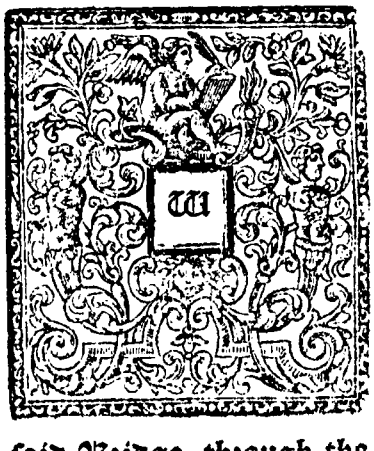
Anno quinto

Georgii III. Regis.

An Act for repairing and widening the Roads from *Keyberry Bridge* to the Paſſage at *Shalldon*; and from the ſaid Bridge to the Pier or Harbour of *Torkey*, in the County of *Devon*.



WHEREAS the Roads or Highways from Keyberry Bridge in the Pariſhes of Woolborough and Combintinhead, or One of them, in the County of Devon, through the ſeveral Pariſhes of Combintinhead, Stokeintinhead, and Saint Nicholas, in the ſaid County, to the Paſſage Houſe at Shalldon in the ſaid Pariſh of Saint Nicholas; and alſo from the ſaid Bridge through the ſeveral Pariſhes of Combintinhead, Coffinſwell, Haccomb, Stokeintinhead, Saint Mary Church, and Tormoham, in the County aforeſaid, to the Pier or Harbour of Torkey in the ſaid Pariſh of Tormoham, are in a ruinous Condition, narrow in ſome Places, and incommodious to Paſſengers, and the ſame cannot be ſufficiently repaired and amended by the preſent Methods provided by Law: May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with Preamble.

the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the

Truſtees Names.

Right Honourable Arthur Chicheſter, Earl of Donegall in the Kingdom of Ireland; the Honourable John Chicheſter Eſquire, the Honourable Edward Clifford Eſquire, the Honourable Thomas Clifford Eſquire, the Honourable Charles Clifford Eſquire, the Honourable Hugh Clifford Eſquire, Sir Thomas Dyke Ackland, Sir Richard Warwick Bampfylde, Sir Thomas Carew, Sir John Davie, Sir Bouchier Wrey, Baronets; Sir Richard Gould Knight, Gregory Adams, Abraham Babb, John Baring, William Bartlett, Jacob Bartlett, Thomas Bayley, Robert Bearne, Chriſtopher Beeke Clerk, Samuel Belfield Clerk, Elias Blackaller, Elias Blackaller junior, John Bradford, Henry Langford Browne, George Browſe, George Browſe junior, Henry Browſe, Thomas Burdell, Gilbert Burrington Clerk, Robert Butland, Robert Butland junior, Chriſtopher Card, William Carell, George Cary, Edward Cary, Francis Cary, Peter Clarke, James Cornish, William Courtenay, Henry Courtency, Nicholas Cove, James Couch, Thomas Cummings, John Darracott, William Davie Clerk, Francis Davy, Elias Drew, John Drew, John Duntze, Philip Edwards, Walter Elford Clerk, James Eſcott, John Farley, Samuel Flamank, William Flamank, Elias Ford, Richard Ford, Richard Ford junior, Thomas Gaſking, Peter Gaye, John Goſs, Anthony Gotbed, William Hancock, Charles Hale, John Hellyer, Thomas Hewgoe Clerk, Richard Inglett, William Keene, William Kitſon, Thomas Kitſon Clerk, Walter Kitſon Clerk, Henry Kitſon, Thomas Lane, Jeffery Lang, William Lang, Richard Lang, Andrew Langdon, Samuel Langley, Jacob Ley, Rawlin Mallock, Henry Manning Clerk, Philip Matthew, John Matthews, Thomas Maye, Francis Millman Clerk, John Mortimer, Joſeph Mortimer, William Mortimer, Samuel Mudge, Gregory Andrews Neck, James Newbery, William Neyle Clerk, Langford Palmer, John Parker, William Penny, William Penny junior, Richard Perryman, John Pidſley, Joſeph Pike, Edward Pillar, Evan Pitts, Nicholas Prout, John Prowſe, Thomas Prowſe Clerk, James Puddicombe, John Pulling, William Pyne Clerk, Elias Rendell, William Rendell, William Rendell junior, James Rennell, Edward Rich, James Rich, Frederick Rogers, John Row, William Row, William Row junior, James Salter Clerk, Thomas Sheppard, John Sloman, Joſeph Taunton Clerk, Thomas Taylor, Pierce Joſeph Taylor, James Templar, John Thornton, John Tincombe, Aaron Tozer, Solomon Tozer, John Trehawke, Nicholas Triſt Clerk, John

Tuckfield, Thomas Veale, Thomas Vening, Nicholas Watts, William Waye, Richard Whidborne, Thomas Whitborn, Triſtram Whitter Clerk, Nicholas Wilking, William Wilking, John Wolſton, John Wolſton junior, Gilbert Yarde Clerk, James Yarde, and their Succeſſors to be elected in Manner herein after mentioned, ſhall be, and they are hereby appointed Truſtees for ſurveying, ordering, widening, amending, and keeping in Repair, the ſaid Roads; and alſo for putting in Execution all other the Powers in and by this Act given.

Qualification of Truſtees.

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

Penalty on acting if not qualified.

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

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall, and they are hereby required to erect, or cauſe to be erected, a Gate or Gates, Turnpike or Turnpikes, and Toll-houſe or Toll-houſes, upon, in, or acroſs, the ſaid Roads hereby intended to be repaired, at any Place or Places, and in any Part or Parts thereof, or upon, in, or acroſs, any Road, Lane, or By-way, that doth or ſhall lead into or out of the ſame Roads, as they the ſaid Truſtees, or any Seven or more of them, ſhall think proper.

Truſtees to take the following Tolls.

And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint, ſhall and may demand, receive, and take, at the Turnpike or Turnpikes ſo to be

erected, the following Tolls or Duties, before any Horse, Mare, Gelding, Ox, Mule, Ass, or other Cattle, Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise-Marine, Car, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatsoever, shall pass, or be permitted to pass, through the same; that is to say,

The Tolls.

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

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

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

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

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

Tolls vested in the Trustees.

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, and 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,

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 any 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, and the reasonable Charges of distraining and keeping the same, shall be paid; and such Person or Persons so distraining, after the Space of Four Days next after the Day on which such Distress shall be taken, shall and may sell the Cattle, Carriage, or Goods, so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Provided always, 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, 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.

Trustees may vary the Tolls.

And be it further enacted, That out of the first Money arising by the Tolls which shall be collected at the several Turnpike or Turnpikes to be erected by virtue of this Act, upon, across, or on the Sides of the said Roads, 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 any Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, and repairing and widening the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the same, and the Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall direct, and to no other Use or Purpose whatsoever.

Charges of passing this Act to be paid out of the Tolls.

And

Property of Turnpikes and Toll-houses vested in Truſtees.

And be it further enacted, That all and every the Gate or Gates, Turnpike or Turnpikes, Toll-houſe or 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 into 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 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 Part thereof, or any Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, which ſhall be erected by virtue of this Act, or any of the Materials of which the ſame ſhall be made, built, or conſiſt, and in every ſuch Action the Plaintiff or Plaintiffs ſhall recover ſuch Damages as the ſaid Truſt ſhall appear to have ſuſtained, to be applied, when recovered and received, to make good the ſame, or to the general Purpoſes of this Act.

Tolls to be paid but Once a Day.

And be it further enacted, 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, 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, at any Time or Times during the ſame Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next Night; which ſaid

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, 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, Marble, or Lime Stones for making Lime, Culm, Furze, or other Fuel for burning Lime, Dung, Mould, Soil, or Compost of any Kind, for the manuring of any Garden or other Land or Ground, or that shall be used or employed in the 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 or Backsides of the Owners thereof, or for any Plough, Harrow, Dray, or other Implement of Husbandry, or for any Horse, Mare, Gelding, Ox, or Beast, drawing the same, in order for repairing thereof, or using the same in Husbandry, or any Thing whatsoever that shall be used or employed in Husbandry, or manuring of Land, or for any Horse, Mare, Gelding, Ox, Ass, Mule, or other Beast, or Cattle, going to, or returning from Water or Pasture, or in order to be shod; or for any Post Horse carrying any Mail or Packet, or for the Horses of Soldiers upon their March, or for any Waggon or Carriage, or Horse, or other Beast, drawing or not drawing the same, which shall be loaded with, or employed in carrying the Arms or Baggage of such Soldiers, or for any Carriage, Horse, or other Beasts, 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 either of them, lie, who shall pass through any Turnpike or Turnpikes aforesaid, to or from any Church or 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, on the Days of such Election or Elections, or on the Day before or after

such Election or Elections shall begin, and be concluded; nor from any Person or Persons passing through any Side-gate, who shall only cross the Roads, or either of them, hereby intended to be repaired.

Time and Place of Trustees Meeting

And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet together at the Sun Inn within the Town of Newton Abbott, in the said Parish of Woolborough, on the Day Three Weeks next after the passing this Act, and proceed to the Execution of this Act, and afterwards meet at the said Inn, or at any other House in Newton Abbott aforesaid, to be from time to time hereafter appointed by the said Trustees, or any Seven or more of them, by any Writing under their Hands (Notice of which other House shall by the Clerks or Treasurer be affixed to the Turnpike-gate or Gates on the said Highways, Eight Days at least before the First Meeting at such new or other House or Place of Meeting to be named and appointed as aforesaid) on the First Wednesday in every Calendar Month, of which the First Wednesdays in the Months of May, August, November, and February, in every Year, shall be the Quarterly Meetings for putting this Act in Execution: And that no other Meeting or Meetings of the said Trustees for putting this Act into Execution, shall be had or held, but what are hereby directed and appointed, unless such other Meeting or Meetings shall be directed and appointed by the Trustees present at any of the Meetings to be had as aforesaid, by Writing or Writings under their Hands, or the Hands of Seven or more of them, to be affixed on the Market-house of Newton Abbott aforesaid, and likewise on the Turnpike-gate or Gates at least Seven Days before such Meeting.

Notice to be given of such Meeting.

Trustees may borrow Money upon the Credit of the Tolls.

And, for the more speedy repairing and widening the said Roads, be it further enacted, That the said Trustees, or any Seven or more of them, shall and may from time to time, upon 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 Seven or more of them, shall think needful, and may, and they are hereby authorized by Writing or Writings under their Hands and Seals, or the Hands and Seals of any Seven or more of them, to assign over the said Tolls, or any Part or 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

Tolls may be assigned for Money borrowed.

so

so borrowed, and the Interest thereof as aforesaid; all and every such Assignments so 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. Entries to be made of all Assignments.

Provided always, and be it further enacted, 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. Trustees not subject to the Payment of Debts contracted upon this Act.

Provided also, and be it further enacted, That no more than the Sum of Two thousand five hundred Pounds shall be borrowed on the Credit of the said Tolls, unless after that Sum shall 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. Limitation of the Sum borrowed.

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

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 Market-house of Newton Abbott aforesaid, or on some other publick Place or Places in that Town, and likewise upon all the Turnpike Gate or Gates that shall be erected by virtue of this Act, at least Ten Days before the borrowing the same. Notice to be given of borrowing Money.

And be it further enacted, That all and every Person and Persons to whom any such Assignment or Assignments of the Tolls shall be made by the said Trustees, or any Seven or more of them, as a Security or Securities Assignments may be transferred.

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, Administrators, Assignee or Assignees, may be 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 the Term or Terms of Years therein mentioned and contained, and other the material Contents of the same, and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, in the Book or Books to be kept for entering the said original Assignments made by the said Trustees as aforesaid, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence, and no more, by the respective Persons to whom such Assignments shall be transferred for each and every such Entry; and after such Entry made, but not otherwise, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors or Administrators, to the Benefit thereof and Payment thereon, and it shall not be in the Power of the Person or Persons making such Assignment, to make void, release, or discharge the same, or the Money due thereon, or any Part thereof.

Entries to be made of all Assignments.

Clerk's Fee.

Trustees to appoint Officers;

And be it further enacted, That the said Trustees, or any Seven or more of them, may and are hereby authorized and impowered from time to time to elect, and, by any Writing or Writings under their Hands and Seals, appoint One or more fit and proper Person or Persons to be Collector or Collectors, Receiver or 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

ors of the said Roads, and such other Officer or Officers as shall be thought necessary; and such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove and 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 Market-house of Newton Abbott, or on some other publick Place or Places within that Town, and on all and every the Turnpike-gate or 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, 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 Repairs of the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Services, in those Respects, as to the said Trustees, or any Seven or more of them, shall seem reasonable.

and remove them, and appoint others.

Trustees to allow Officers Salaries.

And be it further enacted, 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 and 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, 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

Officers to account upon Oath.

the said Officers and Persons so accounting or to account as aforesaid, shall, if required, upon their several Oaths (which Oaths the said Trustees, or any 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 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 Hands, to the said Trustees, or as they, or any Five or more of them, shall direct or appoint; then, or in either of the Cases aforesaid, such Trustees, or any Five or more of them, may and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Names of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Money that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of 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 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

Officers refusing to account,

may be sued;

or if Complaint be made,

Justices to enquire into the Default,

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 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 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 for the said County or Place, there to remain without Bail or Mainprize until he or they shall deliver in and settle his or their respective Accounts, and verify 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.

and levy the Balance by Distress and Sale.

For want of Distress, the Offender to be committed,

until Payment or Composition be made.

And be it further enacted, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, or any other Person or

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

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 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 in any neighbouring Parish, Town, Village, Hamlet, or Place, to be used, disposed of, and applied in repairing the said Roads, without paying any thing for the same; they the said Trustees, Surveyor or Surveyors, or other Person or Persons, filling up the Pits, or levelling the Grounds 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, or out of, or from such Waste or Common, River or Brook, it shall and may be lawful to and for the said Trustees, or any Five or more of them, or 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 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 Inclosure, 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

without paying for the same; levelling the Pits, &c.

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

making Satisfaction to the Owners.

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

Materials may be taken from Quarries, &c.

Provided always, and be it further enacted, 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 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 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.

without paying for the same.

Surveyors may remove Annoyances, &c.

And be it further enacted, 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, 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 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 Place or Places of Abode, under the Hand or Hands

and cut down Trees,

the Owners neglecting to remove the same after Notice;

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 of 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.

the Charges to be reimburſed the Surveyor,

to be levied by Diſtreſs and Sale.

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

Surveyors to make Cauſeways, cut Drains, &c.

and make a temporary Road;

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

making Satisfaction to the Owners.

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen 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 either of them, or any Part or Parts of the said Roads, through any Lands or Grounds, for the better Accommodation or Convenience of Travellers, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered to widen, alter, turn, or divert the same, or any Part thereof, or cause the same to be widened, altered, turned, or diverted, as they shall think fit, provided that such Part or Parts of the said Roads, 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 Seven or more of them, shall think necessary, or for the Loss or Damage which the said Owners or Occupiers shall or may receive by the widening, altering, turning, or diverting, any Part or Parts of the said Roads.

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

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust,

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, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots or Lunaticks, Husbands, or Trustees whatsoever, for or on Behalf of any Infants, Idiots, 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 Seven or more of them, for the 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.

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

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

Persons refusing to treat,

vented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men residing near the said Road (which said 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, or either of them, according to their respective Interests therein; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be and require, to summon and call before them all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer) and they shall 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

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

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

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 a 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 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 on any of the Persons who, being required to give Evidence or Testimony before the said Jury touching the Premisses, shall refuse or neglect to attend, or to be sworn or examined, or give Evidence or Testimony touching the same.

Jurors may be challenged.

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

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

And be it further enacted, 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 Seven or more of them,

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

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 thenceforth, the said Trustees, or any Seven or more of them, or any Person or Persons by them, or any Seven 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 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 either of them, and the new Roads shall be made and completed, the Lands and Grounds comprised in and constituting 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 Roads hereby directed to be repaired; and the Conveyance or Conveyances to be made of such Lands or Grounds being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the said County of Devon, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

and deemed a publick Highway.

Old Road may be sold.

Provided always, and be it further enacted, That nothing shall be done in pursuance of this Act, either in widening, altering, turning, or diverting the said Roads, or either of them, or any Part or Parcel thereof, or otherwise

Buildings, &c. not to be injured.

otherwise howsoever, which shall or may in any wise injure or damage any House, Yard, Park, Paddock, planted Walk, or Avenue to any House.

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

And be it further enacted, That all and every Person or Persons, Towns, Parishes, Tills, 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 any Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridge or Drain lying in or upon the same, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Part of the said Road, Bridge, or Drain, in the same Manner as they, every or any of them, have or hath heretofore usually done or ought to do; and that the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Roads, 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 the 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, That the Surveyors of the Highways of and for the said Parishes, Hamlets, and Places, where, or in, or for which, such Surveyor or Surveyors usually have been, or ought to be, chosen, shall, and they are hereby required, before the 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

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

Clerks, Treasurer or Treasurers, for the time being, true and perfect Lists in Writing, under the 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 is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds.

Penalty on Surveyors neglecting to deliver Lists.

And be it further enacted, 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 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 adjudge 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 either of them; such Surveyor or Surveyors of the Highways as aforesaid having first given Ten Days Notice in Writing of such Appeal to the said Trustees, or to their Treasurer or Treasurers, Clerk or Clerks, for the time being; and if any of either of the Inhabitants of the said several Parishes,

Trustees to determine the Proportion of Statute-work.

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

Penalty on Persons not performing Statute-work.

Hamlets, or Places, or other Person or Persons, liable to do Statute-work in and upon the said Roads, or either of them, shall not perform the same at such Time 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 their 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 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 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.

Persons found idle to be turned off.

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

Provided always, and be it further enacted, That the said Trustees, or any Seven 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 either of them, lead, or with the several Inhabitants of such Parishes, Hamlets, and Places, respectively, for certain Sum or Sums of Money by the Day or otherwise, not exceeding a Year, as the said Trustees, or any Seven 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, as they the said Trustees, or any Seven or

more of them, shall think fit, to compound and agree with any Person or Persons using the said Roads, or either of them, or any Part thereof, for any certain Sum or Sums of Money for or in lieu of the Tolls or Duties hereby imposed, or any of them, for the passing of such Persons, their Carriages or Cattle, through the Gate or Gates, or Turnpike or Turnpikes, to be erected by virtue of this Act, or any or either of them, provided such Composition and Agreement be not made for more than One Year at any One Time; 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 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 has been demanded, and remains unpaid, which Oath the said Justice or Justices, is and are hereby impowered and required to administer) to levy the same by Distress and Sale of the Goods of the Surveyor or Surveyors of the Highways for the time being of the Parish, Hamlet, or Place, in respect of which such Composition shall be made, or of the Person or Persons so having compounded, and neglected to pay his or their Composition-money, returning the Overplus, if any be, after deducting the Charges of such Distress and Sale, to the Owner or Owners thereof, upon Demand; and in case the Surveyor or Surveyors of the Highways of any Parish, Hamlet, or Place, for or in respect of which such Composition shall be made as aforesaid, shall pay the Composition-money, or if such Composition-money shall be recovered and levied 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, That the said Trustees, or any Five or more of them, may, and are hereby impowered and required, to cause the said Roads to be measured, and Mile-stones or Posts to be fixed or set up on the Sides thereof, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of

Roads to be measured, and Mile stones erected.

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, 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 Gate or Gates, Turnpike or Turnpikes, to be by virtue of this Act erected, the ſame not being a Common Road; or if any Owner or Occupier of any Tenement, Land, or Ground, which ſhall adjoin or lie near to any or either of the ſaid Gates or Turnpikes, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons, with any Carriage or Cattle, to go or paſs through the ſaid 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 Road, 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 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, any Tree or Trees, or Piece or Pieces of Timber, Wood, or Stone, otherwiſe than and except upon Wheel-carriages, that then, and in any of the Caſes aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence,

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.

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 erase, obliterate, or deface any of the Inscriptions which shall be made thereon, or any Part thereof, or cause or procure the same to be done, every such Person so offending shall forfeit and pay the Sum of Forty Shillings for 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, That all the Penalties, Fines, and Forfeitures, imposed or made payable by this Act, or which shall be incurred thereby, or by reason of any thing herein contained, and every Part thereof, shall from time to time be paid (except such the Payment whereof is otherwise herein before directed) to the Trustees, or 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 all the said Penalties, Fines, and Forfeitures, or of such of them, for the Recovery whereof no other Method or Methods is or are herein prescribed, any Justice or Justices of the Peace of the County or Place where the Party or Parties incurring the same shall be or reside, may and is and are hereby authorized and required, from time to time, upon Proof thereof, or of the several Matters, Causes, or Things, for which such Penalties, Fines, or Forfeitures, shall be incurred, either by the Confession of the Party or Parties, or by the Oath of One or more Witness or Witnesses (which Oath the said Justice or Justices is and are hereby impowered and required to administer gratis) by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods, Chattles, and Effects, of the Party or Parties so incurring; and if any more Money shall at any Time or Times be raised and levied by such Distresses and Sales, than shall be sufficient to pay the respective Penalties, Fines, or Forfeitures, for which the same shall be taken and made, and the reasonable Charges of making and taking the Penalties and Forfeitures how to be recovered and applied.

same, such Overplus shall, if demanded, be paid to the respective Owner or Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, or Effects, of the Person or Persons, who shall incur any of 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 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 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.

Provided always, and be it further enacted, That if any Person or Persons sustaining Damage, for which Satisfaction is herein before directed to be made and adjudged by the said Trustees, shall be dissatisfied with any such Adjudication, or if any Person or Persons shall think him, her, or themselves aggrieved, by any 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 causing 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 sufficient Sureties to try such Appeal at such Sessions, and in case the same shall be disallowed, to pay such Costs and Charges as the Justices there shall direct in that Behalf, which said Justices at their Sessions, upon due Proof of such Notice being given, and of such Recognizance being entered into as aforesaid, shall and are hereby authorized

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

Recognizance to be entered into.

rized 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, That when and as often as any of the Trustees, named or to be named and appointed by virtue of this Act, shall die or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Seven or more of them, from time to time, at their quarterly Meetings herein before appointed, 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; 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 hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees, herein before named and appointed, are by this Act impowered to do.

Trustees not to act but at a publick Meeting.

Provided always, and be it further enacted, That no Trustee named and appointed in or by virtue of this Act, shall act as such, or be impowered to do any Act in the Execution of the Powers hereby given to the said Trustees, 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

Trustees to defray their own Expences.

pay and defray all his and their own Charges and Expences at all or any and every such Meetings.

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

And be it further enacted, 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 Seven 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, 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.

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

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

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

And be it further enacted, 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.

Treasurer, &c. to give Security.

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

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And be it further enacted, 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 any 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, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing Money, or other Writing, 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 also, and be it further enacted, That no Conviction, Judgement, or Order, which shall be made in pursuance of this Act, or in Execution of the Powers hereby given, shall be quashed, vacated, or discharged, for or on account of Form only; nor shall the same be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster. Proceedings not to be quash'd for want of Form, nor removeable by *Certiorari*.

And be it further enacted, 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 this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

Provided nevertheless, That if at any Time before the Expiration of the said Term, the said Roads, and each 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, the Tolls hereby granted shall If the Roads shall be adjudged to be sufficiently repaired, &c. Tolls to cease.

ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

Proceedings to be enter'd in a Book.

And be it further enacted, 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 the 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, 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; all 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 Appeal, Suits, or Actions, touching any thing done in purſuance and by the Authority of this Act; and alſo ſhall or 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.

Limitation of Actions.

And be it further enacted, 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

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

General Iſſue.

Treble Coſts.

And be it further enacted, 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.

Publick Act.

FINIS.