ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 127.

An Act for conſolidating and uniting the Powers of ſeveral Acts paſſed for amending ſeveral Roads near the Borough of *Aſhburton* and the Town of *Newton Buſhell*, and from or near the North Side of the Town of *Totnes*, towards *Aſhburton* aforeſaid; for building a Bridge acroſs the River *Dart*, at or near a Place called *Emmett*, in the County of *Devon*; and for amending and improving the ſaid ſeveral Roads. [27th *May* 1809.]

WHEREAS an Act was paſſed in the Twenty-eighth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for repairing and widening the Road from* Chudleigh Bridge, *in the Pariſh of* Hennock, *in the County of* Devon, *through the Town and Borough of* Aſhburton *to* Brent Bridge, *in the Pariſh of* South Brent, *in the ſaid County*: And whereas an Act was paſſed in the Firſt Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for repairing and widening the Road from* Traveller's Reſt, *in the Pariſh of* Aſhburton, *to* Newton Buſhell, *and from thence to* Forches *otherwiſe* Forger's Croſs, *in the Pariſh of* Highwick, *in the ſaid County of* Devon: And whereas an Act was paſſed in the Sixteenth Year of the Reign of His preſent Majeſty, intituled, *An Act for continuing and enlarging the Terms and Powers of Two ſeveral Acts of Parliament, reſpecting Roads* 28 G. 2. c. 49. 1 G. 3. c. 34. 16 G. 3. c. 79.

near the Borough of Ashburton, *in the County of* Devon: And whereas an Act was passed in the Forty-second Year of His said present Majesty's Reign, intituled, *An Act for continuing the Term and altering and enlarging the Powers of several Acts passed respecting several Roads near the Borough of* Ashburton *and the Town of* Newton Bushell; *and for amending, widening, altering, and keeping in Repair the Road leading from a Place called* Moor's Barn *to the End of* White Hill Lane, *in the Parish of* Highwick; *and for making and maintaining a Road from the Bottom of* Dean Clapper Hill, *at the West End of the Village of* Dean Prior, *in the Parish of* Dean Prior, *through the Village of* Dean Church Town, *and from thence through the Parishes of* Rattery *and* South Brent *to* Brent Bridge, *all in the County of* Devon: And whereas an Act was passed in the Third Year of the Reign of His said present Majesty, intituled, *An Act for amending and widening several Roads leading from or near the North End of the Town and Borough of* Totnes, *in the County of* Devon: And whereas an Act was passed in the Twenty-fourth Year of His said present Majesty, intituled, *An Act to enlarge the Term and Powers of an Act passed in the Third Year of His present Majesty King* George *the Third, for amending and widening several Roads leading from or near the North End of the Town and Borough of* Totnes, *in the County of* Devon: And whereas an Act was passed in the Forty-fifth Year of the Reign of His said present Majesty, intituled, *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Third and Twenty-fourth Years of His present Majesty, for amending the Roads leading from or near the North Side of the Town of* Totnes *towards* Ashburton, *in the County of* Devon, *and for building a Bridge at or near a Place called* Emmett, *across the River* Dart: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded to put the same respectively into Execution, and it has been found that it will be materially for the Benefit and Advantage of the said respective Towns of *Totnes* and *Ashburton*, and the Inhabitants thereof respectively, and of the Neighbourhood thereof, and of Public Utility, if the Powers and Provisions of the said recited Acts, as well as the Tolls and Profits of the said Turnpikes, and the Outgoings and Expences attending the same, were consolidated and united into One Joint Trust, and the Money arising from each of the said Turnpikes be applied at the Discretion of the Trustees hereinafter appointed, and towards defraying and discharging the Debts owing upon the said Roads respectively, and for building the said Bridge, and for maintaining and keeping the same and the said Roads in Repair, and carrying into effect the Powers and Provisions of the said recited Acts and of this Act, but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things whatsoever therein respectively contained or referred to, (except such as are hereby varied, altered, or repealed, and except such Parts thereof respectively as relate to Exemptions from Stamp Duties,) shall be and continue in full Force and Effect for and during the Term hereinafter mentioned; and that all the several Clauses, Powers, Provisions, Matters, and Things therein (except as aforesaid) and in this Act contained, shall immediately on the passing this Act extend to and be executed,

42 G. 3. c. 75.

3 G. 3. c. 38.

24 G. 3. c. 64.

45 G. 3. c. 75.

Acts further continued.

cuted, as well for the Intents and Purpoſes of the ſaid Acts, as for making, amending, widening, turning, altering, diverting, improving, and keeping in Repair the ſaid diverted, widened, new, and additional Roads and Bridges herein and in the ſaid recited Acts mentioned and deſcribed, and other the Purpoſes of this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſaid Roads and Bridges had been originally included in and made Part of the Roads included in the ſaid Acts, and as if the ſame Clauſes, Powers, Proviſions, Matters, and Things were repeated and re-enacted in the Body of this Act; and that all the Tolls herein-after granted, whether Single or Double, ſhall, after defraying the Expences of collecting the ſame, and repairing the ſaid Roads, Bridges, Toll Houſes, and Gates, be and are hereby declared to be ſubject and liable, in the firſt Place, to the Payment of all Expences of obtaining and paſſing this Act, and in the next Place to the Payment of all Sums of Money, and the Intereſt thereof, now due and owing by virtue or on the Credit of the ſaid Acts, or either of them, or of the Tolls thereby granted, and from and after the diſcharging and ſatisfying of the ſame, to the Payment of all other Sum and Sums of Money which ſhall or may hereafter be borrowed by virtue and for the Purpoſes of this Act, or any of them, and the Intereſt due and to grow due thereon reſpectively; and that all the Tolls herein-after granted for defraying the Expences of paſſing of this Act, and of erecting the ſaid Bridge, and widening and diverting the ſaid Roads, and making the ſaid new Roads therein reſpectively mentioned, and purchaſing the Houſes, Lands and Grounds which ſhall be neceſſary for erecting the ſaid Bridge, and widening, diverting, and making the ſame Roads reſpectively, ſhall, after defraying the Expences of collecting the ſame, be excluſively applied by virtue of this Act in Payment of the Money to be borrowed for thoſe Purpoſes; and the Intereſt thereof ſhall be paid over Quarterly, as the ſame ſhall be collected by the ſaid Truſtees or their Treaſurer, unto the Perſon or Perſons who ſhall be appointed to receive the ſame by the Contract or Contracts to be entered into as herein-after mentioned by the ſaid Truſtees with the Perſons who ſhall lend ſuch Monies for the Purpoſes therein mentioned.

II. And be it further enacted, That Sir *Martin Browne Folkes* and Sir *John Louis*, Baronets, *Joſeph Domett*, *Frederick Bayly*, *Robert Hurrell Froude*, *Charles Barter*, *Gilbert Burrington*, *John Hill*, *John Charles Fanſhawe*, *Robert Palk Welland*, *Thomas Whidborne*, and *John Rendle*, Clerks, *John David Macbride*, *Lawrence Vaughan Palk*, *Robert Palk*, *Wilmot Vaughan Palk*, *James Monro*, *William Hill*, *John Hill* the younger, *George Templer*, *Francis Daniell*, *Henry Pinſon Tozer*, *Francis Brooking Cuming*, *Gilbert Northey Tomſon*, *Samuel Cuming* the younger, *Matthew Lowndes* the younger, *Bernard Kiernan*, *John French*, *John Toms*, *John Maye* the younger, *Thomas Maye* the younger, *Jeffery Edwards Michelmore*, *Charles Michelmore*, *John Studdy*, *Henry Studdy* the younger, *William Bowden* the younger, *Henry Bowden* the younger, *Richard Whiteway*, *William Whiteway*, *Philip Whiteway*, *Bartholomew Iriſh*, *John Savery* the younger, *Thomas Couſins*, *John Beveridge Gribble*, *John Browning*, *Thomas Leaman Bickford*, *John Bickford* of *Wrigwell*, *William Bickford*, *Charles Walter Caunter*, *George Caunter*, *Henry Caunter*, *John Huxham* the younger, *Thomas Wills*, *Thomas Searle* the younger, *John Berry* the younger, *James Hainworth*, *William Cockey*, *Thomas Kitſon* the younger, *William Kitſon* the Truſtees.

the younger, *Robert Kitſon*, *William Buller Kitſon*, *Henry Rivers*, *Henry Rivers* the younger, *George Rivers*, *John Weſton*, *Richard Perry*, *William Sawdye*, *George Paddon*, *Joſeph Wills*, *George Wills*, *William Lambſhead*, *John Rowell* the younger, *Joſeph Rowell*, *Robert Abraham* the younger, *William Noſworthy*, *Joſeph Steer*, *John Crocker*, *Robert Hole*, *John Harris*, *Joſeph Sattery*, *John Bawden*, *John Wills*, *John Higgins*, *William Pope*, *John Wotton*, *William Lloyd*, *Thomas Harris*, *Thomas Tozer*, *Thomas Browſe*, *Alan Browſe*, *William Creed*, *John Hele*, *Peter Bradridge*, *Charles Cock Tozer*, *Jonas Honeywill*, *Joſeph Pinſon*, *John White* the younger, and *Matthew White*, ſhall be and they are hereby added to and joined with the Truſtees appointed in or by virtue of the ſaid recited Acts, or any or either of them; and the Truſtees herein nominated, and their Succeſſors, being qualified according to the Directions of the ſaid recited Acts or either or any of them, and alſo the Truſtees appointed in or by virtue thereof, are hereby empowered and authorized to act in the Execution thereof and of this Act, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed by the ſaid recited Acts or any or either of them.

Certain Roads diſcontinued.

III. And be it further enacted, That the Road leading from the Weſt End of the Town of *Aſhburton* by *Gulwell Bridge*, to or near to *Staverton Bridge*, ſhall no longer be a Part of or belong to the ſaid Turnpike Roads, and that the Road from *Dart Bridge* to *Auſtin's Bridge*, which is now widened and in good Repair, ſhall from henceforth belong to and be continued Part of the ſaid Turnpike Road, (excepting only ſuch Part of the ſaid Road as extends Fifty Land Yards in Length on each Side of the Eaſt End of the Lane or Highway which leads from *Pridamſleigh* Farm Houſe, in the ſaid Pariſh of *Staverton*, into the ſaid Road from *Gulwell Bridge* to *Staverton Bridge*, and which Piece of Road of Fifty Yards Long on each Side of the ſaid Lane it is hereby declared ſhall be and remain Part of the ſaid Turnpike Road, and be kept up and maintained accordingly, for the Purpoſe of preventing Fraud and Evaſion of the Tolls and Injury of the ſaid Roads; and that as the ſaid Road is now diverted and turned round the Weſt Side of a certain Hill near *Weſton* aforeſaid, and rendered paſſable for Carts and Carriages, that Part of the ſaid Road which now paſſes through or on the Eaſt Side of *Weſton* aforeſaid, ſhall from henceforth entirely ceaſe to be a Turnpike Road, and to be within and ſubject to the Operation of the ſaid Acts, or any or either of them, or of this Act; and that as ſoon as the ſaid Bridge ſhall be built acroſs the River *Dart*, near *Emmett* aforeſaid, and the ſame, as well as the ſaid new Road from and out of the ſaid Road at or near *Emmett*, down to and over the ſame Bridge, and from thence into that Part of the ſaid Road which lies at or near *Huxham's Croſs* aforeſaid, ſhall be paſſable for Carts and Carriages, and all ſuch Parts of the preſent Roads leading from *Strechaford* to *Emmett*, and from *Strechaford* to *Staverton Bridge*, which ſhall lie between the ſame new Road and *Emmett*, or between the ſame new Road and *Staverton Bridge*, and alſo all ſuch Part of the preſent Road leading from *Emmett* aforeſaid to *Huxham's Croſs* aforeſaid, as ſhall lie on the Eaſt of the ſame new Road, ſhall alſo entirely ceaſe to be Turnpike Roads, and not be within or ſubject to the Operation of the ſaid Acts, or any or either of them, or this Act; and that from and immediately after the paſſing of this Act, the preſent Roads leading from the Barracks in the ſaid Pariſh of *Dartington* unto *Willing Croſs*, and from thence towards *Dean Prior*,

Prior, in the ſaid County, and from *Simon's Tree Barn*, in *Dartington* aforeſaid, to the End of *Fork Green*, in the Pariſh of *Harberton*, in the ſaid County, and from *Cott* in *Dartington* aforeſaid, to *Whitely Brook* in the ſaid County, ſhall alſo entirely ceaſe to be Turnpike Roads, and to be within or ſubject to the Operations of the ſaid Acts, or any or either of them, or of this Act, any Thing contained in the ſaid Acts, or in any or either of them, or in this Act, to the contrary notwithſtanding.

Tolls to be paid but at One Gate between Aſhburton and Newton Buſhell.

IV. And be it further enacted, That nothing herein, or in any or either of the ſaid recited Acts contained, ſhall extend or be deemed or conſtrued to charge any Horſes, Cattle, Carts, or Carriages whatſoever, paſſing on the Road between the Towns of *Aſhburton* and *Newton Buſhell*, and the Towns of *Aſhburton* and *Totnes*, or any Branch thereof reſpectively, with the Payment of any of the Tolls hereby granted, at more than One of the Turnpike or Toll Houſes erected or to be erected on the ſaid Road between *Aſhburton* and *Newton Buſhell*, and between the Towns of *Aſhburton* and *Totnes* aforeſaid reſpectively, in one and the ſame Day, to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the next ſucceeding Night, other than and except at the Gate to be erected near *Pridhamſleigh*, as is herein-after provided; but that every Perſon on Payment of the Toll at any or either of ſuch Gates reſpectively, on each Diviſion of the ſaid Roads reſpectively (except only as aforeſaid) and on producing a Note or Ticket at the other or others thereof on the ſame Diviſion of the Road, ſhall during the ſame Day, to be computed as aforeſaid, be fully diſcharged from any other Payment at either of thoſe Gates on each Diviſion reſpectively; but that any Perſon paſſing on any Part of the ſaid Roads on the Eaſtern Side of the Town of *Aſhburton*, and paying at either of the Gates on that Diviſion of the Road, ſhall not be diſcharged from paying on the ſame Day at any of the Gates on the Weſt Side of the ſaid Town; nor ſhall any Perſon paſſing through and paying at any of the Gates on the Weſt Side of the ſaid Town, be diſcharged from paying on the ſame Day for paſſing through any or either of the Gates on the Eaſtern Side thereof.

How the Debts due on the Roads are to be paid off.

V. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to apportion and fix in what Proportion the Debts due and owing, or which ſhall hereafter be due and owing, on the Credit of the ſaid Roads, and the Tolls ariſing therefrom reſpectively, ſhall be paid off and diſcharged, ſo as any Payment or Diſcharge of the ſaid Debt ſhall not be at or after the Rate of more than Two Fifth Parts of the Debt now due on the ſaid *Totnes* Turnpike Roads, and in that Proportion for any greater or leſs Sum; but that a greater Proportion than Three Fifth Parts of the Debt now due on the ſaid *Aſhburton* Turnpike Roads ſhall and may, if the ſaid Truſtees ſhall think proper, be allotted and ſet apart to make up any Payment or Diminution of the ſaid Debts; and that when and as ſoon as the Sum of Eight hundred and fifty Pounds, in Part of the ſaid Conſolidated Debts, ſhall be paid off and diſcharged, the Intereſt of the Debt now due and owing on the Credit of the Tolls of the ſaid *Totnes* Turnpike Road ſhall be advanced and raiſed to, and at and after the Rate of Five Pounds *per Centum per Annum*, and be from thenceforth paid accordingly.

Creditors on the Roads to be united, &c.

VI. And be it further enacted, That the Creditors and Truſtees of the Turnpike Road commonly call d *The Newton Turnpike*, ſhall be at Liberty, within Eighteen Calendar Months after the paſſing of this Act, to unite and conſolidate the ſame with the ſaid *Aſhburton* and *Totnes* Turnpike Road hereby conſolidated and united, provided that the Truſtees hereby appointed ſhall conſent and agree ſo to do at any Meeting to be holden within the ſaid Town of *Aſhburton*, purſuant to a Public Notice given thereof Fourteen Days at leaſt previous to ſuch Meeting; and that if the ſame ſhall be done, the Intereſt of the Debts owing on that Part of the ſaid Turnpike, and the Principal of ſuch Debts, ſhall be ſubject to the ſame Rules and Regulations as to the Advance of the Rate of ſuch Intereſt and the Diſcharge of the Principal, as is hereby ordered and directed reſpecting the Debts on the ſaid *Totnes* Roads, and that all Meetings of the Truſtees of the ſaid conſolidated Roads ſhall in future be holden within the Town of *Aſhburton* aforeſaid, and at no other Place, (ſave and except that the Meetings of the Truſtees of the Road leading to *Newton Buſhell* ſhall and may, until the ſame ſhall be conſolidated with the other Parts of the ſaid Roads, be holden at ſome Place or Places within the Town of *Newton Abbott*, or within the ſaid Town of *Aſhburton*, alternately, in the ſame Manner as ſuch Meetings have heretofore uſually been holden;) and that the ſaid Truſtees ſhall and may, and they are hereby fully authorized and required, by themſelves or their Clerk or Surveyor, to order the Occupiers of all Lands and Premiſes adjoining the ſaid Roads to cut down, carry away, and remove at proper Seaſons, at leaſt Once in every Two Years, all the Trees, Wood, and other Articles and Things which ſhall grow, remain, or be within the Diſtance of Fifteen Feet from the Centre of any Part of ſuch Roads, and all Wood and other Growth in any waſte or uninclоſed Lands within the Diſtance of Thirty Feet from the Centre of any Part of the ſaid Roads; and if any ſuch Occupier or Occupiers ſhall neglect ſo to do by the Space of Ten Days after any ſuch Notice, then the ſaid Truſtees are hereby fully authorized and required to order the ſame to be done at the Expence of the Perſon or Perſons ſo neglecting or refuſing, and to ſell and diſpoſe of ſuch Trees and other Wood, and all ſuch other Articles and Things, and to apply the Produce thereof for defraying the Expences thereof, rendering the Overplus to the Owner or Owners.

Croſſing Lane Gate in Dartington to be continued.

VII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to keep up and continue the preſent Turnpike Houſe and Gate commonly called *Croſſing Lane Gate*, in *Dartington* aforeſaid, and alſo that they ſhall be obliged and are hereby required forthwith, after the paſſing of this Act, to erect, keep up, and continue a Turnpike Gate or Toll Bar acroſs the Road on the North Side of and near the End of the ſaid *Pridhamſleigh Lane*, and alſo at the Requeſt of the Churchwardens and Overſeers of the Poor, and Surveyors of the Highways of the ſaid Pariſh of *Staverton*, to remove and place the ſame on the South Side of the ſaid Lane for and during the Term granted by this Act; and that the ſaid Truſtees, or the Perſon or Perſons appointed by them, ſhall and may demand and receive the Tolls hereby granted at the ſaid laſt-mentioned Gate or Toll Bar, in the ſame Manner and with the ſame Powers as Tolls ſhall hereafter be received at any other Gate or Gates belonging to the ſaid Turnpike, agreeably to the Regula-

tions and Provisions of this Act; and that the Tolls to be received at the Gate or Toll Bar near *Pridhamsleigh Lane* End shall be separate from and exclusive of the Tolls to be collected at any other Gate or Toll Bar belonging to the said united Turnpike, and shall not exempt or discharge the Payment of any Tolls or Dues at any other Gate or Toll Bar belonging to the said Turnpike; nor shall the Payment of the Tolls or Dues at any such other Gate or Toll Bar exempt or discharge any Person from paying at the said Gate or Toll Bar near *Pridhamsleigh Lane*; any Thing herein contained to the contrary notwithstanding.

Discontinuing the Road from Shinner's Bridge to the End of Copland Lane.

VIII. And be it further enacted, That as soon as the said new Road, leading from the present Turnpike Road at or near *Shinner*'s Bridge aforesaid into the said Town of *Totnes*, shall be made passable for Horses, Cattle, Carts, and Carriages as aforesaid, the present Road leading from *Shinner*'s Bridge aforesaid to the End of *Copland Lane*, on the Road leading towards *Totnes* aforesaid, shall entirely cease to be Turnpike Road, and to be within or subject to the Operation of the said Acts or any or either of them, or this Act.

Trustees may sue and be sued in the Name of their Clerk or Treasurer.

IX. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Clerks, Treasurer or Treasurers respectively, or in the Name or Names of the said Trustees, or any Two or more of them; and that no Action to be brought or commenced by or against the said Trustees by virtue or on account of the said Acts or of this Act, in the Name of their Clerk or Clerks, Treasurer or Treasurers, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, Treasurer or Treasurers, or by the Act of such Clerk or Clerks, Treasurer or Treasurers, without the Consent of the said Trustees; but the Clerk or Clerks, Treasurer or Treasurers for the Time being respectively to the said Trustees, shall always be deemed the Plaintiff or Defendant, Plaintiffs or Defendants in such Action, as the Case shall be: Provided always, that such Trustees, and every such Clerk or Clerks, Treasurer or Treasurers, in whose Name or Names any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of the said Acts or of this Act, shall always be reimbursed and paid out of the Money to arise by virtue of the said Acts and this Act, all such Costs, Charges, Damages, and Expences as by the Event of any such Proceedings they or he shall respectively be put unto or become chargeable with by reason of their or his being so made Plaintiff or Defendant, Plaintiffs or Defendants therein.

For appointing a Quorum of Trustees.

X. And be it further enacted, That all Acts, Matters, and Things authorized or required by the said Acts or any or either of them, or by this Act, to be done and executed by the said Trustees in carrying the same into Execution, shall and may be done and executed by any Five or more of them present at any Meeting, or by the Majority of such of them as shall be so present, and the same when so done shall be as good, valid, and effectual, and shall have the same Force and Effect as if such Acts, Matters, and Things had been done and executed by all or any greater Number than Five Trustees (save and except as herein otherwise directed and provided).

XI. And

For electing new Trustees, in Cases of Death or Refusal to act.

XI. And be it further enacted, That if any Person or Persons elected, nominated, or appointed a Trustee or Trustees by virtue of the said Acts, or of this Act, shall die, or refuse or neglect to act in the Execution thereof, that then and in every such Case it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, to elect, nominate, or appoint, in manner directed by the said Acts or any or either of them, another Person to act as a Trustee in the room or stead of every such Trustee so dying, refusing or neglecting to act; and that every such Person shall have the like Powers and Authorities as the Trustee in whose room or stead he shall have been so elected, nominated, or appointed was vested with.

For repealing former Tolls, and granting new ones.

XII. And whereas the Tolls by the said recited Acts granted are insufficient for the Purpose of maintaining and supporting the said Roads, and the other Expences attendant thereon, and to make the Alterations and Improvements herein-before proposed and authorized to be made; be it therefore enacted, That from and after the Twenty-ninth Day of *September* next, and after the Expiration of the Time for which such Tolls shall be then let to farm (if the same shall be then so let), the said Tolls shall be and the same are hereby declared to be repealed; and that in lieu and in stead thereof there shall be demanded and taken, subject to the Clauses and Regulations herein-before contained, at each Gate or Turnpike erected or to be erected or continued by virtue of the said Acts or any or either of them, and of this Act, before any Carriage or Cattle whatsoever shall be permitted to pass through the same, such Tolls as the said Trustees shall from Time to Time appoint, not exceeding the several and respective Sums of Money herein-after mentioned, (that is to say):

Tolls.

For every Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise-Marine, Car, Calash, Chair, Caravan, Hearse, Litter, or other Carriage whatsoever (except Waggons, Carts, Wains, Tumbrils, or Drays), drawn by Six or more Horses or other Beasts of Draught, the Sum of Two Shillings:

For every Horse or other Beast of Draught drawing the same, the Sum of Sixpence:

For every such Carriage, drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence:

For every Horse or other Beast of Draught drawing the same, the Sum of Sixpence:

For every such Carriage, drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Three-pence:

For every Horse or other Beast of Draught drawing the same, the Sum of Four-pence:

For every such Carriage drawn by Two Horses or other Beasts of Draught, the Sum of Nine-pence:

For every Horse or other Beast of Draught drawing the same, the Sum of Three-pence:

For every such Carriage drawn by One Horse, or other Beast of Draught drawing the same, the Sum of Nine-pence:

For every Waggon, Cart, Tumbril, or Dray, using Wheels with Fellies Nine Inches broad at the least, drawn by Eight Horses or other Beasts of Draught, the Sum of Six Shillings:

For

For every such Waggon, Wain, Cart, Tumbril, or Dray, drawn by Seven Horſes or other Beaſts of Draught, the Sum of Five Shillings and Sixpence:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by Six Horſes or other Beaſts of Draught, the Sum of Five Shillings:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by Five Horſes or other Beaſts of Draught, the Sum of Four Shillings:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by Four Horſes or other Beaſts of Draught, the Sum of Four Shillings:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by Three Horſes or other Beaſts of Draught, the Sum of Three Shillings:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by Two Horſes or other Beaſts of Draught, the Sum of Two Shillings:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by One Horſe or other Beaſt of Draught, the Sum of One Shilling:

For every Ox or Bullock drawing any Carriage whatſoever, the Sum of Three-pence:

For every Wheel Carriage laden with Timber, Wood, or Trees, drawn by Five or more Horſes or other Beaſts of Draught, and uſing Wheels with Fellies Nine Inches broad at the leaſt, the Sum of Seven Shillings and Sixpence:

For every ſuch Wheel Carriage, uſing Wheels of leſs Width than Nine Inches, the Sum of Ten Shillings:

For every ſuch Wheel Carriage, laden with Timber, Wood, or Trees, drawn by Four Horſes or other Beaſts of Draught, uſing Wheels with Fellies at leaſt Nine Inches in Width, the Sum of Five Shillings and Sixpence:

For every ſuch Carriage, with Wheels of leſs Width than Nine Inches, the Sum of Eight Shillings:

For every ſuch Wheel Carriage, laden with Timber, Wood, or Trees, drawn by Three Horſes or other Beaſts of Draught, uſing Wheels with Fellies at leaſt Nine Inches wide, the Sum of Four Shillings and Sixpence:

For every ſuch Carriage, with Wheels of leſs Width than Nine Inches, the Sum of Six Shillings:

For every Horſe, Mule, Aſs, or other Beaſt of Burthen, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or neat Cattle, the Sum of One Shilling and Eight-pence *per* Score; and ſo in Proportion for any greater or leſs Number; and,

For every Drove of Calves, Swine, Hogs, Sheep, or Lambs, the Sum of Ten-pence *per* Scorce; and ſo in Proportion for any greater or leſs Number.

Double Tolls on Waggons with Fellies of the Wheels of leſs than Nine Inches broad.

XIII. And be it further enacted, That for every Waggon, Wain, Cart, Tumbril, or Dray, uſing Wheels with Fellies leſs than Nine Inches Broad, and for every Horſe or other Beaſt of Draught drawing the ſame, there ſhall be demanded and taken in Manner aforeſaid, Double the Tolls herein-before charged for the ſame reſpectively.

Only One Shilling to be taken for Waggons, &c. the Fellies of the Wheels thereof ſhall not

XIV. Provided always, and be it further enacted, That no more than the Sum of One Shilling ſhall be demanded or taken for and in reſpect of any Waggon, Wain, Cart, Tumbril, or Dray, charged or chargeable with any Toll or Tolls by virtue of this or the ſaid recited Acts, having the Fellies

be less than Five Inches Wide, on the Road between Ashburton and Totnes.

Fellies of all the Wheels thereof Five Inches Wide at the least, and drawn by Two or more Horses or other Beasts of Draught, at any Gate erected on such Part of the said Road as lies between *Ashburton* and *Totnes*; any Thing herein contained to the contrary thereof notwithstanding.

Double Toll on Sundays.

XV. And be it further enacted, That it shall be lawful for the said Trustees to authorize the Toll Gatherers or Collectors at each of the said Gates, on each and every *Sunday*, (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night in each and every Year), for and during so long a Time as the said Trustees shall order or direct at any General Monthly Meeting, but no longer, or otherwise to demand and take at each such Gate Double the Tolls which shall for the Time being be ordered and authorized by the said Trustees to be collected at the same Gate on any other Day under and by virtue of this Act.

Tolls vested in the Trustees.

XVI. And be it further enacted, That the said several Tolls by this Act authorized to be taken shall be and the same are hereby vested in the Trustees for putting the said recited Acts and this Act into Execution, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, and Restrictions as are contained in the said recited Acts, or any or either of them, with respect to the Tolls thereby authorized to be taken, but subject nevertheless to this Act and the Provisions and Regulations herein contained.

Collectors of Tolls not incompetent Witnesses.

XVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls hereby granted, or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be incompetent to give Evidence in any such Dispute, Suit, or Litigation,

Certain Parts of the Tolls to be applied in lighting so much of the Road as leads through Ashburton.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees to apply a sufficient Part of the Tolls hereby granted for and towards defraying the Expences and Charges of lighting and continuing lighted so much and such Part of the said Roads as leads through the said Town of *Ashburton*, and to erect and continue or cause to be erected and continued Lamps sufficient and proper for that Purpose at all Times during the Term hereby granted.

Power to lease the Tolls.

XIX. And be it further enacted, That the said Trustees shall and may at any Time or Times (on Ten Days Notice in Writing, signed by any Five or more of them, or by their Clerk, and affixed on all the Turnpike Gates then erected on the said Roads, and inserted in some public Newspaper circulating in the said County of *Devon*) lease or let to farm by the Year or otherwise, for any Term not exceeding Five Years, all or any of the said Tolls, and all or any of the Turnpike and Toll Houses for collecting the same, to any Person or Persons for the highest Sum that shall be offered or bid for the same, or for any larger Sum which they may (if not satisfied with the highest Sum bid for the same) offer the same for to the highest Bidder, and so in Succession to the other Bidders

and

and other Perſons preſent, till ſome Perſon or Perſons ſhall accept of the ſame, at the ſame or ſome ſucceeding Meeting, at or for ſome ſuch larger Sum, as is uſual and cuſtomary in other Caſes of Sales or lettings of Eſtates in the Neighbourhood, taking ſuch Security as to them ſhall ſeem ſufficient for the Payment thereof; ſuch Leaſes or Contracts to be in Writing and to be ſigned by the ſaid Truſtees, or by their Clerk or Treaſurer, and the Leſſee or Leſſees, who in Default of Payment of the Rent or Money therein reſerved or agreed to be paid, ſhall or may be proceeded againſt for the Recovery thereof, in manner by the ſaid firſt-recited Act directed for proceeding againſt Collectors and Receivers of Tolls receiving Money and not paying the ſame as is thereby required; and in caſe any Default ſhall be made, that then it ſhall be lawful for the ſaid Truſtees (if they ſhall think fit) to declare ſuch Leaſe or Agreement to be void, and it is hereby declared that the ſame ſhall thereupon be void accordingly, to all Intents and Purpoſes whatſoever, (ſave and except only with regard to the Recovery of the Arrears then remaining due on ſuch Leaſe or Contract), and that for ſuch Purpoſe only the ſame ſhall remain and continue in force until Payment and Diſcharge thereof, and all Coſts and Charges relating to the Recovery thereof.

For recovering Tolls and the Arrears thereof from Leſſees, &c.

XX. Provided always, and be it further enacted, That in Caſe any or either of the Leſſees, or Toll Gatherers or Collectors of any of the ſaid Tolls hereafter to be appointed, ſhall at any Time neglect or fail by the Space of Three Days to pay all the Arrears of ſuch Tolls, Rent, or other Profit of any ſuch Turnpike or Toll Houſe, or Gate which ſhall happen to be due from him or them, or ſhall neglect or deſert the ſame by the Space of One Day, that then and in every ſuch Caſe it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Devon*, or for the ſaid Truſtees, upon Oath made thereof before him or them reſpectively by the Clerk and Treaſurer of the ſaid Truſtees for the Time being, or ſome other competent Perſon, by Warrant or Order under his or their Hand and Seal or Hands and Seals reſpectively, to authorize and direct any Perſon or Perſons to ſeize, take, and diſtrain for ſuch Arrears the Goods and Chattels of ſuch Leſſee or Leſſees, Toll Gatherer or Toll Gatherers, Collector or Collectors, wherever the ſame can or may be found, and to ſell and diſpoſe of the ſame for and towards Payment of ſuch Arrears, and all Coſts attending the taking, keeping, and ſelling of ſuch Diſtreſs, giving Five Days Notice of ſuch Sale to the Owner of ſuch Goods and Chattels, by leaving One Copy thereof for him at the Place where ſuch Diſtreſs ſhall be taken, and affixing another Copy of ſuch Notice upon the neareſt of the ſaid Turnpike Gates, rendering the Overplus (if any) upon Demand to ſuch Owner; and alſo to authorize and direct ſuch Perſon or Perſons to enter into and upon ſuch Turnpike, Toll Houſe, or Gate, and to take Poſſeſſion of the ſame, with the Appurtenances, and to deliver over the ſame to the ſaid Truſtees, or any Perſon they ſhall appoint; and that from thenceforth the ſaid Truſtees ſhall be at Liberty to let the ſame and the Tolls for and in reſpect of which ſuch Arrears ſhall have been due as aforeſaid, or appoint any other Collector of ſuch Tolls thereat in the ſame Manner as if the former Term had been regularly and duly expired; but that notwithſtanding ſuch Poſſeſſion being taken and delivered over, and ſuch letting as laſt aforeſaid, the ſaid Truſtees or their Clerk and Treaſurer ſhall at any Time after have the ſame Power and Authority to ſue for and recover the Arrears which ſhall then remain due, with the Coſts

Coſts and Charges attending the ſame, as fully and effectually as if no ſuch Poſſeſſion had been taken, deducting and allowing what ſhall have been received by the ſaid Truſtees for and in reſpect of ſuch Tolls in the mean Time.

Truſtees not to divert the Road leading from Dean Prior to Brent Bridge, unleſs at a Meeting for that Purpoſe.

XXI. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to divert, alter, or turn any Part of the ſaid Road leading from *Dean Prior* to *Brent Bridge* aforeſaid, unleſs the ſame ſhall be ordered at a Meeting of the ſaid Truſtees, to be held purſuant to Fourteen Days previous Notice given for that Purpoſe in ſome public Newſpaper circulating in the ſaid County of *Devon*, nor unleſs the ſame ſhall be ordered by Nine Truſtees preſent at ſuch Meeting.

Penalty on ſlaughtering Cattle, &c. on the Foot-paths.

XXII. And be it further enacted, That if any Perſon or Perſons, from and after the paſſing of this Act, ſhall at any Time or Times ſlaughter or kill any Sheep, Pig, Calf, or other Cattle; or ride, lead, or drive any Horſe, Mare, Gelding, Mule or Aſs; or draw, carry, wheel, or convey any Wood, Stones, Dung, or other Things whatſoever, in Weelbarrows or otherwiſe howſoever, in or upon the Footpath or Side Walk intended for Foot Paſſengers within the ſaid Town of *Aſhburton* (other than for the Purpoſes of paſſing to and from his or their Stable or Courtilage at the Back of his or their Dwelling-houſe); or if any Perſon or Perſons ſhall permit or ſuffer any ſuch Horſe, Aſs, Mare, Mule, or Gelding, to ſtand or be in or upon any Part of ſuch Footpath or Side Walk, whether the ſame ſhall be tied or untied; or if any Perſon or Perſons ſhall permit or ſuffer any Chaiſe, Coach, Waggon, Cart or other Carriage of what Deſcription ſoever, or any Timber, Wood, or other Thing whatſoever, to be placed and remain in any Part of the Public Streets or Roads belonging to the ſaid Turnpikes or either of them, or in or upon any other Part of the ſaid Roads, Streets, or Lanes within the ſaid Town of *Aſhburton* without ſome reaſonable Cauſe, to be allowed by the Juſtice or Juſtices of the Peace before whom the Perſon or Perſons ſo offending ſhall be ſummoned or conveyed, in order to his or their Conviction, and except with regard to ſuch Coach, Chaiſe, Waggon, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading and unloading, or taking up or ſetting down Paſſengers, and ſtanding as near the Side of ſuch Road, Street, or Lane as conveniently may be; or if any Perſon or Perſons ſhall make any Encroachment in Front of his or their Houſe or Houſes, that then and in every ſuch Caſe every ſuch Perſon or Perſons ſo offending and being thereof convicted, by his, her, or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Devon*, or before the Portreeve of the Borough of *Aſhburton* aforeſaid, or before the ſaid Truſtees (which Oath ſuch Juſtice or Juſtices, or the ſaid Portreeve for the Time being, and the ſaid Truſtees, is and are hereby empowered and required to adminiſter), ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Twenty Shillings for the Firſt Offence, and not exceeding Forty Shillings for the Second and every ſubſequent Offence, as the Perſon or Perſons ſo adminiſtering the ſaid Oath ſhall in his or their Diſcretion think proper, and order and direct; which Sum, in caſe the ſame be not forthwith paid, ſhall be levied, recovered, and applied in Manner herein-after mentioned.

XXIII. And

XXIII. And be it further enacted, That if any Perſon ſhall hale or draw or cauſe to be haled or drawn, upon any Part or Parts of the ſaid Roads, any Tree or Piece of Timber, or any Stone or Stones, or other dead Goods whatſoever, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be conveyed by any Carriage, to drag upon any Part of the ſaid Roads to the Prejudice thereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in the ſame Manner as herein-after mentioned. Penalty on drawing Timber, other than upon Wheel Carriages, on the ſaid Roads.

XXIV. And whereas the Exemptions from the Payment of Toll by the ſaid recited Acts granted, or any or either of them, have been found in ſome reſpects prejudicial to the ſaid Roads, be it therefore enacted, That from and after the paſſing of this Act the ſame ſhall be and are hereby declared to be repealed. Repealing the preſent Exemption from Toll.

XXV. And be it further enacted, That no Tolls ſhall be demanded or taken for any Carriages or Cattle ſolely employed in carrying of Materials for repairing Highways, or for the Surveyors of the ſaid Turnpike in the Execution of their Duty, or of Implements of Huſbandry, or of Lime, Dung, Mould, Soil, or Compoſt for Manure only, or of Hay not ſold, and not for Sale, or of Corn in the Straw, or other Produce of Lands not ſold and not for Sale, or of Wood not ſold and not for Sale, nor for Carriages or Cattle returning empty or unladen after having delivered any of ſuch Articles; nor for Cattle going to or returning from Water or Paſture, or in order to be ſhoed or farried, not exceeding the Diſtance of Two Miles in any of the Pariſhes through which the ſaid Roads or any Part thereof ſhall paſs, or carrying any Perſon employed in driving ſuch Cattle, going or returning for ſuch Purpoſes, but ſo as the ſame ſhall not be deemed to exempt from Payment of Toll any ſuch Carts, Carriages, Cattle, or other Things which ſhall be removed or taken from any other Pariſh, except thoſe in which ſome Part of the ſaid Roads ſhall be ſituated. Allowing others.

XXVI. And be it further enacted, That none of the Tolls aforeſaid ſhall be demanded or taken of or from any Rector, Vicar, or Curate, or other Perſon or Perſons going to or returning from his, her, or their own Pariſh Church or other accuſtomed Place of Divine Worſhip on *Sundays*, or on any other Days on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die or be buried in any Pariſh, Townſhip or Place wherein the ſaid Roads do or ſhall lie; or from any ſuch Rector, Vicar, or Curate when going to or returning from any other of his or their parochial Duty; or from any Perſon going to or returning from the Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Devon*, or a Burgeſs or Burgeſſes to ſerve in Parliament for the Boroughs of *Totnes* or *Aſhburton*; nor ſhall any Toll be demanded or taken for any Carriages, of whatſoever Deſcription, employed or to be employed in conveying, fetching, or guarding the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt-Maſter General, or in returning back therefrom; nor for the Horſes of any Soldiers paſſing, who are upon their March or on Duty, or for any Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage; nor Further Exemptions from Toll.

for any Waggon, Wain, Cart, or other Carriage whatſoever; or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place of Exerciſe, Inſpection, or Review, provided that ſuch Perſon is in the Uniform of his Corps, and hath his Arms, Furniture, and Accoutrements, according to the Regulations appointed for ſuch Corps at the Time of claiming the Exemption; or for Horſes, Carts, or Carriages travelling with Vagrants ſent by legal Paſſes; or from Perſons paſſing to or from one Part to another of the Lands occupied by him or them in any of the Pariſhes only wherein the ſaid Roads lie, nor for his, her, or their Horſes, Servants, Carriages, or Cattle uſed or employed in the ſame Way; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Caſes the Proof of Exemption ſhall lie upon the Perſon claiming the ſame.

Owners or Drivers of Waggons employed in His Majeſty's Forces not ſubject to Penalties for Overweight, &c.

XXVII. And be it further enacted, That no Perſon owning or driving or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained, by reaſon of any Weight in any ſuch Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the ſaid recited Acts, contained to the contrary notwithſtanding.

Power to borrow Money.

XXVIII. And be it further enacted, That for defraying the Expences of obtaining and paſſing this Act, and the more ſpeedy erecting the ſaid Bridge, and widening and diverting the ſaid Roads, and making the ſaid new Roads herein-before mentioned, and purchaſing the Houſes, Lands, and Grounds neceſſary for thoſe Purpoſes, the ſaid Truſtees ſhall and may and they are hereby authorized and empowered, upon the Credit of the Tolls hereby granted and made payable, to borrow and take up at legal Intereſt, as ſhall be agreed upon, ſuch Sum and Sums of Money as they ſhall think needful, and ſhall and may enter into ſuch Contract or Contracts in Writing under their Hands and Seals with the Perſon or Perſons lending or advancing the ſame, and with any other Perſon or Perſons in Truſt for them or any of them, their or any of their Executors, Adminiſtrators, and Aſſigns, for the Payment thereof, and of the Intereſt thereof, to ſuch Perſon and Perſons, and at ſuch Time and Times, and in ſuch Proportions, and under ſuch Regulations, Conditions, and Reſtrictions, as ſhall be declared, limited, and appointed in and by ſuch Contract or Contracts; and ſhall and may, as a Security for the Performance of ſuch Contract

Contract or Contracts on their Parts and Behalfs, in and by the ſame Contract and Contracts, aſſign over the ſaid Tolls, or any Part or Parts thereof, for any Term or Number of Years not exceeding the Term by this Act granted, unto the Perſon or Perſons ſo lending and advancing any ſuch Money, or unto any other Perſon or Perſons in Truſt for them, or any of them, their or any of their Executors, Adminiſtrators, and Aſſigns; and that all and every ſuch Contracts ſo to be made ſhall be copied and entered at Length in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees, and ſuch Books ſhall and may be peruſed at all ſeaſonable Times by any Perſon or Perſons intereſted, without Fee or Reward, which ſaid Money ſo to be borrowed ſhall be laid out excluſively for the Purpoſes aforeſaid, and for no other Uſe or Purpoſe whatſoever.

Limiting the Sum to be borrowed.

XXIX. Provided always, and be it further enacted, That no more than the Sum of Four thouſand Pounds ſhall be borrowed on the Credit of the ſaid Tolls, unleſs the Perſon or Perſons entitled to Four Fifths of the Money which ſhall at that Time be due and owing on the Credit thereof ſhall conſent thereto, and ſhall ſignify ſuch Conſent in Writing under his, her, or their Hand or Hands, to the ſaid Truſtees or any Five or more of them.

Perſons advancing Money, on the Credit of the Tolls, to be Creditors in equal Degree.

XXX. And be it further enacted, That no Preference ſhall be given to any Perſon or Perſons whomſoever advancing any Part or Parts of the groſs Sums ſo to be borrowed, in reſpect to the Priority of advancing his, her, or their Part or Parts thereof, but that all and every Perſon and Perſons having any Part, Share, or Intereſt therein, ſhall, ſo far as ſuch Share, Part, or Intereſt 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.

XXXI. Provided always, and be it further enacted and declared, That no Money ſhall be borrowed by the ſaid Truſtees on the Credit of the ſaid Tolls, unleſs Notice for that Purpoſe, in Writing under the Hand or Hands of the Clerk or Clerks, or Treaſurer or Treaſurers of the ſaid Truſtees, be by Order of ſuch Truſtees affixed upon all the Turnpike Gates that ſhall be then erected upon the ſaid Roads, at leaſt Fourteen Days before borrowing the ſame.

Truſtees to give Notice for appointing Officers, &c.

XXXII. And be it further enacted, That public Notice ſhall be given within the ſaid Town of *Aſhburton* Fourteen Days at the leaſt previous to the Appointment of any Clerk, Treaſurer, Surveyor, or other Perſon to be appointed by or under the Authority of the ſaid Truſtees of the ſaid Roads, or any Part thereof, and that ſuch Notice ſhall in all Caſes be deemed ſufficient to enable the ſaid Truſtees to carry ſuch Appointments into Effect, and the Perſons ſo appointed to act in purſuance thereof.

Recovery and Application of Penalties.

XXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby or by the ſaid recited Acts, or any or either of them, inflicted or authorized to be impoſed (the Manner of levying and recovering whereof is not herein or thereby otherwiſe directed), ſhall, upon Proof of the Offences reſpectively, before any Juſtice of the Peace for the County or Place wherein the ſame ſhall be committed, or wherein the Offenders ſhall be or reſide, or before any Five or more of the ſaid Truſtees, either by the Confeſſion of the Party offending, or by the Oath of One or

more credible Witneſs or Witneſſes, (ſuch Oath to be adminiſtered by any ſuch Juſtice, or by the ſaid Truſtees or their Clerk) be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice, or under the Hands and Seals of Five or more of the ſaid Truſtees, which Warrant ſuch Juſtice or Truſtees reſpectively is and are hereby empowered and required to grant; and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale, are deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Good and Chattels; and the Money ariſing by ſuch Penalties, Forfeitures, and Fines, when paid or levied, if not otherwiſe directed to be applied by the ſaid Acts or this Act, ſhall from Time to Time be paid to the Treaſurer or Treaſurers to the ſaid Truſtees, and be applied for the Purpoſes of the ſaid Roads and Bridge; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall be lawful for any 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 of the County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges ſhall be ſooner paid and ſatisfied.

Expences of this Act how to be paid.

XXXIV. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid and diſcharged by the ſaid Truſtees reſpectively for putting the ſaid Acts and this Act into Execution, out of any Money which hath ariſen by virtue of the ſaid Acts, or out of the firſt Money which ſhall ariſe by virtue thereof and of this Act, in preference to all other Payments whatſoever.

Exempting Staverton from paying Compoſition.

XXXV. And be it further enacted, That in conſideration of the Repair of the Road from *Gullwell* Bridge to *Staverton* Bridge (except One hundred Yards thereof, which is hereby continued Turnpike), by the Pariſhioners of *Staverton*, all the Inhabitants of the ſaid Pariſh and Occupiers of Lands therein ſhall be in future exempt from Payment of any Compoſition to the ſaid Truſtees, or their Treaſurer, towards the Repair of the Roads or Highways belonging to the ſaid Turnpike.

Publick Act.

XXXVI. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

Term and Continuance of this Act.

XXXVII. And be it further enacted, That the Term granted and continued by the ſaid recited Acts ſhall, upon the paſſing hereof, ceaſe and determine; and that the ſaid Acts (ſubject to the Alterations, Additions, and Amendments herein contained), and alſo this Act, ſhall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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