Anno quinto

Georgii III. Regis.

An Act for repairing, widening, and keeping in Repair, the Road leading from the Turnpike Road at *Wrotham Heath*, in the County of *Kent*, to the Turnpike Road leading from *Croydon* to *Godſtone*, in the County of *Surry*.



WHEREAS the Road leading from the Turnpike Road at Wrotham Heath, in the Parish of Wrotham, through the Parishes of Ightham, Seal, and Westerham, in the County of Kent, and Oxted, in the County of Surry, to the Turnpike Road leading from Croydon to Godstone, in the said County of Surry, is in a very ruinous Condition, the same being in many Places very founderous and deep, and other Parts thereof very narrow, incommodious, and dangerous to Travellers; and the said Roads cannot be amended, widened, and kept in Repair, by the ordinary Course of Law; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and Preamble.

Trustees Names.

by the Authority of the same, That the Right Honourable John Campbell, commonly called Marquis of Lorne; the Right Honourable Charles Sackville, commonly called Earl of Middlesex; the Right Honourable Frederick Campbell, commonly called Lord Frederick Campbell; the Right Honourable William Campbell, commonly called Lord William Campbell; the Right Honourable George Sackville, commonly called Lord George Sackville; Sir Jeffery Amherst Knight of the Bath, John Amherst, William Amherst, John Austen, Francis Austen, Francis Motley Austen, Sir Richard Betenson Baronet, Sir Brooke Bridges Baronet, John Bodicoat, Ellis Bostock, Treves Borrett, Thomas Borrett, James Bunce, Martin Blake, Richard Barnes, John Burgis, Sir Kenrick Clayton Baronet, Sir George Colebrooke Baronet, Thomas Curtis D. D. Robert Clayton, William Clayton, John Cook, John Cosyn, John Codd, John Campbell, Sir John Dixon Dyke Baronet, William Dalison, Peter Denis, Charles Denis, George Davis Clerk, William Glanville Evelyn, James Evelyn, Thomas Ellis Clerk, Thomas Ellison, William Everist, the Honourable Robert Fairfax, Sir Charles Farnaby Baronet, Thomas Farringdon, the Reverend Utrecht Featherstonehaugh, the Reverend John Frankland, Thomas Farnaby, John Farnaby, Sir John Gresham Baronet, Francis Geary, Edward Gresham, Nicholas Haddock, Charles Haddock, George Harding, Hervey, Nathaniel Houlton, Hilton, Thomas Herring Clerk, Thomas Harris, Charles Hoskins, Richard Hills, Thomas Hodsoll, John Hide, William James, Richard James, James junior, Andrew Jelf, George Lewis Jones Clerk, Christopher Kilby, Thomas Lambard, James Lowe, George Lewis Clerk, George Lake, Thomas Mompesson, Ralph Manning, Peter Nouaille, Doctor John Nash, John Nash, Staple Nash, Francis Otway, the Right Honourable Sir Charles Pratt, Sir Mark Parsons Baronet, John Pratt, Charles Petley, Charles Polhill, John Potter D. D. John Pratt junior, Robert Pratt, Pendock Price, Peach, Richard Round, Sir Sidney Stafford Smythe, Thomas Streatfield of Sevenoaks, Thomas Streatfield of Oxted, William Selby, Robert Seawen, Samuel Savage, Secker D. D. George Scultard, Sir William Twisden Baronet, John Thomas D. D. Thomas Thompson, William Thompson, Clement Taylor, Wittin William Taylor, Sir Thomas Wilson Knight, John Warde, Charles Whitworth, Timothy Waldoe, Forth Winter, Wyatt, Thomas Whitaker, Carswell Winder Clerk, Stanford Whitaker, William Warde, Warde, Francis Wilson, and their Successors, to be elected

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elected in the Manner herein after-mentioned, shall be and are hereby appointed Trustees for putting in Execution all the Powers in and by this Act given and granted.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the House of Isaac Smith, known by the Sign of the George, in Westerham, in the County of Kent, on that Day Month next after the passing of this Act, and shall proceed to the Execution of this Act, and shall then, and from time to time afterwards, adjourn themselves to meet at such Place or Places near the said Road, as they the said Trustees, or any Five or more of them, shall, from time to time, think most convenient, for putting this Act in Execution; and if at any Meeting or Meetings, appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as often as such Case shall so happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, on that Day Fortnight after the Day for which such last Meeting was appointed; and the said Trustees at all their Meetings shall defray their own Expences; and that all Orders and Determinations of the said Trustees, in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present and concur therein; nor shall any Trustee be capable of acting in the Execution of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only where they shall be personally interested.

Trustees to defray their own Expences.

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

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

Notice to be given of an extraordinary Meeting.

Provided always, That if upon any Emergency a Meeting of the said Trustees shall be necessary to be held before the Time appointed by virtue of any Adjournment or Appointment to be made as aforesaid shall come, then and in such Case the said Trustees, or any Five or more of them, or the said Clerk at their Request, shall or may give Ten Days Notice at the least in Writing to be affixed on the said several Turnpike Gates as aforesaid, of the Time and Place of holding any such Meeting; and in such Notice shall be specified the particular Business intended to be done and transacted thereat, and which Business the said Trustees, or the major Part of them, present at such Meeting, may do and transact, if they think proper; but any other Business done and transacted at such Meeting, other than what shall be so specified in every such Notice thereof as aforesaid, shall be, to all Intents and Purposes, void and of none Effect.

On Death, or Removal of Trustees, others to be chosen.

And be it further enacted, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen by virtue of this Act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, from time to time, to elect One other Person to be a Trustee in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be fixed upon all the Turnpikes erected by virtue of this Act, at least Ten Days before every such Meeting; and all Persons, who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Persons, in whose Places they shall be respectively chosen, were vested with.

10 Days Notice of Election to be given.

Qualification of Trustees.

Provided nevertheless, 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 Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or possessed of a Personal Estate of the Value of One thousand five hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds; and if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons

Penalty on acting if not qualified.

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

Trustees may erect Turnpikes and Toll-houses, &c.

And be it further enacted, That the said Trustees, or any Seven or more of them, or any such Person or Persons as they, or any Seven of more of them, shall appoint, shall and may erect One or more Bar or Bars, Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts, Place or Places, of the said Roads; and also One or more Toll-house or Toll-houses, with suitable Out-buildings thereto, in and upon the same; and also shall and may take in and inclose from the said Road, or any Part or Parts thereof, as many Garden Spots as there shall be Toll-houses thereupon, suitable and convenient for each respective Toll-house or Toll-houses, and pull down and remove the same, as they the said Trustees, or any Seven or more of them, shall judge proper; and the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Seven or more of them, shall, from time to time, appoint to receive the same, at each of the said Turnpikes, Bars, or Gates, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same; that is to say;

and take the following Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing in any Carriage, the Sum of Four Pence;

For every Horse, Mare, Gelding, Mule, or other Beast, 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, Swine, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any

Person

Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid for collecting of such Tolls, to seize and distrain any Horse or Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles, so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges, shall be deducted; and all the Tolls collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after mentioned.

Tolls vested in the Trustees.

Trustees may erect Side-gates,

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to erect, or cause to be erected, One or more Bar or Bars, 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 Bar or Bars, Gate or 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 the same Day through any other of the Gates or Turnpikes to be erected by virtue of this Act.

and take Tolls thereat;

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

Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted, That the Right and Property of all the Turnpikes and Toll-houses to be erected or provided by virtue of this Act, and of the Materials for building the same, and also of the Materials which shall be actually got or collected for repairing the said Road, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any One or more of them, or of their Treasurer or Clerk, or to prefer or order

order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

And be it further enacted, That out of the Tolls collected and levied, or out of the Monies to be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, in the First Place, pay all the Expences incurred in and relating to the obtaining of this Act, and afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in repair, the said Road, and of executing the other Purposes of this Act, and to no other Use whatsoever. Charges of passing this Act to be first paid.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their First Meeting, and from time to time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper, and may afterwards, from time to time, advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein before-mentioned; and the said Trustees, or any Seven or more of them, may from time to time direct the Tolls hereby granted, or so reduced or varied as aforesaid, to be collected and taken in such Parts and Proportions, at the respective Turnpikes, Bars, and Gates, as they the said Trustees, or any Seven or more of them, shall think fit; and such reduced or varied Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said Tolls are directed to be levied, collected, and applied; but no such Reduction shall be made at any Time after the said First Meeting, unless the Person or Persons who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced shall be consenting thereto; and that no such subsequent Meeting shall be held for the Purposes aforesaid, unless Fourteen Days previous Notice at the least shall be given thereof, in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act. Trustees may lessen the Tolls.

Provided always, and be it further enacted, That no Person or Persons shall be liable to pay Toll for pas- Tolls to be paid but once a Day.

passing or repassing with the same Horses, Cattle, Beasts, or Carriages, through the same Toll-gate or Turnpike more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night;) but all and every Person and Persons, having paid Toll Once at any Gate or Turnpike to be erected by virtue of this Act, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll) shall afterwards repass with the same Horses, Cattle, Beasts, and Carriages, Toll-free, during such Day, through the same Gate or Turnpike; but in case any Person or Persons shall pass through any Gate or Turnpike a Third Time, with the same or any Carriage whatsoever (except laden with Wood for firing) then, and in that Case, such Person or Persons shall again be liable to pay the said Toll; any thing herein contained to the contrary notwithstanding.

Not more than 4 Tolls in the whole to be taken for passing and repassing the same Day through all the Turnpikes with the same Cattle or Carriages.

Provided always, That no more than Four Tolls in the whole shall be demanded or taken from any Person or Persons for passing and repassing the same Day, with the same Horses, Cattle, Beasts, or Carriages, through all the Toll-gates or Turnpikes to be erected by virtue of this Act, between the Road leading from the Turnpike at Wrotham Heath aforesaid, to the Road leading from Croydon to Godstone, in Surry, but that all and every Person and Persons having paid the said Four Tolls in the whole, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll, (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis) shall pass and repass with the same Horses, Cattle, Beasts, or Carriages, Toll-free, during such Day, through all such Toll-gates or Turnpikes respectively to be erected by virtue of this Act, except as before excepted.

Double Tolls to be paid between 10 *Oct.* and 1 *April* yearly, for all Carriages laden with Timber, Wood, Guns, or Iron.

Provided always, and be it enacted, That all and every Carriage and Carriages laden with Timber, Wood, Guns, or any other Iron, passing through any Gate or Turnpike to be erected by virtue of this Act, between the Tenth Day of October and the first Day of April, in every Year, shall pay Double Tolls or Duties at each Gate or Turnpike, through which such Carriage or Carriages whatsoever, so laden, shall pass; any thing herein contained to the contrary notwithstanding.

And

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, upon One Month's Notice to be given thereof by Writing, under the Hand of the Clerk to the said Trustees, affixed on all the Turnpikes erected by virtue of this Act, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons, from Year to Years, or for any Term of Years, not exceeding Three Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Seven or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner, as the Tolls so leased are directed to be applied. Trustees may lease, &c. the Tolls.

And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beasts, or Carriages, pass through any Gate, Land, Ground, or Hereditaments, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Gate, Ground, Land, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike, with any Horse or other Cattle, or Beast, or shall take off, or cause to be taken off, any Horse, or other Cattle, from any Carriage; or shall leave, or cause to be left, upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with Intent to avoid the Payment of any of the said Tolls, or of any Part thereof; or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll, every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Five Pounds, whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied. Penalty on passing thro' private Passage, or giving or receiving Tickets, &c. to avoid paying the Tolls.

Provided

Persons and Things exempted from Tolls.

Provided always, and be it further enacted, That no Tolls shall be taken for any Carriage, or any Horse, Cattle, or Beast, laden only with, or going unladen for, or returning unladen, having been laden only on the same Day, with Gravel, Stones, or other Materials for repairing the said Road, or any of the Roads in the Townships or Parishes in which such Road doth lie, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Marl, Compost, or Manure, employed in Husbandry for manuring or improving of Lands (Chalk, Lime, Peat, Ashes, and Soot, excepted) or for any Person or Persons residing in any Township or Parish in which the said Road lies, and Turnpike or Gate shall be erected, going to or from their proper Parochial Church, Chapel, or other Place of Religious Worship, on the Sabbath-day or Sunday, or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Post-horse carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Carriage, or any Horses, Cattle, or Beast, drawing any Waggon, or other Carriage, and coming out of a certain Lane or Road leading from Tandridge Church, in the Parish of Tandridge, in the County of Surry, to the White Post which stands opposite the West Corner of a Field called Tandridge Priory, and that shall go from thence out of Tandridge Lane, at the East End of the Sand Hill there, called or known by the Name of Undersnow, to fetch Chalk, and that shall return loaded with such Chalk by the same Road or Way, into the said Lane or Road so leading from Tandridge Church aforesaid; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Kent or Surry, during the Time of such Election, or on the Day before, or Day after, such Election shall begin or be concluded; or if any Person or Persons who shall be an Inhabitant of, and live and reside in, the Parish of Seal aforesaid, at any Turnpike

or Gate to be erected in the Town of Seal aforesaid, or between Seal Town and a certain Mill Pond or Water lying Westward thereof, called Greatness Pond, for such Inhabitants going to, or returning from the Town of Sevenoakes, over Hedolph's Heath, into and through a Lane or Road-way leading from Seal to Sevenoakes aforesaid, by a Place or House called Lock's Bottom; but that every such Inhabitant of Seal aforesaid, shall and may, at all Times, pass and repass between Seal and the Town of Sevenoakes aforesaid, by such Lane or Road, with his or their Horses, Cattle, Beasts, and Carriages, free of any Tolls or Duties to be taken at any Gate or Turnpike so to be erected in the said Town of Seal, or between that and the said Water and Mill Pond; And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings.

Penalty on Persons making illegal Claims.

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they the said Trustees, or any Seven or more of them, shall think proper, to borrow and take, at legal or less Interest, such Sum or Sums of Money as they, or any Seven or more of them, shall think fit; and also they the said Trustees, or any Seven or more of them, may, and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Charges of such original Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees; and all and every Person and Persons to whom such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings

Tolls may be assigned for Money borrowed.

Assignments may be entered in a Book.

to

to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign or transfer his, her, or their Right to the Principal and Interest Money thereby secured; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer, within Three Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgage or Mortgages; for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected, without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, or their Executors and Administrators to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on such Tolls, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

Notice to be given of borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the said Tolls and Duties, after their First Meeting, unless Notice for that Purpose be fixed in Writing, under the Hand of the Clerk to such Trustees, upon all the Turnpikes erected by virtue of this Act, at least Ten Days before borrowing such Money.

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

And be it further enacted, That the said Trustees or any Seven or more of them, may, from time to time, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and, from time to time, remove such Officers and other Persons, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, make such Allowances or Salaries to the said Officers and Persons, as to them the said Trustees, or any Seven or more of

them, shall seem reasonable; and all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Seven or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officers and Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint: And all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; then, in each, any, or either of the said Cases, any One or more Justice or Justices of the Peace for the County or Place wherein such Offender or Person shall be or reside, shall make Inquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and if any such Offender or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for such County or Place, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall have delivered

Officers to account upon Oath.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

until Payment or Composition made.

ed up such Books, Papers, and Accounts, as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them,

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall take such Security from their Treasurer or Treasurers, Receiver and Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Seven or more of them, shall think proper.

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

Provided also, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof, as the Person he shall succeed was vested with, until the said Trustees, or any Seven or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

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

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

Surveyors may dig Gravel, &c.

And be it further enacted, That the Surveyor or Surveyors appointed by any Seven or more of the said Trustees, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Road, out of and from any Waste Grounds, Commons, Rivers, or Brooks, in any Parish, Town, or Place, in which any Part of the said Road lies, or in any neighbouring Parish, Town, or Place, without paying any thing for the same; such Surveyors or other Persons filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also, by Order of the said Trustees, or any Five or more of them, to dig, gather, take, and carry away, any such Materials as aforesaid in, upon, or out of, from, and over, the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds planted and set apart

without paying for the same; levelling the Pits.

Materials may be taken from private Grounds;

apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same, or any other Materials gotten in any Waste Grounds, Common, River, or Brook, or Private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable. making Satisfaction to the Owners.

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, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Road, or to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches running into, or out of the said Road, to the Prejudice thereof, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top any Trees, Shrubs, or Bushes, growing in the said Road, or in the Hedges and Banks adjacent thereto, and to take and carry away the same; in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down, and remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after Removal of any the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Surveyors may may remove Annoyances, &c.

cut down Bushes, &c.

Owners neglecting the same after Notice.

Charges to be reimbursed the Surveyors.

Penalty of a Second Offence.

Surveyors may make Causeways, &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 (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto, and to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Road, or cross any such Ditch or Drain where necessary, and also to widen any narrow Parts of the said Road, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Road, not exceeding Forty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road (such Grounds respectively not being the Grounds where any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of as a publick Highway whilst the old Road is repairing or widening, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Moor or Waste Ground or Common; and if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any of the said Turnpike Surveyors, or any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, employed in cutting, digging, taking, or carrying away, of any Materials for the altering, widening, or repairing of the said Road, or in removing of any Annoyances from the same; or in cutting down, lopping, or topping any such Trees, Shrubs, Hedge-rows, or Bushes as aforesaid, or in removing or carrying away the same, or in turning away, cleansing, scouring, widening, or making deeper, any such Watercourses or Ditches as aforesaid, or in making any Causeways, Ditches, or Drains, or erecting Bridges, or in doing any other Act in or for the repairing, widening, or altering the said Road, or otherwise in or for the Execution

and erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners.

Penalty on obstructing Officers in their Duty.

tion of any of the Powers by this Act given, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; to be levied, recovered, and applied, in such Manner as the other Penalties by this Act inflicted are directed to be recovered and applied.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall be and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Road through any Wood, Common, or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain: And for that Purpose it shall and may be lawful for the said Trustees, or any Seven or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Road through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and also for all Persons whatsoever, seised of, or interested in, or intitled unto, such Lands, Tenements, or Hereditaments, in Mortmain, or under any Ecclesiastical Right, and also for all Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Hereditaments, under any Manner of Right or Title whatsoever, to contract with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; or to contract for, and give in Exchange, any Part or Parts of the said new Roads or Paths so to

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

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

be made as aforesaid, for the said old Road or Paths so to be diverted or altered as aforesaid, or for any Part or Parts thereof; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Persons seised in Mortmain, or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons whomsoever, shall be and they are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Persons seised or intitled in Mortmain, or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is intended to be diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments do lie: And in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and such Trustees, or any Seven or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the

Persons, &c. neglecting to treat,

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

the said Jury's Information in the Premisses; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming, or to claim, in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Persons seised or intitled in Mortmain, or in Right of the Church, as well as all other Person or Persons whomsoever: And, for summoning and returning such Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County where such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, qualified to serve upon Juries, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly: And out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid: And, in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men, either 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 Seven or more of them, acting in the Premisses, shall have

Verdict of the Jury to be final.

Trustees may issue their Warrant to summon and impanel a Jury.

Jurors may be challenged.

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

have Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or that ſhall refuſe to be ſworn on the ſaid Jury; or, being ſo ſworn, ſhall refuſe to give, or not giving, their Verdict, or in any other Manner wilfully 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, ſhall refuſe or neglect to appear, or, appearing, ſhall refuſe to be examined, or to give Evidence; and which Fine or Fines ſhall be levied and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be levied and applied; ſo that no ſuch Fine ſhall be more than Five Pounds, nor leſs than Twenty Shillings, for One Offence.

Fine not to exceed 5 *l.*

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

And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls ariſing by virtue of this Act, or out of the Monies to be borrowed upon the Credit thereof, to the Parties or Perſons reſpectively intitled to ſuch Monies, or to their Agents; and upon Payment thereof, or in caſe of Refuſal to accept the ſame, upon leaving the ſame in the Hands of the Clerk or Treaſurer to the ſaid Truſtees for the Uſe of ſuch Parties or Perſons, it ſhall be lawful for any Perſon or Perſons authorized by Writing under the Hands of the ſaid Truſtees, or any Seven or more of them, to divert or turn ſuch Road through ſuch Lands or Hereditaments, and to do all and every ſuch Act, Matter, or Thing, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; and the ſaid Truſtees, or any Seven or more of them, ſhall cauſe ſuch Parts of the ſaid Roads, as ſhall be diverted or turned through any private Grounds, to be ditched and fenced off from the adjoining Lands, and all Lands and Hereditaments which ſhall be made a Part or Parts by virtue of this Act, ſhall be for ever thereafter to all Intents and Purpoſes a common Highway, and ſhall be repaired and kept in Repair in ſuch Manner as the Road hereby appointed to be repaired is by this or any other Law to be amended; and from thenceforth all Perſons and Parties whatſoever ſhall be diveſted of all Right and Title to ſuch Lands and

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

and eſteemed a publick Highway,

and kept in Repair as ſuch.

and Hereditaments; and after any such new Road shall be compleated, the Lands constituting the former Road, unless leading over some Wood or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the said Road by this Act directed to be repaired; or the said Trustees, or any Seven or more of them, may and are hereby impowered to give in Exchange any Part or Parts of the Lands so constituting the former Road for any Part or Parts of such new Roads; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary thereof notwithstanding. Old Road may be sold.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments wherein he shall be particularly concerned or interested. Trustees not to act where interested.

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

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

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

the said Road lies, or, in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Ten Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish in such Lists which of such Persons shall or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the Roads hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner and at such Times as the said Trustees, or any Five or more of them, or the Turnpike Surveyor or Surveyors, shall from time to time direct or appoint, so that no more than Two Days Work shall be done by any One Person or Team on the said Road in any One Year: And the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, and Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors of the Time and Times when and how many of such Persons are to do such Work upon any Part or Parts of the said Road, shall give Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer of the Poor for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor or Churchwarden, or Overseer, shall for every such Neglect or Refusal forfeit and pay the Sum of Five Pounds; and every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner, as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after-mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team the Sum of Ten Shillings;

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

lings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of One Shilling and Six Pence; and every Person who shall, according to such Publick Notice as aforesaid, come as a Labourer or with any Team to work upon the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before-mentioned; and all Persons doing such Days Work on the said Road as aforesaid, shall not be liable to do any Statute-work thereon.

Persons found idle to be turned off.

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

Trustees, with Consent of Inhabitants, may compound for Statute-work.

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

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

Penalty on haling Timber otherwise than on Wheel Carriages.

Part of the said Road, any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Road, to the Prejudice thereof, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Road to be measured, and Mile-stones erected.

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

Penalty on defacing Mile-stones.

Penalties and Forfeitures how to be recovered.

And be it further enacted, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be

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

Overplus Money to be returned to the Owner.

For want of Distress, the Offender to be committed.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Session of the Peace to be held for the County or Place wherein the Cause of Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace of such County or Place, with Two sufficient

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

Recognizance to be entered into.

sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices, at the said Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Distress not to be deem'd unlawful for want of Form;

And be it further enacted, 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 Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage in an Action upon the Case.

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

Assignments to be entered in a Book.

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

Proceedings to be entered in a Book.

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

and

Anno Regni GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

QUINTO.

At the Parliament begun and holden at *Weſtminſter*, the Nineteenth Day of *May*, *Anno Dom.* 1761, in the Firſt Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued by ſeveral Prorogations to the Tenth Day of *January*, 1765, being the Fourth Seſſion of the Twelfth Parliament of *Great Britain*.



LONDON:

Printed by *Mark Baſkett*, Printer to the King's moſt Excellent Majeſty; and by the Aſſigns of *Robert Baſkett*. 1765.

CH 6 9

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty; and the Money thereby to be raised and collected, shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses, Intents, 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 such Person or Persons who shall (after Demand made thereof) refuse or neglect to pay the same, by Distress of any Horse or Horses, or other Cattle or Carriage, upon which such Tolls are by this Act imposed, or by Distress of any of the Goods or Chattles carried on or drawn by such Carriage or Cattle, or of any other Goods or Chattles of or belonging to the Person or Persons who ought to pay the same, and to detain and keep 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 made and taken, shall and may sell the Cattle, Carriage, or Goods, so distrained and taken; 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.

Trustees may vary the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, to vary or alter all or 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 the same, until the Money borrowed on the Credit thereof with its Interest be repaid, unless the Person or Persons to whom the same shall at the Time of such Reduction be due, consent thereto.

Proviso.

Provided also, That the said Trustees be not hereby impowered to vary any Tolls or Duties enacted by any Law or Statute relating to Broad Wheels.

And

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 Roads, or any or either of them, 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 Expences of erecting Gates, Turnpikes, and Toll-houses, and repairing and widening the said Roads, or any or either of them, 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. Charges of passing this Act to be paid out of the Tolls.

And be it further enacted by the Authority aforesaid, That all and every the Gates, Turnpikes, and Toll-houses, to be erected as aforesaid by virtue of this Act, and the Property, Interest, and Right of, in, and to, the same, and the Materials of which the same shall consist, shall be, and are hereby vested in the said Trustees, appointed or to be appointed to put this Act in Execution, and they, or any Five or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper, and also in their own Names, or in the Name or Names of any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks for the time being, to bring or cause to be brought any Action or Actions against any Person or Persons who shall contract with the said Trustees, appointed or to be appointed to put this Act in Execution, or with any or either of them, or with their Clerk, Treasurer, Surveyor, or other Officer or Officers for the time being, or shall be by them, any or either of them, employed in, or undertake any Matter or Thing relative to the said Trust, and shall fail to perform and fulfil such Contract or Undertaking, and also to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the prefering 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, carry away, destroy, spoil, or injure the said Roads, or any or either of them, or any Part or Parts thereof, or any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll houses, which shall be Property of Turnpikes and Toll-houses vested in Trustees.

erected by virtue of this Act, or any of the Materials of which the same shall be made, built, or consist, and in every such Action the Plaintiff or Plaintiffs shall recover such Damages, as the said Trust shall appear to have sustained, to be applied when recovered and received, to make good the same, or to the general Purposes of this Act.

Tolls to be paid but Once a Day.

And be it enacted by the Authority aforesaid, That whosoever shall pay the Toll by this Act granted, for the passing of any Carriage or Cattle, at any Gate or Turnpike that shall be erected by virtue of this Act, upon, in, across, or on the Side of the said Roads, or any or either of them, such Person, upon producing a Note or Ticket of the Day, denoting such Payment, shall be permitted to pass and repass with the same Carriage or Cattle Toll-free, through the same and every or any other Gate or Turnpike upon the said Roads, or any or either of them, 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 the next Night; 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, Culm for burning of 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 Ploughing, 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 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,

Mare, Gelding, Or, 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 Carriage, Horse, or other Beast, employed in passing Vagrants travelling with lawful Passes; nor shall any of the Tolls hereby laid be demanded or taken from any Inhabitant of either of the said Parishes in which the said Roads, or any or either of them hereby intended to be repaired lie, who shall pass through any of the said Turnpikes to or from any Church, Chapel, or other Place of Religious Worship on Sundays, or who shall attend the Funeral of any Person to be buried in any of the said Parishes; nor from any Person going to or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Devon, or of a Burgess or Burgesses to serve in Parliament for the said Borough of Clifton Dartmouth Hardness, on the Days of such Election or Elections, or on the Day before or Day after such Election shall begin, and be concluded; nor from any Person or Persons passing through any Side-gate, who shall only cross the Roads, or any or either of them, hereby intended to be repaired, without travelling further thereon.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet together at the New Inn, commonly known by the Sign of The Queen's Head, within the said Borough of Clifton Dartmouth Hardness, on the Day Month next after passing this Act, and proceed to the Execution of this Act; and shall then, and from time to time, adjourn themselves to meet again there, or any other Place or Places within the said County of Devon, as the said Trustees, or 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 Time for putting this Act in Execution, as often as shall be thought necessary and required by any Five or more of the said Trustees, by Writing under their Hands, to be affixed on the Door of the Guildhall within the said Borough of Clifton Dartmouth Hardness, or on some other publick Place or Places within the same Borough, and at or on all the Turnpike Gates to be erected by virtue

tue of this Act, at least Seven Days before such Meeting.

Trustees may borrow Money upon the Credit of the Tolls.

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

Tolls may be assigned for Money borrowed.

Entries to be made of all Assignments.

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

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

Limitation of the Sum borrowed.

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

All Creditors to be deemed equal in Degree.

And be it enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons whatsoever, advancing any Part or Parts of the gross Sum to be borrowed in respect to the Priority of advancing his, her, or their Part or Parts thereof; but that all Persons

Persons to whom such Assignments shall be made as aforesaid, shall, so far as the said gross Sum shall extend, be, and are hereby declared to be, Creditors on the said Tolls in equal Degree one with another.

Notice to be given of borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted, unless Notice for that Purpose in Writing under the Hand or Hands of the Clerk or Clerks, or Treasurer or Treasurers, to the said Trustees, be by Order of such Trustees, or any Five or more of them, affixed upon the Door of the Guildhall, within the said Borough of Clifton Dartmouth Hardness, or on some other publick Place or Places within the same Borough, and likewise upon all the Turnpike Gates that shall be erected by virtue of this Act, at least Ten 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 Nine or more of them, as a Security or Securities for any Sum or Sums of Money lent 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 or more credible Witnesses, to assign and transfer such Security and Securities, and all the Money that shall be due thereon, to any other Person or Persons whomsoever; and that all and every such Transfer or Assignment of any Security of the said Tolls, shall, from time to time, be produced or notified to the said Clerk or Clerks, Treasurer or Treasurers, to the said Trustees for the time being, within the Space of Three Months after the respective Dates thereof, who shall make, or cause to be made, a proper Memorial or Entry of all and every such Assignments or Transfers, containing the Date thereof, and the Names, Additions, and Places of Abode, of the several Parties thereto, and the Sum or Sums of Money, and Term or Terms of Years therein mentioned and contained, and other the material Contents of the same, and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, in the Book or Books to be kept for entering the said original Assignments made by the said Trustees as aforesaid,

Entries to be made of all Assignments.

Clerk's Fee.

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.

Trustees to appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may and are hereby authorized and impowered from time to time to elect, and, by any Writing or Writings under their Hands and Seals, appoint fit and proper Persons to be Collectors and Receivers of the Tolls hereby made payable, and also One or more fit and proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Roads, or any or either of them, and such other Officer or Officers as shall be thought necessary; and such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove or displace as they shall think fit, and to choose and appoint others in the Room and Place of such of them as shall be so removed or shall die, Notice of such Removal or Death, and of the Time and Place of Meeting for the Purpose of filling up the Vacancy thereby occasioned, being first fixed on the Door of the Guildhall within the said Borough of Clifton Dartmouth Hardness, or on some other publick Place or Places within the same Borough, and on all and every the Turnpike-gates to be erected by virtue of this Act, at least Ten Days before such Election; and may and are hereby authorized and impowered by and out of the Money which shall arise from, or be raised by any of the Ways or Means aforesaid, to contract for, allow, and pay to the several Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers appointed as aforesaid, and to such other Person or Persons as shall be assisting to them, or either of them, in or about the Repair of the said Roads, or any or either of them, or any Part or Parts thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Services, in those Respects, as to the

and remove them, and appoint others.

Trustees to allow Officers Salaries.

the said Trustees, or any Nine or more of them, shall seem reasonable.

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

Officers to account upon Oath.

Officers refusing to account,

may be sued;

of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Money that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Justice or Justices of the Peace of the County or Place where the Officer or Officers, Person or Persons, neglecting or refusing shall be or reside, such Justice or Justices may and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause to be brought before him or them such Officer or Officers, Person or Persons, so refusing or neglecting; and upon his or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act might have done; and if upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Testimony of One or more Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer gratis) it shall appear to such Justice or Justices that any of the Money which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons, respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices, at the Time and Place by him or them appointed for that Purpose, upon Notice thereof in Writing being delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively; or if appearing, shall refuse or neglect to give or deliver to the said Justice or Justices, such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath as aforesaid, or to produce or to deliver up to the said Justice

or if Complaint be made,

Justices to enquire into the Default,

and levy the Balance by Distress and Sale.

For want of Distress, the Offender to be committed,

Justice or Justices the several Receipts and Vouchers relating to such Accounts respectively; then, or in either of the Cases aforesaid, the said Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the Common Goal of the said County, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his or their respective Accounts, and verified the same, and the Items thereof, upon Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such 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 be 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 Roads, or any or either of them, or in any neighbouring Parish, Town, Village, Hamlet, or Place, to be used, disposed of, and applied in repairing the said Roads, or any or either of them, without paying any thing for the same; they the said Trustees, Surveyor or Surveyors, or other Person or Persons, filling up the Pits, and levelling the Ground from which such Materials shall be taken, or causing the same to be done; and where there are not sufficient Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for that Purpose to be had or found in, upon, out of, or from such Waste or Common,

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

without paying for the same;

levelling the Pits, &c.

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

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

making Satisfaction to the Owners.

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 broken Stones, Chipping, and Rubbish thereof, or so much and such Parts thereof as shall be thought fit to be employed in the Repair of the said Roads, or any or either of them, without paying any thing for the same; Notice being given to the Owners or Occupiers of such Quarries respectively, at least Three Days before the first Entrance therein, for the Purpose aforesaid.

Materials may be taken from Quarries, &c.

without paying for the same.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors to be appointed as aforesaid, or any other Person or Persons, having a Warrant or Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively, from time to time, to remove, or cause to be removed, all Annoyances, Filth, Dung, Ashes, or Rubbish, and all other Nuisances, Encroachments, or Obstructions whatsoever, which are or shall be in or upon any Part or Parts of the said Roads hereby intended to be repaired; and to cut down, top or lop, and carry away, any Trees, Boughs of Trees, or Bushes, growing in the said Roads, or in the Hedges or Banks adjoining thereto; and to open, scour, or cleanse, any Ditch, Drain, or Watercourse, lying or which shall lie in, or leading or which shall lead into or out of the said Roads, or any or either of them, or any Part or Parts thereof; in case the Owners or Occupiers, or Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cut, top or lop, and carry away, such Trees or Bushes, or to open, scour, or cleanse, such Ditch, Drain, or Watercourse, shall refuse or neglect so to do for the Space of Ten Days after Notice in Writing to them, any or either of them, given for that Purpose, or left at their, any or either of their Places or 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 Charge whereof, to be settled by the said Trustees, or any Five or more of them, by Writing under their Hands, shall be reimbursed and paid to their Treasurer or Treasurers for the time being, by the respective Person or Persons so refusing or neglecting as aforesaid; and in case such Person or Persons so refusing or neglecting, shall not upon Demand pay and reimburse such Charges as aforesaid, the same shall or may, from time to time, be levied by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County (which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to grant) by Distress and Sale of the Goods and Chattles of the Person or Persons so offending, returning the Overplus (if any be) after all Charges paid, to the Owner or Owners thereof, upon Demand.

Surveyors may remove Annoyances, &c.

and cut down Trees,

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor,

to be levied by Distress and Sale.

And

Surveyors to make Causeways, cut Drains, &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, at any Time or Times during the Continuance of this Act, to make, or cause to be made, any Causeway or Causeways, Ditches, Drains, or Trenches, in or along the Side or Sides of any Part or Parts of the said Roads hereby intended to be repaired; and to make, erect, or build, or cause to be made, erected, and built, any Bridge or Bridges, or Arch or Arches of Stone, Brick, or Timber, upon, in, or across, the same Roads, or any Part or Parts thereof; and also to enlarge or widen the same Roads, or any or either of them, in such Part or Parts thereof as shall be thought necessary, by contracting, opening, or removing, any Ditch, Hedge, or Fence, adjoining thereto; and to dig, cut, 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 or either of them, or any Part or Parts thereof, from being overflowed with Water, and to erect, or cause to be erected, a Bridge or Bridges over such Watercourses, if necessary; and also to make, or cause to be made, a Road or Way by, through, or over, the Grounds adjoining to any narrow or ruinous Part or Parts of the Roads, or any or either of them, hereby intended to be repaired, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Roads, or any Part or Parts thereof, are repairing, and until such Time as it shall be safe and convenient for Passengers and Carriages to travel through the same; making such Satisfaction to the Owners or Occupiers of such Lands and Grounds as shall be so made use of, the Hedges, Ditches, or Fences whereof shall be so contracted, opened, or removed, or through which any such Ditches, Drains, or Watercourses, shall be cut, or on which any such Bridge or Bridges shall be erected, or through which such temporary Road or Roads shall be made, for the Damages they may thereby sustain, as by the said Trustees, or any Five or more of them, shall be adjudged reasonable, which Adjudication they are hereby authorized and required to make, within One Month after any Demand in Writing by any such Owners or Occupiers respectively, to be delivered to the said Trustees at any publick Meeting, or to their Clerk or Clerks, Treasurer or Treasurers, for the time being, or without any such Demand,

and make a temporary Road;

making Satisfaction to the Owners.

Demand, if the ſaid Truſtees, or any Five or more of them, think fit.

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

And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees, or any Nine 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 the ſaid Roads, or any or either of them, or any Part or Parts thereof, through any Lands or Grounds, for the better Accommodation or Convenience of Travellers, it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, and they are hereby authorized and impowered to widen, alter, turn, or divert the ſame, or any Part or Parts thereof, or cauſe the ſame to be widened, altered, turned, or diverted, as they ſhall think fit, provided that ſuch Part or Parts of the ſaid Roads, or any or either of them, as ſhall be ſo widened or diverted, be not thereby made wider than or extended beyond the Breadth of Forty Feet; and for that Purpoſe to treat, contract, and agree with the Owner or Owners, Occupier or Occupiers, of any ſuch Lands or Grounds, for the abſolute Purchaſe of ſo much, or ſuch Part or Parts thereof, as the ſaid Truſtees, or any Nine 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, or any or either of them.

Bodies Politick, &c. may 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, and added to, or made Part of, the ſaid Roads, may be willing to ſell and convey the ſame for the Purpoſes aforeſaid, but are incapable of ſo doing by reaſon of Infancy, or other Diſability; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Ideots or Lunaticks, Huſbands, or Truſtees whatſoever, for or on Behalf of any Infants, Ideots, Lunaticks, Femes Covert, or Ceſtuique Truſts, and for all and every other Perſon or Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in, any ſuch Lands

or Grounds, to treat, contract, and agree with the said Truſtees, or any Nine or more of them, for Sale of ſuch Lands or Grounds, or any Part or Parts thereof, for the Purpoſes aforeſaid, or for Satisfaction to be made them reſpectively therefore, or for their Intereſt therein, and to ſell and convey the ſame, as Occaſion ſhall require; and that all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, or Uſage, to the contrary notwithſtanding: And the Perſon and Perſons making the ſame, is and are and ſhall be hereby indemnified for what he or they ſhall reſpectively do by virtue or in purſuance of this Act.

Perſons refuſing to treat,

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

Jury to ſettle the Recompence.

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 Roads (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 Land or Ground into the ſaid Roads, any or either of them, according to their reſpective Intereſts therein; and in order

Witneſſes may be ſummoned, and examined upon Oath.

thereto, the ſaid Truſtees, or any Five or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be and require, to ſummon

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

Verdict of the Jury to be final.

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

Jurors may be challenged.

to

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 to impose any reasonable Fine or Fines, not exceeding the Sum of Five Pounds for One single Offence, on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared, shall refuse to be sworn on the said Jury, or after having been sworn, shall refuse to give, or not giving his or their Verdict of and upon the Matter in Question, or the Damages he or they shall be sworn to try, or to enquire 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 to be sworn or examined, or give Evidence or Testimony touching the same.

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

Fines not to exceed 10 *l.* or 5 *l.*

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

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 to the known Steward or Agent of such Owner or Person, or after the Execution of any Conveyance of the said Lands to the said Trustees, or any Nine 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, 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 such Person or Persons, and in like Manner as the old Roads, or the Part or Parts thereof to which such Lands shall be added, are or shall be by Law vested, without any Fine or Recovery, notwithstanding the same Lands shall or may be limited and settled to, for, or upon, any Use, Trust, Limitation in Tail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then, and from

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 Roads, or any or either of them; 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 other Usage, to the contrary thereof in any wise notwithstanding: And in case any Land or Ground shall be purchased for the turning or diverting any Part or Parts of the said Roads, or any or either of them, and the new Roads shall be made and completed, the Lands and Grounds comprised in and constituing the old Roads, or such Parts thereof, in lieu of which such new Roads shall be purchased and made, shall and may be sold or disposed of for the best Price that can or may be gotten for the same; and the Money arising by such Sale shall be applied to the repairing the said Roads, or any or either of them 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 Nine or more of them, and inrolled with the Clerk of the Peace for the said County of Devon, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

and deemed a publick Highway.

Old Road may be sold.

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, any or either of them, or any Part or Parts thereof, 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, other than and except two Houses with the Yards and other Appurtenances thereto belonging, situate in the Village of Kingswear, near the Passage Way aforesaid; the one late in the Possession of Daniel Laverance deceased, and the other now or late belonging to or in the Possession of one Mr. Prideaux: And also except a Cottage now or lately inhabited by a Blacksmith, in the Village of King's Kerswell, lying and adjoining the usual Road there between Newton Abbott and Kingswear Passage aforesaid, which said Houses, and Shop, or Cottage, and the Sites thereof,

Buildings, &c. not to be injured.

Exceptions.

and the Yards, or other Appurtenances belonging thereto, or such Part or Parts thereof as shall be thought necessary, the said Trustees, or any Nine or more of them, are hereby authorized and impowered to purchase, if they think fit, in order to widen the said Roads hereby intended to be repaired, and to make the same more commodious.

Bodies Politick, &c. liable to do Statute-work, to continue so.

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

Inhabitants to do Statute-work.

And, to the End that the said Trustees may the more certainly know the several Persons who are or shall be liable to do Statute-work on the Highways within the several Parishes, Hamlets, and Places, wherein the Roads hereby directed to be repaired do lie, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for the said Parishes, Hamlets, and Places, where, or in, or for which, a Surveyor or Surveyors usually have been, or ought to be, chosen, shall,

Surveyors of the Highways to give Notice of the Statute-work to be done on the Roads.

ſhall, and they are hereby required, before the Firſt Day of May next, and ſo in like Manner, before the Twenty fifth Day of March, in every Year during the Continuance of this Act, to return and deliver in to the ſaid Truſtees, at a publick Meeting, or to their Clerk or Clerks, Treaſurer or Treaſurers, for the time being, true and perfect Liſts in Writing, under their reſpective Hands, of the Names of all the Perſons liable to Statute-duty on the Highway within ſuch Pariſhes, Hamlets, and Places reſpectively; and ſhall, in ſuch Liſts, and every of them, diſtinguiſh and ſet forth which of ſuch Perſons ſhall keep a Team or Teams, or ſhall be by Law deemed ſo to do, and the Number of Pack-horſes, and other Beaſts of Burden, kept by ſuch as do not, or are not deemed to keep a Team, and which of them are Labourers, or liable to do their Statute-duties as Labourers only; and if any ſuch Surveyor or Surveyors ſhall not deliver in ſuch Liſts, or by ſuch Times, and in ſuch Manner, as by this Act are directed and required to be delivered, ſuch Surveyor or Surveyors, and every of them, ſhall forfeit and pay, for every ſuch Default, the Sum of Five Pounds.

Penalty on Surveyors neglecting to deliver Liſts.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall annually adjudge what Proportion of the Statute Labour is fit to be employed on the Roads hereby intended to be repaired, in the Courſe of the enſuing Year, within the ſeveral Pariſhes, Hamlets, or Places, in which the Roads hereby intended to be repaired lie, or ſuch of them from which the ſaid Truſtees think proper to require any Part of the Statute Labour to be performed on the ſaid Roads, or any or either of them, and of ſuch Adjudication ſhall cauſe Notice in Writing under their Hands, or the Hand or Hands of their Clerk or Clerks, Treaſurer or Treaſurers for the time being, to be delivered to the Surveyor or Surveyors of the Highways for the time being for ſuch Pariſhes, Hamlets, or Places reſpectively, at leaſt Twenty Days before the General Eaſter Quarter Seſſions of the Peace to be holden in and for the ſaid County of Devon; and in caſe ſuch Surveyor or Surveyors ſhall be diſſatisfied with any ſuch Adjudication, it ſhall and may be lawful for ſuch Surveyor or Surveyors to appeal to the ſaid Seſſions; and the Juſtices in ſuch their Seſſions are hereby authorized and impowered to adjuſt and determine what Proportion of the Statute Labour in ſuch Pariſh, Hamlet, or Place, ſhall be done on the Roads hereby intended to be repaired, or any or either of them; ſuch Surveyor

Truſtees to determine the Proportion of Statute-work.

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

veyor or Surveyors of the Highways as aforesaid having first given Ten Days Notice in Writing of such Appeal to the said Trustees, or to their Treasurer or Treasurers, Clerk or Clerks, for the time being; and if any or either of the Inhabitants of the said several Parishes, Hamlets, or Places, or other Person or Persons, liable to do Statute-work in and upon the said Roads, or any or either of them, shall not perform the same at such Times and Places, and in such Manner, as they shall be respectively directed or appointed to do by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them appointed, such Inhabitants or Persons, 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 deemed by Law to keep, a Team, for every Day's Default, the Sum of Ten Shillings; and every Inhabitant or Person keeping a Pack-horse or Pack-horses, or other Beast of Burden, and no Team, nor deemed to keep a Team, for every Day's Default, for every such Horse or Beast, and Driver, the Sum of Three Shillings; and every other Inhabitant or Person liable to work on the said Roads, or any or either of them, as a Labourer only, for every Day's Default, the Sum of One Shilling and Six Pence; And if any Person or Persons who shall come or be sent as a Labourer or Labourers, or with any Team or Draught, Pack-horse, or Beast of Burden, to work on the said Roads, or any or either of them, 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.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby authorized and impowered from time to time, during the Continuance of this Act, to compound with the Surveyor or Surveyors of all, any, or either of the Parishes, Hamlets, or Places, through which the said Roads, or any or either of them lead, or with the several Inhabitants of such Parishes, Hamlets, and Places, respectively, for a certain Sum or Sums of Money by the Day or otherwise, not exceeding a Year, as the said Trustees, or any Five

Trustees may compound with Parishes, &c. for Statute-work.

or

or more of them, shall think reasonable, in lieu of the Statute-work, or other Work to be done by such Parishes, Hamlets, or Places, respectively, or the several and respective Inhabitants thereof; and also from time to time, if they shall think fit, to compound and agree for a Year, or for any less Time, with any Person or Persons using the said Roads, or any or either of them, for any certain Sum or Sums of Money for or in lieu of the Tolls or Duties hereby imposed, or any or either of them, for the passing of such Persons, their Carriages or Cattle, through the several Gates or Turnpikes to be erected by virtue of this Act, or any or either of them; and in case any such Composition-money shall not be paid within Ten Days after the same shall become payable according to such Composition or Agreement, that then it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals (Oath being first made that the same hath been demanded, and remains unpaid, which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) to levy the same by Distress and Sale of the Goods of the Surveyor or Surveyors of the Highways for the time being of the Parish, Hamlet, or Place, in respect of which such Composition shall be made, or of the Person or Persons so having compounded, or neglected to pay his or their Composition-money, returning the Overplus, if any be, after deducting the Charges of such Distress and Sale, to the Owner or Owners thereof, upon Demand; and in case the Surveyor or Surveyors of the Highways of any Parish, Hamlet, or Place, for or in respect of which such Composition shall be made as aforesaid, shall pay the Composition-money, or if such Composition-money shall be recovered and levied by Distress and Sale of his or their Goods and Chattles in Manner herein before directed, then, and in either of the said Cases, such Surveyor or Surveyors shall be repaid and reimbursed the Composition-money which shall be so paid by, or recovered of, him or them as aforesaid, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be repaid and reimbursed the Money by them expended in buying Materials for mending the Highways.

Composition-money how to be recovered.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may,

Roads to be measured, and Mile-stones erected.

may, and they are hereby impowered, to cauſe the ſaid Roads, or any or either of them, 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.

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

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, with any Carriage or Cattle on which a Toll is hereby laid, go or paſs through any Ground, Field, Gate, Private Paſſage, or other Place, adjoining or lying near to any or either of the Gates or Turnpikes to be by virtue of this Act erected, the ſame not being a Common Road; or if any Owner or Occupier of any Tenement, Land, or Ground, which ſhall adjoin or lie near to any or either of the ſaid Gates or Turnpikes, ſhall knowingly or wilfully permit or ſuffer any Perſon or Perſons, with any ſuch Carriage or Cattle, to go or paſs through the ſame Tenement, Land, or Ground, or any Field, Gate, or Private Paſſage, or other Place belonging to ſuch Owner or Occupier, or if any Perſon or Perſons ſhall give to, or receive of, any other Perſon or Perſons, except the Perſon or Perſons appointed to receive the Tolls, any Note or Ticket of the Day, directed to be given by the Collectors or Receivers of the Tolls, or ſhall make uſe of any forged Note or Ticket, or if any Perſon driving or owning any Carriage, ſhall at any Time or Times take off, or cauſe or ſuffer to be taken off, from ſuch Carriage, any Horſe, 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 Roads, any Carriage or Cattle chargeable with or liable to pay any or either of the Tolls by this Act impoſed, or if any Perſon or Perſons ſhall claim, or take the Benefit of either of the Exemptions by this Act given, not being really intitled to the ſame (ſo that by any or either of the Means aforeſaid, the Payment of any or either of the ſaid Tolls ſhall be evaded or leſſened) or if any Perſon or Perſons ſhall wilfully or deſignedly throw, caſt, or lay, or cauſe to be thrown, caſt, or laid, any Duſt, Dirt, Aſhes, Straw, Dung, Rubbiſh, or other Annoyances, in or upon the Roads hereby intended to be repaired, or any or either of them, or any Ditch, Drain, or Watercourſe, belonging thereto; or if any Perſon or Perſons ſhall hale or draw, or cauſe to be haled or drawn, upon, in, or along any Part of the Roads hereby intended to be repaired,

or giving or receiving Tickets, &c.

taking off Horſes, &c.

Penalty on making illegal Claims, &c.

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

any

any Tree or Trees, or Piece or Pieces of Timber, or any other Draught, otherwise than and except upon Wheel-carriages, that then, and in either of the Cases aforesaid, every Person so offending shall, for every such Offence, forfeit the Sum of Twenty Shillings; and if any Person or Persons shall wilfully or designedly destroy, pull down, dig up, break, or injure, any or either of the Mile-stones or Posts hereby directed to be fixed or set up, or eraze, obliterate, or deface any of the Inscriptions which shall be made thereon, or any Part thereof, or cause or procure the same to be done, every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly destroyed, pulled down, dug up, broken, injured, obliterated, or defaced, and One Moiety of every such Penalty shall, when recovered, go and be applied to the Use of the Informer, upon whose Oath such Offender or Offenders shall be convicted. Penalty on defacing Mile-stones.

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 to any Five or more of them, or to their Treasurer or Treasurers for the time being, and shall be laid out (except such or such Parts thereof, the Application of which is herein before particularly directed) in and towards the 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 Justices of the Peace of the County or Place where the Party or Parties incurring the same shall be or reside, may and is and are hereby authorized and required, from time to time, upon Proof thereof, or of the several Matters, Causes, or Things, for which such Penalties, Fines, and 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 and 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 Penalties and Forfeitures how to be recovered and applied.

raiſed and levied by ſuch Diſtreſſes and Sales, than ſhall be ſufficient to pay the reſpective Penalties, Fines, or Forfeitures, for which the ſame ſhall be taken and made, and the reaſonable Charges of making and taking the ſame, ſuch Overplus ſhall, if demanded, be paid to the reſpective Owner or Owners of the Goods, and Chattles, and Effects, which ſhall be ſo diſtrained and ſold; and if no Goods, Chattles, or Effects, of the Perſon or Perſons, who ſhall incur any the ſaid Penalties, Fines, or Forfeitures, can be found ſufficient to anſwer the ſame, and the Charges of ſuch Diſtreſſes and Sales as aforeſaid, if any ſuch ſhall be taken or made, then and in 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 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 Months, or leſs than One Month, or until ſuch Penalties, Fines, or 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.

For want of Diſtreſs, Offender to be committed.

Penalty of a Second Offence.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſuſtaining Damage, for which Satisfaction is herein before directed to be made and adjudged by the ſaid Truſtees, ſhall be diſſatisfied with any ſuch Adjudication, or if any Perſon or Perſons ſhall think him or themſelves aggrieved, by any Fine or Fines, Penalty or Penalties, Conviction or Convictions, Diſtreſs or Diſtreſſes, Commitment or Commitments, under Colour 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 cauſe to be given, Ten Days Notice in Writing of ſuch Appeals, and of the Cauſe and Matter thereof, to the ſaid Truſtees at a publick Meeting, or to their Clerk or Clerks, Treaſurer or Treaſurers, for the time being, and entering into a Recognizance within Five Days after ſuch Notice given, before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties to try ſuch Appeal at ſuch Seſſions, and in caſe the ſame ſhall be diſallowed, to pay ſuch Coſt and Charges as the Juſtices there ſhall direct in that Behalf, which

Notice of Appeal to be given.

Recognizance to be entered into.

ſaid

said Justices at their said Sessions, upon due Proof of such Notice being given, and of such Recognizance being entered into as aforesaid, shall and are hereby authorized and required to proceed in, hear, and determine, the Matter of such Appeal, and may, if they see Cause, vacate or alter such Adjudication or Adjudications, Conviction or Convictions, Commitment or Commitments, or adjudge a larger or less Sum to be paid in Satisfaction for the Damage which shall appear to have been sustained by, or mitigate or annul at their Discretion the Fine or Fines laid on, or Penalty or Penalties incurred by the Party or Parties appealing, and if any Money shall have been received in consequence thereof, may order the same or any Part thereof, to be refunded, and set the Party or Parties at Liberty, or otherwise may ratify and confirm the same, and give such Costs to the Appellant or Respondent as they shall think fit, and the Judgement and Determination of the said Justices at such next General Quarter Sessions shall be final and conclusive to all Parties concerned or interested therein

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

And be it further enacted by the Authority aforesaid, That when and as often as any of the Trustees, named or to be named and appointed by virtue of this Act, shall die or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Nine or more of them, from time to time to elect, and by Writing or Writings under their Hands and Seals, to nominate and appoint One or more fit Person or Persons, living or residing in the said County of Devon, to be a Trustee or Trustees in the room of such Trustee or Trustees so dying or refusing to act, and such Person or Persons so elected and appointed, shall be joined with the surviving or remaining Trustees, in the Execution of all and every the Powers in them reposed by virtue of this Act; Notice in Writing of the Time and Place of Meeting for such Election of New Trustees being affixed at or on the Door of the Guildhall, within the said Borough of Clifton Dartmouth Hardness, or on some other publick Place or Places within the same Borough, and at or on all and every the Turnpike Gates which shall be 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,

Notice of such Election to be given.

Manner, as the said Trustees, herein before named and appointed, are by this Act impowered to do.

Trustees not to act but at a publick Meeting.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee 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.

Trustees to defray their own Expences.

In Default of a sufficient Number to act,

Meeting to be adjourned, &c.

Provided also, 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 Trustees, or their Clerk or Clerks, Treasurer or Treasurers, to be affixed on the Door of the Guildhall within the said Borough of Clifton Dartmouth Hardness, or on some other publick Place or Places within the same Borough, and on all the Turnpike Gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint another Meeting of the said Trustees on that Day Fortnight on which the Meeting so adjourned was appointed.

No Order made to be revoked, unless 9 Trustees consent thereto.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees or their Successors, or any Five or more of them, in Execution of any of the Trusts, Powers, or Authorities of this Act, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Nine Trustees be then present and concur therein.

Trustees who are in the Commission of the Peace to 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, 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.

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 Trustee to accept a Place of Profit arising from the Tolls.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine 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 Offices as to the said Trustees, or any Nine or more of them, shall seem meet. Treasurer, &c. to give Security.

And be it further enacted by the Authority aforesaid, That all Constables and other Peace Officers shall, and they are hereby required to execute all and every Warrant or Warrants which shall be brought to them respectively for that Purpose, under the Hand and Seal, or Hands and Seals, of a Justice or Justices of the Peace, or of a competent Number of the Trustees hereby authorized to issue the same, and shall be hereby indemnified in so doing. Constables, &c. to execute Trustees Warrants.

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 of Money, or other Writings 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 charged or chargeable with any Stamp or Duty whatsoever. Writings to be without Stamps.

Provided

Proceedings not to be quash'd 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 want 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*;

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 Powers herein before given to the said Trustees, to vary or alter the same, shall commence and have Continuance from the Day of passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Sessions of Parliament.

If the Roads shall be adjudged to be sufficiently repaired, *&c.* Tolls to cease.

Provided nevertheless, That if at any Time before the Expiration of the said Term, the said Roads, and each and every of them, shall be sufficiently amended and repaired, and shall be so adjudged by the Justices of the Peace for the said County of Devon, at their General Quarter Sessions to be holden in and for the said County, that then, and from and after such Adjudication and Repayment of the Money borrowed, with Interest for the same, and the Costs and Charges thereof, and what shall be due to any Person or Persons on account of the said Roads, or any or either of them, the Tolls hereby granted shall cease and determine; any thing herein contained to the contrary notwithstanding.

Proceedings to be enter'd in a Book.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts of all the Money that shall be borrowed, collected, and received, laid out, expended, and paid, by virtue of this Act, shall from time to time be duly and regularly entered in a Book or Books to be kept for those Purposes, by the Treasurer or Treasurers, Clerk or Clerks to the said Trustees for the time being, and also that full, true, and fair Entries of all Orders, Appointments, Resolutions, Compositions, Acts, Matters, and Proceedings of 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 made in a Book or Books to be kept for those Purposes, by the said Clerk or Clerks, Treasurer or Treasurers, during the Meeting or Meetings, at which such Orders, Appointments, Resolutions, Compositions, Acts, Matters, or Proceedings, respectively, shall be made, directed, or done, and being so entered,

entered, shall at the same Meeting or Meetings respectively be signed by the Trustees present, or a competent Number of them, or by the Clerk or Clerks, Treasurer or Treasurers for the time being, and being so signed, shall be deemed and taken to be original, and of the same Force as if the same were under the Hands and Seals of the said Trustees; which said Book or Books, and also the Book or Books herein before directed to be kept for entering and registering the said Assignments and Transfers, shall or may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance and by the Authority of this Act; and also shall and may be seen or perused at all seasonable Times, without Fee or Reward, by any Person or Persons whomsoever; and any Person may have and take Copies of all or any Part thereof, paying Six Pence for every Copy, not exceeding One hundred Words, and so proportionably for any greater or less Number of Words. Books may be read in Evidence.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any thing done or to be done, in pursuance or under the Authority of this Act, such Actions and Suits, and every of them, shall be commenced within the Space of Six Calendar Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be laid and tried in the said County of Devon, and not elsewhere; and that the Defendant or Defendants in such Actions or Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, 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 Limitation of Actions. General Issue.

be given for the Defendant or Defendants therein, then and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Action or Suit was prosecuted against the Defendant or Defendants, for some Matter done in pursuance or under the Authority of this present Act, and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for his and their Costs, in other Cases by Law.

Treble Costs.

Publick Act.

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

FINIS.