abbotsham; and also from Bideford to Northam, and from thence to Appledore, in the said Parish of Northam, and from Northam aforesaid, to certain Lands called The Burroughs, are in a very ruinous Condition, and cannot be repaired, and widened, and kept in Repair, by the ordinary Course of Law: For Remedy whereof, and to the Intent that the said Highways and Roads may, with all convenient Speed, be effectually amended and kept in good and sufficient Repair; May it please your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable Mathew Forteſcue, the Honourable John Forteſcue, Sir Thomas Dyke Ackland, Sir Richard Warwick Bampfylde, Sir John Chicheſter, Sir Bouchier Wrey, Baronets; John Arſcott, Samuel Avery, William Allen, Thomas Arſcott, James Buller, James Buller junior, John Buller, Peter Burrell, George Buck, Richard Bennet, George Stuckley Buck, Lewis Buck, William Buck, John Bellew, William Barber, Francis Baſſett, Francis Buller, William Barber M. D. Thomas Berry, Joſhua Bawden Clerk, Robert Buden, John Brent, William Bruton, Humphry Bawden Clerk, William Boundy, John Bautlett, Richard Blinck, Richard Blinck junior, William Blinck, Charles Burdon, John Bradford, Samuel Banbury, Peter Burchall, Robert Browning, Thomas Berry, Thomas Berry junior, the Mayor, Aldermen, and Capital Burgeſſes

Truſtees Names.

Burgeſſes of the Borough Town and Manor of Bideford for the time being; Peregrine Courtenay, John Cleveland, Archibald Cleveland, George Cleveland, Auguſtus Cleveland, Roger Chapple, Chapple junior, Chapman, John Caddy, William Cooke Clerk, Theodorus Grealock, Thomas Cooke, Charles Carter, James Cooke, Hugh Cann, Samuel Cory Clerk, Henry Cole, Potter Cole Clerk, Thomas Coppleſtone, Thomas Coppleſtone junior, Roger Chappell, James Chappell, John Cale, Richard Coffin, Charles Chicheſter, John Downe, Henry Downe, John Davie, Charles Davie, Charles Davie, William Dayman, Anthony Dayman, Roger Dart, Thomas Dart, James Davy, Walter Elford Clerk, Thomas Ellis, George Forteſcue, Thomas Fiſher Clerk, Emanuel Foots, Humphry Foots, John Ford, John Gay Clerk, Thomas Galſworthy, Benjamin Grant, Richard Greening, Richard Greening junior, Philip Gregory, John Harris of Haine, John Harris of Peckwell, Samuel Harris, James Hamlyn, Robert Hamlyn Clerk, Richard Hammett Clerk, Peter Harris Clerk, Thomas Harward, Thomas Hogg, Jeremiah Hogg, William Hogg, Bartholomew Haynes, John Heard, Lawrence Harward ſenior, Lawrence Harward junior, Daniel Hewett, William Halls, J. Richard Hayward, William H. Heywood, James Hopkins, Narciſſus Hatherley, Henry Hatherley, James Horwood, William Johnſon, James Irwin, Thomas Kenny, Roger Kingdon, John Kingdon, Richard Kingdon, John King, William Kenny, Degory King, Degory King junior, Thomas Ley, Lewis, Samuel Lavington, John Lowe, John Limbery, Harry Luppincott, Humphry Mobrider, Thomas Morriſon Clerk, Hooper Morriſon Clerk, Henry Marſhall Clerk, James Mills, John Meddon ſenior, John Meddon junior, William Mountjoy, John Martin, John Marks, John Marks junior, Humphry Marſhall Clerk, Norton Clerk, Paul Orchard, Thomas Owen Clerk, John Parker, William Paxton Clerk, Joſeph Philips, Bartholomew Pruſt, Thomas Pruſt, Edward Pridham, John Pettle, William Pruſt, Doctor Peirce, John Pitts, Richard Pitts, John Peirce, Edward Pridham, Captain Paſchall, Samuel Pyke, John Robbins Clerk, Thomas Robins, Denys Rolle, Oliver Rouſe Clerk, John Rouſe Clerk, William Rowe, William Randall, Ruſſell Clerk, Charles Rogers, Thomas Rogers Clerk, William Rawle, John Reed, John Reed junior, John Spooner, Henry Stevens, Richard Stevens, Daniel Skinner, John Skinner, John Small, John Saltren, William Strange, John Strange, Thomas Saltren Clerk, Oneſiphorus Sheer, Snell Clerk,

William Spurway, Daniel Skinner, John Stafford, Thomas Stafford, Robert Stafford, William Spencer, Thomas Saltren junior, James Silke, Thomas Smith, John Shapley, Edward Smith, John C. Smith, Thomas Smith junior, Walter Shellabear, John Shapley, Peter Shaw, William Tonken, Richard Thomas, Thomas Trick, John Trick, William Tyeth, Thomas Velley, James Veale, Michael Vine, John Vine, Peter Upjohn, John Rolle Walter, John Waddon, Edward Waddon, Denys Waddon, Edward Wolferstan, George Walker, John Woolacombe, Thomas Woolacombe, Roger Woolacombe, John Whitfield Clerk, William Saltren Willett, John Wollacombe, Lewis Willington, George Wickey Clerk, Augustus Willett, Thomas Willett, William Walter senior, William Walter Clerk, Peter White, Edward Wren, John Whitfield, Josias Wren, Josias Wren junior, Robert Wren, Thomas Wren, John Whitfield Clerk, Edward R. Yeo, John Yeo Clerk, shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, widening, amending, and keeping in Repair, the said Roads, and likewise for putting in Execution all other the Powers in and by this Act given and provided.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds, or possessed of, or intitled unto, a Personal Estate, to the Amount or Value of One thousand Pounds; and unless the Person claiming to have Fifty Pounds a Year, or One thousand Pounds Personal Estate as aforesaid, not being Heir Apparent, shall first take and subscribe the Oath following, before any Two or more of the said Trustees, who are hereby authorized and required to administer the same, before he takes upon himself to act in the said Trust and Authorities of this Act; which said Oath shall be made in the Words, or to the Effect following; that is to say,

Trustees to take the following Oath before they act.

The Oath.

I *A. B.* do swear, That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession, and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear

clear yearly Value of Fifty Pounds, or poſſeſſed of Perſonal Eſtate to the Amount or Value of One thouſand Pounds.

So help me God.

Penalty on acting, not being qualified.

And if any Perſon, ſo made incapable to act, ſhall preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall inform and ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon had acted as a Truſtee in the Execution of this Act.

Time and Place of Truſtees Meeting.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall meet at the Guild-hall, in the ſaid Town of Bideford, on the Twenty firſt Day of June, One thouſand ſeven hundred and ſixty four, and then chooſe a Clerk or Clerks to write their Orders, and take Minutes, and make Entries of their Proceedings, and do ſuch other Acts as they ſhall think neceſſary to be done in Purſuance and Execution of this preſent Act; and ſhall then and there adjourn themſelves to, and afterwards meet at, the Place aforeſaid, or at any other Place in or near the ſaid Roads ſo to be repaired, as the ſaid Truſtees, or any Five or more of them, ſhall think convenient and proper, as often as it ſhall be neceſſary for putting this Act in Execution.

Majority of Truſtees to determine Differences.

And be it further enacted by the Authority aforeſaid, That in caſe any Difference or Diſpute ſhall ariſe amongſt the ſaid Truſtees, relating to the Truſt repoſed in them by virtue of this Act, at any of the ſaid Meetings of the ſaid Truſtees appointed or to be appointed by, and in purſuance and for the Purpoſes of, this Act, ſuch Difference or Diſpute ſhall be determined by the Majority of the Truſtees then preſent at ſuch Meeting, ſuch Majority conſiſting of Five or more; but if it ſhould at any Time ſo happen, that there ſhall not be a ſufficient Number of Truſtees preſent at any of the aforeſaid Meetings, ſo as to determine the ſaid Difference or Diſpute by the Majority, to conſiſt of Five at the leaſt, ſuch Difference or Diſpute ſhall be adjourned over to, and determined at, the next Meeting when a ſufficient Number of Truſtees ſhall happen to be preſent to determine

In Default of a ſufficient Number to act, Meeting to be adjourned.

the

the same as aforesaid; And if it shall happen upon any Adjournment of such Meeting, that Five at least of the Trustees shall not appear on such Adjournment, such Meeting shall be deemed to be adjourned over to that Day Seven-night, and shall and may be holden at the same Place without further Notice, and so toties quoties, so often as the like Case shall happen; and that the said Trustees, at their First and all their subsequent Meetings, shall pay their own Charges and Expences.

Trustees to defray their own Expences.

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

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

Trustees who are in the Commission of the Peace to act as Justices.

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

Justices for *Bideford* impowered to act.

And be it further enacted by the Authority aforesaid, That the Justices of the Peace for the Borough Town and Manor of Bideford for the time being, are hereby authorized and impowered to grant Warrants, and to do all and every other Matters and Things for putting in Execution this Act, for repairing so much of the said Roads as lie within the said Borough and Manor, or the Liberty and Precincts of the same, in the same Manner, and as fully and effectually, as any of the Justices of the Peace for the County of Devon, are hereby authorized and impowered to do.

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

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

14 Days Notice thereof to be given.

And

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

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

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

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

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

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

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

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

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

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

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

Proviso.

Provided always, and be it enacted, That no Gate or Gates, Turnpike or Turnpikes, shall be erected within Two Miles of Rotherney Bridge; and that the Inhabitants of the several Parishes of Monkleigh, Littleham, Alwington, and Abbotsham, shall not be liable to pay any Toll or Duty at any Turnpike Gate which shall be erected by virtue of this Act near the Town of Monkleigh, in their Way to and from the Town of Great Torrington.

Trustees may erect Sidegates, &c.

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

and take Tolls thereat, so as the same do not extend to a double Charge.

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

And be it further enacted, That the ſaid Gates or Turnpikes and Toll-houſes, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be provided by the ſaid Truſtees, or by their Surveyor or Surveyors, for repairing the ſaid Roads, ſhall be, and they are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cauſe any Action or Actions to be brought, in the Name of their Treaſurer or Clerk, or to prefer and order and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take, or carry way, ſpoil, injure, or deſtroy, any Gate, Turnpike, or Toll-houſe, which ſhall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the ſame ſhall be built or conſiſt, or any of the Materials which ſhall be provided for the repairing of the ſaid Roads.

Application of the Money.

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

Repairs to begin at the Turnpikes.

And be it enacted by the Authority aforeſaid, That the ſaid Truſtees for putting this Act in Execution, or any Five or more of them, ſhall, by and out of the Monies ariſing by the Tolls which ſhall be collected at any Turnpike or Turnpikes ſo to be erected by virtue of this Act, or out of ſuch Money as ſhall be borrowed on the Credit of the ſaid Tolls, order and direct that the ſaid Roads which ſhall lie next to the reſpective Turnpike-gates to be erected or ſet up by virtue of this Act, ſhall, in the firſt Place, be repaired and widened, beginning at the ſaid Turnpike-gates reſpectively.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Perſon or Perſons ſhall have paid the Toll by this Act granted for the paſſing of any Cattle or Beaſt through any Gate or Turnpike erected by virtue of this Act, the ſame Perſon, upon producing a Note or Ticket denoting ſuch Payment, ſhall be permitted to paſs through the ſame, or any other Gate or Turnpike to be erected by virtue of this Act, with the ſame Cattle or Beaſt Toll-free, at

any

any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night; which said Note or Ticket the Collector of the Tolls is hereby required to give gratis upon the Payment of such Toll.

Tolls to be paid but once in a Days for Lime.

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

Trustees may lease, &c. the Tolls.

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

Exemptions from Tolls.

And be it further enacted, That no Toll shall be demanded or taken at any Gate or Turnpike erected by virtue of this Act, for any Cattle or Carriage laden with or going for Materials for repairing any Road or Highway; or laden with or going for Dung, Mould, Soil, or Sea Sand, for manuring of any Garden or other Land or Ground, or Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides of the Owners thereof; or drawing any Plough, Harrow, or other Implement of Husbandry; or for any Coach or other Carriage, or Horse, of any Person or Persons going to or from Church, or other Place of religious Worship, they usually resort to on Sundays; or attending the Funeral of any Person who shall die, and be buried in any Parish through which the said Roads lead; nor for any Cattle going to or returning from Pasture or Water, for the Purpose of watering or grazing only, and not going for or coming from Sale, except as herein after excepted; or for any Post Horse or Carriage with the Mail; or for the Horses

of

of any Officers or Soldiers on their March, or for any Carts or Carriages attending them; or for Horses or Carriages travelling with Vagrants sent by Passes.

Particular Exemptions.

Provided always, and be it enacted by the Authority aforesaid, That Paul Orchard, Esquire, or his Heirs or Assigns, or his or their Servants, shall not be chargeable with, or compellable to pay, any of the Tolls or Duties made payable by this Act, at any Gate to be erected in or within One Mile of Stoke, in the Parish of Hartland, for any Waggon, Wain, Cart, or Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing, belonging to the said Paul Orchard, or his Heirs or Assigns, which shall be used or employed upon any of the Farms of the said Paul Orchard, in the said Parish of Hartland, or for any Horse, Mare, Gelding, Ox, Mule, or Ass, or other Beast or Cattle going to or returning from the same.

And be it further enacted by the Authority aforesaid, That no Tolls shall be taken or paid for any Horse or Horses, or Carriage, carrying Lime or other Manure for improving of Lands, until Five Miles upon the said Road, leading from the Gate to be erected at or near the Town of Monkleigh, by Frithelstocke Stone, through Peters Marland, towards Sheepwash, and also until Three Miles and half upon the said Road, leading from Frithelstocke Stone aforesaid, towards Buckland Filleigh Cross, in the said Parish of Buckland Filleigh, be sufficiently and properly repaired, amended, and widened, in a Turnpike-like Manner, as the said Trustees, or any Five or more of them, shall direct and appoint.

Watering and Pasturage Tickets to be conditionally granted.

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

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

Penalty on making illegal Claims,

Provided nevertheless, That if any Person shall claim or 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 the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Roads.

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

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

and on giving or receiving Tickets, &c.

to avoid Payment of the Tolls.

the Tolls by this Act granted shall be avoided; every Person so offending, and also the Person thereby avoiding the Payment of the said Tolls, being thereof convicted upon the Oath of One or more credible Witnesses, before any One or more Justice or Justices of the Peace for the said County, residing in or near the Road where the Offence shall be committed (which Oath the said Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the time being, such Sum as shall be adjudged reasonable by the said Justice or Justices, such Sum not exceeding the Sum of Forty Shillings, to be recovered and disposed of in such Manner and to such Uses as are herein after mentioned.

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

Tolls may be assigned for Money borrowed.

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

Assignments may be transferred.

Provided always, and be it further enacted, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls and Duties hereby granted, unless Notice for that Purpose in Writing, under the Hand or Hands of the Clerk or Clerks to the said Trustees, be

Notice to be given of borrowing Money.

be affixed upon the Guildhall Door or other publick Place within the said Town of Bideford, and likewise at or upon all the Gates that shall be then erected by virtue of this Act, of the Time and Times of borrowing such Money at least Ten Days before borrowing the same.

Method prescribed for borrowing Money.

And be it further enacted, That the said Trustees, or the major Part of them, such major Part not being less than Five, at their First or other Meeting or Meetings, shall and may, if they shall think fit, pursue the Method herein after prescribed for borrowing and securing Monies on the Credit of the said Tolls; that is to say, That the said Trustees, or the major Part of them, such major Part not being less than Five, at such First or other Meeting or Meetings, shall and may resolve on and declare what gross Sum of Money they shall think requisite to be borrowed on the Security of the said Tolls, and what Part of such Sum shall be forthwith raised and paid in, and into whose Hands, and what Rate of Interest shall be allowed for the same, and also in what Manner the Money to be forthwith raised, or any Part thereof, shall be applied; which Resolution and Declaration shall at the same Meeting be entered by the Clerk of the said Trustees in a Book to be provided for that Purpose; and shall at the same Meeting be signed by the said Trustees, or any Five or more of them so concurring in such Resolution and Declaration; And the Person or Persons to whom such Part of the said gross Sums shall be appointed to be paid as aforesaid, may and is and are hereby authorized to receive the same Money from such Person or Persons as shall be willing to advance the same; and, upon Receipt thereof, to execute respective Deeds Poll unto the Person or Persons so advancing such Money in the respective Sums of Twenty five Pounds each, according to the Amount of the Sums by them respectively advanced; each of which said Deeds Poll shall purport that the principal Sum of Twenty five Pounds therein mentioned is in Part of the Sum directed to be raised at such Meeting of the said Trustees, or the major Part of them, such major Part not being less than Five, on the Credit of the Tolls appointed to be collected for the Purposes of this Act; and that the said Sum of Twenty five Pounds, with Interest for the same, is payable out of the said Tolls to the Person named in such respective Deeds Poll, or the Bearer thereof; and the said Person or Persons, so appointed to receive such Part of the said gross Sum, shall at the Time of issuing of the said Deeds Poll, or

any of them, raiſe the ſaid reſpectively to be ſealed with ſuch Seal as the ſaid Truſtees, or the major Part of them, ſuch major Part not being leſs than Five, at ſuch Meeting ſhall direct; and the ſaid Truſtees, or any Five of them as aforeſaid, ſhall ſign their Names to each of the ſaid Deeds Poll, which ſigning and ſealing ſhall be atteſted by the Clerk of the ſaid Truſtees, or in any other Manner, as the ſaid Truſtees, or the major Part of them, ſuch major Part not being leſs than Five, at ſuch Meeting ſhall think neceſſary and direct; and that at the next Meeting of the ſaid Truſtees, the ſaid Perſons appointed to receive ſuch Money as aforeſaid, ſhall produce or account for the ſame to the ſaid Truſtees then aſſembled; and ſuch Part thereof as ſhall not be accounted for, ſhall be diſpoſed of as they or the major Part of them, ſuch major Part not being leſs than Five, ſhall direct; at which Meeting the Perſons poſſeſſing the Deeds Poll ſhall produce the ſame before the Truſtees then aſſembled, and thereupon the Clerk of the ſaid Truſtees ſhall make Entries in the ſaid Book, wherein ſuch Reſolution and Declaration ſhall be entered as aforeſaid, of the reſpective Dates of the ſaid Deeds Poll, and the Names of the Perſons to whom they purport to be iſſued, and by whom they are ſigned and atteſted; and ſhall mark the ſaid Deeds Poll in this Manner, Entered, Number One *[and ſo on as they ſtand in Courſe in ſuch Book]* *A. B.* Clerk of the Truſtees: And after ſuch Entries ſhall be made in the ſaid Book in a Series one after another, the ſaid Truſtees at ſuch Meeting, or any Five or more of them, ſhall ſubſcribe their Names thereto in the ſaid Book, in Manner as above directed; and may at the ſame or any ſubſequent Meeting or Meetings direct the Reſidue of the ſaid groſs Sum, or ſuch Part or Parts thereof, as from time to time they ſhall think neceſſary to raiſe, to be borrowed and received by ſuch Perſons as at ſuch Meeting or Meetings ſhall by the ſaid Truſtees, or the major Part of them, ſuch major Part not being leſs than Five or more of them, then aſſembled, be appointed for that Purpoſe, who may and are hereby authorized accordingly to receive the ſame, and to execute reſpective Deeds Poll for the ſame, to the Purport and in Manner before directed; which Money ſo from time to time received, ſhall be produced or accounted for at the next Meeting of the ſaid Truſtees after the Receipt thereof, and ſuch Part thereof as ſhall not be accounted for, ſhall be diſpoſed of as the ſaid Truſtees ſhall direct in Manner before-mentioned; and the ſaid laſt-mentioned Deeds Poll

shall be also then produced, and Entries shall be made in the said Book of such further Resolution and Declaration or Resolutions and Declarations of the said Trustees, and of the said Deeds Poll in Manner before-mentioned, and the Numbers to be marked as aforesaid on the said last-mentioned Deeds Poll shall go progressively from the last Number in the last preceding Entry.

All Creditors to be deemed equal in Degree.

And be it further enacted, That there shall be no Preference given to the Persons advancing his, her, or their Part or Parts of the said gross Sum, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Proprietors of the said Deeds Poll, so far as the said gross Sum shall extend, shall be, and are hereby declared to be, Creditors on the said Tolls in an equal Degree one with another; And in case the said Trustees, or the major Part of them (such major Part not being less than Five) shall pursue this Method of borrowing Money on the said Tolls, then, and in such Case, for the Security of the Lenders or Persons intitled to the said Deeds, it shall not be lawful to borrow any further Sum of Money on the Credit of the said Tolls beyond the gross Sum so first resolved to be raised, without the Consent of the Proprietors of the said Deeds Poll, to be signified by their Subscription on the Face of the said Deeds Poll, to be witnessed by the Clerk to the said Trustees, and of a proper Entry for that Purpose in such Book wherein such Entries shall be made as aforesaid, or unless the Money due to the Proprietors of the Deeds Poll, or such of them as will not give their Consent, shall be first paid off and discharged, or unless the Person or Persons intitled to Four Fifths of the said gross Sum so to be borrowed as aforesaid shall consent thereto, and shall signify the same under his, her, or their Hand or Hands to the said Trustees, or any Five or more of them; and then, and in such Case, it shall be lawful for the said Trustees, or the major Part of them (such major Part not being less than Five) at a Meeting or Meetings, to borrow such Sum or Sums of Money on the Security of the said Tolls, and to pursue the same Method therein, or any other Method they shall think more expedient.

Trustees not subject to Payment of Debts contracted under this Act.

And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their or any of their signing,

ſigning the ſaid Entries, or ſigning or ſealing the ſaid Mortgages, Aſſignments, Securities, Deeds Poll, or any or either of them.

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

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

Truſtees to appoint Officers;

and remove them, and appoint others.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may appoint ſuch Officers and other Perſons as they ſhall think neceſſary to employ in the Execution of this Act; and ſuch Officers and other Perſons, or any or either of them, from time to time to remove, and to appoint others in caſe of Death or ſuch Removal; and may, out of the Monies which ſhall ariſe by the Tolls aforeſaid, make ſuch Allowances to ſuch Officers and other Perſons, for their Services, as to the ſaid Truſtees, or any Seven or more of them, ſhall ſeem reaſonable; and all and every ſuch Officers and other Perſons ſhall, from time to time (when thereunto required by the ſaid Truſtees, or any Five or more of them) make and render to the ſaid Truſtees, or any Five or more of them, a true, exact, and perfect Account in Writing, under their reſpective Hands, upon Oath, to be taken before Two or more of the ſaid Truſtees (which Oath Two Truſtees are hereby impowered to adminiſter) of all Monies which he, they, and every of them reſpectively, ſhall to that Time have received, paid, and diſburſed by virtue of this Act, or by reaſon of their reſpective Offices; and in caſe any Money ſo received ſhall remain in their or any of their Hands, the ſame ſhall be paid to the ſaid

Officers to account upon Oath.

Truſtees,

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

until Payment or Composition made.

Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same; and in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath, such Account, or to make such Payment as aforesaid, then any One or more Justice or Justices of the Peace for the County or Place where such Officer or other Person shall reside, shall make Inquiry concerning such Default in a summary Way, either by Confession of the Parties themselves, or by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer); And if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the common Gaol of the County or Place where the Offence shall be committed, there to remain, without Bail or Mainprize, until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby impowered to make.

Treasurer to give Security.

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

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

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

Surveyors may dig Gravel, &c.

And be it further enacted, That the Surveyor or Surveyors appointed by the said Trustees, or any Five or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may, and is, and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads, in, upon, out of or from, any River or Brook, Waste or Common, in any Parish, Town,

or Place, in, adjoining to, or lying near, the Roads aforesaid, to be used in repairing the said Roads, without paying any thing for the same; they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence, to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be taken, or causing the same to be done; and if Quantities of such Materials sufficient for that Purpose cannot be found in or upon such River or Brook, Waste or Common, then, and in such Case, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of such Materials proper and sufficient for that Purpose, in, upon, or out of, the Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Roads (such Lands and Grounds not being a Yard, walled Garden, Orchard, Park, Paddock, Plantation, or Nursery of Trees) they the said Surveyors, or other Person or Persons, paying or offering to pay to the respective Owners or Occupiers of such Lands or Grounds such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Ten Days Notice thereof to be given by the said Surveyor or Surveyors, to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode, with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages.

without paying for the same; levelling the Pits.

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

making Satisfaction to the Owners.

Provided always, and be it further enacted, That in case any Owner of the Soil, or Occupier of the Ground, where such Materials shall be dug or gathered, or any other Person or Persons, shall at any Time during the Continuance of this Act, load, take, or carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors, acting in pursuance and under the Authority of this Act, or any Person or Persons by him appointed, have got, gathered,

Penalty on taking away Materials which have been dug for repairing the Roads.

or Digged out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of repairing the said Roads, or any Part thereof, or shall dig, gather, get, take, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made or opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor or his Workmen shall have discontinued getting any such Materials thereout, or working therein, for the Space of Forty Days (other than and except the Owner or Occupier of such private Ground for his own private Use, and Persons by him lawfully authorized to get Materials therein for the proper Use of such Owner or Occupier only, and not for Sale) every Person and Persons so offending, and being thereof convicted by Confession of the Party, or Oath of One credible Witness, before One or more Justice or Justices of the Peace of the said County of Devon, shall, for every such Offence, forfeit and pay unto the said Trustees the Sum of Forty Shillings, to be levied and recovered as any other Penalty or Forfeiture is by this Act directed to be levied and recovered.

Surveyors may make Causeways, &c.

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

making Satisfaction to the Owners of the Ground.

mages they shall thereby sustain, as to the said Trustees, or any Five or more of them shall seem reasonable.

Surveyors to remove Annoyances, &c.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Roads, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances for the Space of Twenty Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed, from time to time, to levy the Charge thereof upon such Owners or Occupiers by Distress and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof upon Demand, after all Charges paid. And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath, before Two or more Justices of the Peace for the said County or Place, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor.

Surveyors may make Causeways, &c.

Penalty of a Second Offence.

And be it further enacted, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Roads, shall not in a proper Manner cause the same to be scoured and cleansed, within the Space of Ten Days next after Notice in Writing shall for that Purpose be given unto him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors; then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for the

Owners neglecting to scour their Watercourses, &c.

Surveyors may cleanse them,

making Satisfaction to the Owners of the Ground.

and levy the Charge by Distress and Sale

scouring and cleansing the same; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them, respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the said Money and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

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

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

And it is hereby further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as shall be appointed by the said

Surveyor

Surveyor or Surveyors, to divert and turn the said Roads; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the said Roads any Grounds of any Person or Persons lying contiguous thereto (not being the Site of a House, walled Garden, Park, Paddock, or Avenue to a House) and also to cause Ditches or Trenches to be made on such Places, and in such Manner, as such Surveyor or Surveyors shall adjudge necessary for the better amending and keeping the said Roads in good Repair; making such Satisfaction to the Owners or Occupiers of such Ground which shall be so laid into or added to the said Roads, for the Damages which he, she, or they may thereby sustain, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable: And in case of any Difference between the said Trustees and any of the said Owners or Occupiers concerning the said Damages, it shall and may be lawful for the Justices of the Peace at their next General Quarter Sessions to be holden in and for the County of Devon, upon Application to them made, to hear, settle, and determine the said Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

Surveyors may widen the narrow Parts of the Road;

making Satisfaction to the Owners.

Justices to determine Differences.

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

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

All Contracts &c. entered into by the Trustees declared valid

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought

necessary or proper to be taken in and added to the said Roads, or through which the said Roads may be turned; and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be for require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every or any such Case the said Trustees, or any five or more of them, shall cause to be enquired into and ascertained by an

Owners neglecting to treat, &c.

Jury to settle the Damage and Recompence.

Jury upon

upon the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments, shall lie (which Oath any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into, or through any such Lands, Grounds, or Hereditaments; and, in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be, or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer); and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, to be assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers, of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same. And for the summoning and returning such

Witnesses may be summoned and examined upon Oath.

Verdict of the Jury to be final.

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

such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands, Grounds, or Hereditaments shall lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or, being so sworn, refusing to give, or not giving, their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, touching the Premisses, shall refuse or neglect to appear, or, appearing, shall refuse to be sworn, and give Evidence; and from time to time to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty is hereby directed to be levied, so as that no such Fine shall exceed the Sum of Ten Pounds upon any such Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

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

Fine not to exceed 10*l.*

And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid, is hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto,

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

or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads, and shall be repaired and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be compleated, the Lands and Grounds comprised in, or constituting the old or former Road, shall be freely in, and shall and may be sold by the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied and disposed of for the repairing the said Roads, and other the Purposes of this Act; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County or Place wherein such Lands, Grounds, or Hereditaments, shall lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

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

and esteemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

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

Buildings, &c. not to be injured.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making of this Act hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, and, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Roads, in the same Manner as they, or every of them, hath or have heretofore usually done or ought to do;

Bodies Politick, &c. liable to the Repair of the Roads, to continue so.

Inhabitants to do Statute-work.

and that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, as the said Trustees, or any Five or more of them, shall direct or appoint, at such Times, and in such Manner, as the Surveyor or Surveyors by them authorized shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

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

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

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

their

their Statute Duties as Labourers only, and also Lists of all the Roads liable to be repaired within the said Parishes, by the Statute-work or Labour, and the Extent thereof.

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

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees Lists of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or 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 several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall, by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, after Notice in Writing shall for that Purpose have been affixed to the Church Door of the Town, Parish, Hamlet, or Place, where such Inhabitants respectively shall live, on the Sunday Morning preceding the Time for the Performance of such Statute-work, which Notice the Surveyor or Surveyors appointed by the said Trustees are hereby required to give or cause to be given; and such Notice shall be deemed to all Intents and Purposes sufficient as if such Inhabitants had been personally served therewith; such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereinafter mentioned; that is to say, Every such Inhabitant or Person, who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Work for each Team the Sum of Ten Shillings; and every such Inhabitant or Person who shall keep a Pack-horse or Pack-horses, or other Beasts or Burthen, and no Team, nor by this Act deemed to keep a Team, for every Day's Default for every such Horse or Beast and Driver, the Sum of Three Shillings; and every other Inhabitant or Person chargeable or liable to be charged towards the Repairs of the Highways, and not keeping or deemed by this Act to keep a Team, and not keeping a Pack-horse or other Beast of Burthen, for every Day's Work, the Sum of One Shilling and Six Pence; and if any Person or Persons who shall come to work as a Labourer or Labourers, shall be sent with any Team, Draught, Cart, Pack-horse, or other Beast of Burthen, to work on the said Roads for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or shall not properly

Penalty on Persons not performing Statute work.

Persons rent-ing 50 l. per Ann. deemed Tea-holders, &c.

Surveyors of the Highways to give in Lists of Persons who are obliged to do Statute work.

Persons found idle to return-ed off.

properly perform such Statute-work, the Turnpike Surveyor or Surveyors may and is and are hereby impowered and required to remove and discharge such Person and Persons, and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, Cart, Pack-horse, or other Beast of Burthen to work on the said Roads, and he, she, or they shall be subject, and liable to the respective Forfeitures as if he, she, or they had neglected or refused to do or perform the said respective Day's Work.

Trustees may compound for Statute-work.

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

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

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

And be it further enacted, That if any Person shall have or draw, or cause to be haled or drawn, along any

Part

Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, otherwise than upon Wheel Carriages or Sledges, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings. Penalty on having Timber, &c. otherwise than on Wheel Carriages.

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

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

Seal, or Hands and Seals, to commit such Offender or Offenders to the Common Gaol of the County of Devon, there to remain for One Calendar Month, to be reckoned and computed from the Day of Commitment; and such Person or Persons shall not be discharged until he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

Persons aggrieved may appeal to the Quarter Sessions.

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

Notice of Appeal to be given.

Proceedings not to be removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining,

Distress not unlawful for want of Form;

nor the Parties distraining deemed Trespassers *ab initio*.

straining, but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover Satisfaction for the Special Damage in an Action upon the Caſe.

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

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity as aforeſaid, if Tender of Amends hath been made by or on Behalf of the Party diſtraining before ſuch Action brought.

Proceedings to be entered in a Book.

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

Books may be read in Evidence.

Writings to be without Stamps.

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

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

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

And

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the several Authorities, Powers, and Tolls, hereby granted and made payable, shall commence and have Continuance from and after the passing of this Act, for the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Fourteen Days Notice shall thereof be given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Six Months next after the Fact committed; and every such Action or Suit shall be laid in the County of Devon, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his Election Specially, or the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority, of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, Place or Places, than where the Fact was committed, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.