ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. xxxii.

An Act for repairing and improving the Road from the *Lyme* Turnpike Road in the Pariſh of *Gittiſham*, to *Sidmouth*, in the County of *Devon*.

[21ſt *May* 1816.]

WHEREAS the Road leading from the *Lyme* Turnpike Road at or near a Place called *Brandy Corner*, on *Gittiſham Hill*, in the Pariſh of *Gittiſham*, in the County of *Devon*, through the ſeveral Pariſhes of *Sidbury*, *Salcombe Regis*, and *Sidmouth*, to the Town of *Sidmouth*, in the County of *Devon* (including both the Branches of the ſaid Road from *Stephens Croſs* and *Sidford* to the Town of *Sidmouth* aforeſaid) is very circuitous and hilly, and in many Places narrow and incommodious; and the ſaid Road cannot be effectually diverted, ſhortened, levelled, widened, amended, and kept in good Repair, by means of the Laws now in being for the Amendment and Preſervation of the Public Highways; but if the Courſe or Direction of certain Parts of the ſaid Road were diverted and turned, ſo as to avoid ſteep and inconvenient Hills, and if the ſaid Road were properly altered, levelled, widened, amended, and kept in Repair, it would facilitate and improve the Communication between the Towns of *Honiton* and *Sidmouth* and the adjoining Neighbourhood, and would be of public Utility: 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 Sir *Thomas Dyke Acland* Baronet, Truſtees Names.

Baronet, *James Bernard* Clerk, *James Bernard Bernard*, *Barnaby John Stuckey Bartlett*, *Samuel Bond*, *James Baſleigh*, *James Baſleigh* the younger, *Thomas Baſleigh*, *George Corniſh*, *Hubert Corniſh*, *James Clarke*, *John Cutler*, *John Coleſworthy*, *Henry Coleſworthy*, *John Haydon Cardew* Clerk, *William Cockburn* Clerk, *Herman Drewe* Clerk, *William Drewe*, *Chriſtopher Flood*, *Henry Fellowes* Clerk, *Daniel Gould*, *Courtenay Gidley*, *William Guppy*, *William Guppy* the younger, *John Guppy*, *Charles Gordon*, *Richard Graves*, *Samuel Colleton Graves*, *William Gale*, *Henry Allwright Hughes* Clerk, *James Hobſon* Clerk, *Robert Hunt*, *Thomas Hunt*, *Arthur Hunt*, *Thomas Hodge*, ——— *Huiſh* Clerk, *Francis Huiſh* Clerk, *Henry Higham*, *William Jenkins* Clerk, *William Jenkins* the younger, Clerk, *Thomas Jenkins*, *Joſeph Jenkins*, *Thomas Jordon*, Sir *John Kennaway* Baronet, *John Kennaway*, *Richard Kennaway*, *Emanuel Baruh Louſada*, *Samuel Lott*, *Harry Baines Lott*, *Edward Lee*, *William Leigh*, *Thomas Lyde*, *Thomas Lyde* the younger, *Richard Lewis* Clerk, ——— *Le Merchant* Clerk, *William Mitchell* Clerk, *William Mules*, *Philip Mules*, *Richard Maguire*, *Thomas Newberry*, *John Newberry*, *William Palmer* Clerk, D.D. *Thomas Putt* Clerk, *John Pigeon*, *Daniel Pigeon*, *Michael Pyle*, *Stephen Robinſon*, *John Rogers* Clerk, *John Rogers*, *William Rogers*, Sir *Joſeph Scott* Baronet, *Arthur* ——— *Shuldham*, *Joſeph Sandford*, *Stephen Stocker*, *Thomas Stocker*, *William Stocker*, *William Salter* Clerk, *Richard Marſhal Smark*, *William Smark*, *Roger Sanders*, *James Townſend*, *William Cox Trenow*, *John Wolcott*, *John Wolcott* the younger, *John Webber*, *Thomas Weekes*, and *William Williams*, together with ſuch other Perſons not exceeding Ten in the whole, as the ſaid Truſtees, or any Five or more of them, ſhall, in Manner herein-after mentioned, elect and appoint to be additional Truſtees of this Act, ſhall be, and they are hereby appointed Truſtees for diverting, altering, levelling, widening, repairing, improving, and keeping in Repair the Road from the *Lyme* Turnpike Road at or near *Brandy Corner*, on *Gittiſham Hill* aforeſaid, through the ſeveral Pariſhes of *Sidbury*, *Salcombe Regis* and *Sidmouth* aforeſaid, to the Town of *Sidmouth* aforeſaid, including both the Branches of the ſaid Road from *Stephens Croſs* and *Sidford* to the Town of *Sidmouth* aforeſaid, and for otherwiſe putting this Act in Execution.

Power to appoint new Truſtees.

II. And be it further enacted, That as often as any of the Truſtees hereby appointed, and to be elected and appointed as herein-after mentioned, ſhall die, or refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or continuing Truſtees from Time to Time, at any Meeting to be holden in purſuance of this Act, by any Writing under their reſpective Hands, to elect and appoint ſome fit Perſon to be a Truſtee in the Room of every Truſtee ſo dying, or refuſing to act (Ten Days previous Notice in Writing of the Time and Place of Meeting of the ſaid Truſtees for every ſuch Election being given by the Clerk or Treaſurer of the ſaid Road for the Time being, by affixing ſuch Notice upon all the Turnpikes then erected acroſs the ſaid Road); and every Perſon who ſhall be elected and appointed a Truſtee in Manner aforeſaid ſhall and may act with the ſurviving and continuing Truſtees in the Execution of this Act, in the ſame Manner as if he had been originally appointed a Truſtee in and by this Act: Provided always, that if any Perſon or Perſons hereby nominated, or who ſhall be elected or appointed a Truſtee or Truſtees by virtue of this Act, not being *bonâ fide* a Creditor of the Tolls under this Act, ſhall neglect to act in the

Execution thereof for the Space of Three Years, such Neglect shall be and be deemed a Refusal to act within the Intent and Meaning of this Act.

All Acts may be done by Three or more of the Trustees, unless otherwise directed.

III. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act may be done and executed by any Three or more of the Trustees hereby appointed, and to be elected and appointed as aforesaid; except only in the Cases herein-after particularly mentioned as requiring a greater or less Number of them.

Qualification of Trustees, &c.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall hold any Place of Profit under the same, nor unless he shall be seised or entitled in his own Right, or in the Right of his Wife, for some Estate for Life, or for Years determinable on one or more Life or Lives, or for an Estate of Inheritance in Possession of or to Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds, or who shall be Heir Apparent to some Person or Persons who shall be so seised or entitled, in Possession of or to Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or shall be possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of One thousand Pounds above what will be sufficient to pay all his just Debts; and if any Person, not being so qualified, shall act as a Trustee in the Execution of this Act, every Person so offending shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall 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, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person as a Trustee in the Execution of this Act, previously to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act: Provided also, that every Trustee, before he shall act as such, (except in administering the following Oath) shall take an Oath before Three or more of the said Trustees (who are hereby empowered to administer the same) in the Form following; (that is to say),

Trustees to be sworn.

The Oath.

'I *A. B.* do swear, That I am truly and *bonâ fide*, in my own Right [*or*, 'in the Right of my Wife] seised or entitled for some Estate for Life, 'or for Years determinable on One or more Life or Lives, or of Inheritance, in Possession of or to Lands, Tenements, or Hereditaments, of 'the clear yearly Value of Fifty Pounds [*and in the Case of Heir Apparent*] 'I *A. B.* do swear, that I am Heir Apparent to *C. D.* who, to the best of 'my Knowledge, Information, and Belief, is truly and *bonâ fide*, in his 'own Right, or in the Right of his Wife, seised or entitled for some 'Estate for Life, or of Inheritance, in Possession of or to Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred 'Pounds [*and in the Case of Personal Estate alone, or of Real and Personal 'Estate together*] I *A. B.* do swear, that I am truly and *bonâ fide* possessed 'of a Personal Estate [*or*, of Real and Personal Estate together] of the 'Amount or Value of One thousand Pounds, above what will be sufficient

'to

'to pay all my juſt Debts; and that I will faithfully and impartially, ac-
'cording to the beſt of my Judgment, act in the Execution and Perform-
'ance of the ſeveral Truſts, Powers, and Authorities repoſed in me as a
'Truſtee by virtue of an Act paſſed in the Fifty-ſixth Year of the Reign
'of His Majeſty King *George* the Third,' intituled [*here ſet forth the Title*
'*of this Act.*] So help me GOD.'

Meetings of the Truſtees.

V. And be it further enacted, That the ſaid Truſtees ſhall meet at the Houſe of *Sarah Baker*, known by the Name of *The London Inn*, in *Sidmouth* aforeſaid, on the Day of the Commencement of this Act, or as ſoon after as conveniently may be, and ſhall then proceed to carry this Act into Execution; and that the ſaid Truſtees ſhall then and from Time to Time afterwards meet at the ſame Houſe, or at ſuch other Place within the Diſtance of Five Miles from ſome Part of the ſaid Road, and at ſuch Time as the Truſtees ſhall from Time to Time order and direct (provided that no Adjournment ſhall be made for a longer Time than Six Calendar Months); and if at any Meeting appointed to be holden by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day, or in caſe the Truſtees at any Meeting aſſembled ſhall not adjourn themſelves, then, and in every ſuch Caſe, every ſuch Meeting or intended Meeting ſhall be and is hereby adjourned to the Twenty-eighth Day next after the Day on which ſuch Meeting was held, or ſuch Meeting was appointed to be held, and at the ſame Place, and ſo from Twenty-eight Days to Twenty-eight Days, until a ſufficient Number of Truſtees do or ſhall meet and adjourn; and public Notice of every ſuch Adjournment ſhall be affixed upon all the Turnpikes then erected acroſs the ſaid Road, Ten Days at leaſt before the Day of Meeting; and the ſaid Truſtees ſhall, at all their Meetings, defray their own Expences.

Meetings on Emergencies.

VI. Provided always, and be it further enacted, That if after any Adjournment of the ſaid Truſtees, made either by themſelves or by virtue of this Act, it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, or by virtue of this Act; in that Caſe the Clerk or Treaſurer of the ſaid Road, upon an Order in Writing ſigned by Three or more of the ſaid Truſtees (mentioning the Time, Place, and Purpoſe of ſuch Meeting) ſhall forthwith give Notice thereof, and of the Time, Place, and Purpoſe mentioned in ſuch Order, in the Manner laſt herein-before directed (the Time of Meeting not being within Ten Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly.

How Orders of the Truſtees are to be made and revoked.

VII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or the Majority of them preſent at any Meeting which ſhall be held in purſuance of this Act, from Time to Time to make all Contracts, Agreements, Orders, Directions, Appointments, and Determinations in the Execution of this Act, all which ſhall be ſigned by the Truſtees making the ſame; and no ſuch Contract, Agreement, Order, Direction, Appointment, or Determination ſhall be valid, unleſs ſo made and ſigned at ſuch Meeting; and the Number of Truſtees by this Act authorized to make the ſame ſhall be preſent, and the Majority of the Truſtees preſent ſhall concur therein; and no ſuch Contract, Agreement, Order, Direction, Appointment, or Determination ſo ſigned, ſhall be revoked or altered at

at any ſubſequent Meeting, unleſs Nine or more Truſtees ſhall be preſent, and Six of them at leaſt ſhall concur therein.

Appointing Officers.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, by Writing under their reſpective Hands, to appoint One or more fit and proper Perſon to be Collector or Collectors of the ſaid Tolls, Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and ſuch other Officers as the ſaid Truſtees ſhall think neceſſary in their Stead; and the ſaid Truſtees are hereby authorized, out of the Monies ariſing by virtue of this Act, to pay to the ſeveral Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting in the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their Trouble, Labour, and Services, as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when thereto required by the ſaid Truſtees, deliver to ſuch other Perſon or Perſons as they ſhall appoint, true, exact, and perfect Accounts, in Writing under their reſpective Hands, of all Monies which they reſpectively ſhall have received to that Time by virtue of this Act, and how much thereof has been paid and diſburſed by them, and for what Purpoſes, with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and if any ſuch Officer or Perſon ſhould refuſe or neglect to give ſuch Account, or to produce or deliver up ſuch Vouchers as aforeſaid, or to pay the Money due upon ſuch Account in Manner aforeſaid, or to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Truſtees, all the Books, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act, in every or any of the ſaid Caſes it ſhall be lawful for any Two or more Juſtices of the Peace for the County or Place where the Officer or Perſon making Default ſhall be or reſide, upon Complaint thereof made to them by any Two or more of the ſaid Truſtees, to make Enquiry concerning ſuch Refuſal, Default, or Neglect, as well by Confeſſion of the Parties themſelves reſpectively, as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtices are hereby empowered and required to adminiſter without Fee or Reward); and if it ſhall appear to ſuch Juſtices that any of the Monies which ſhall have been ſo collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may, and they are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying the ſame, or if ſuch Officer or Officers, Perſon or Perſons, appearing or being brought before ſuch Juſtices in the Manner aforeſaid, ſhall refuſe or neglect to give and deliver to the ſaid Juſtices an Account or Accounts of ſuch Receipts and Payments as aforeſaid, or to produce and deliver up to the ſaid Juſtices the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in his or their Cuſtody or Power, relating to the Execution of this Act, then, and in any of the Caſes aforeſaid, ſuch Juſtices may and are hereby authorized and required, by Warrant under

their Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County or District where he or they shall live and reside, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his or their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make and receive), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees; but no such Officer or other Person who shall be committed for want of Distress only shall be detained in Prison by virtue of this Act for any longer Space of Time than Three Calendar Months.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

IX. And be it further enacted, That the said Trustees of the said respective Districts shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of the Roads comprised in the said Districts, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or Treasurer, or the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees, or such Creditors, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Treasurer, or Person or Persons, shall forfeit and pay any Sum of Money not exceeding Five Pounds.

For preventing Toll Collectors from taking undue Tolls.

X. And be it further enacted, That every Toll Collector being appointed either by the Trustees of the said respective Districts, or by any Lessee or Lessees of the said Tolls, to collect the Tolls payable at any Turnpike or Toll Gate, to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time afore-

ſaid, or ſhall demand or take a greater or leſs Toll from any Perſon than he ſhall be authorized to do by virtue of the Powers of this Act, or of the Orders and Regulations of the ſaid Truſtees made in purſuance thereof, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anyways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Toll, or, upon the legal Toll being paid or tendered, ſhall unneceſſarily detain or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Paſſenger or Paſſengers; then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Truſtees who have not acted in the preceding Year not to vote on the Election of Officers.

XI. Provided always, and be it further enacted, That after the Firſt Nomination and Appointment of any Officers in purſuance of this Act, no Truſtees ſhall be capable of voting or acting in any future Nomination or Appointment of any ſuch Officer or Officers upon Death or any other Vacancy, unleſs ſuch Truſtee ſhall have acted as a Truſtee in the Execution of this Act at leaſt Once within a Year preceding the Time that ſuch Vacancy ſhall happen, the only Evidence whereof ſhall be his having ſigned the Order Book of the ſaid Truſtees.

Treaſurer to give Security.

XII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Receiver and Receivers, Collector and Collectors, Surveyor or Surveyors, and from any other Officers to be appointed in purſuance of this Act, for the faithful Execution of their reſpective Offices, as the ſaid Truſtees ſhall think proper.

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

XIII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Clerk or Treaſurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Treaſurer, or by the Act of any ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, but that the Clerk or Treaſurer for the Time being to the Truſtees ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action; and every ſuch Clerk or Treaſurer in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully reimburſed and paid by the ſaid Truſtees, out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event, or in conſequence of any ſuch Action or Proceeding, he ſhall pay, bear, expend, or be put unto, or become charge-

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able with, for or by reaſon of his being made Plaintiff or Defendant as aforeſaid.

Power to erect Toll Gates.

XIV. And be it further enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall appoint, ſhall and may erect or otherwiſe provide ſuch and ſo many Toll Gates or Turnpikes in, upon, or acroſs ſuch Parts and in ſuch Places of the ſaid Road, and alſo ſuch and ſo many Toll Gates or Turnpikes on the Sides of the ſaid Road, and in, upon, or acroſs any Lane or Byeway that doth or ſhall lead into or out of the ſame, as the ſaid Truſtees ſhall think proper (ſubject nevertheleſs to the Reſtrictions and Directions herein-after mentioned concerning the ſame); and alſo ſhall and may erect or otherwiſe provide a Toll Houſe to every or any of the ſaid Toll Gates or Turnpikes, with ſuitable Buildings and other Conveniences thereto, and incloſe from the Sides of the ſaid Road convenient Gardens for the ſame, not exceeding half a Rood for each ſuch Toll Houſe.

Power to remove the Toll Gates.

XV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time, when and as often as they ſhall think proper, to cauſe any of the Toll Gates or Turnpikes which ſhall have been erected in, upon, or acroſs, or on the Sides of the ſaid Road, to be removed to and erected in, upon, or acroſs, or on the Side of ſuch other Part or Parts of the ſaid Road as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time order and direct; but none of the ſaid Toll Gates or Turnpikes ſhall be removed as aforeſaid, unleſs Twenty Days previous Notice of the Intention to remove the ſame ſhall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected acroſs the ſaid Road, and inſerted in One or more of the Newſpapers publiſhed or generally circulated in the ſaid County of *Devon*.

Toll Houſes, &c. veſted in the Clerk and Treaſurer.

XVI. And be it further enacted, That the Right, Intereſt, and Property of and in all the Toll Gates or Turnpikes and Toll Houſes which ſhall be erected and provided in purſuance of this Act, with the ſeveral Conveniences and Appurtenances thereunto belonging reſpectively, and the Materials of which the ſame ſhall conſiſt, and all Materials, Matters, and Things which ſhall be purchaſed or provided for the Purpoſes of this Act, ſhall be veſted in the Clerk or Clerks, and Treaſurer or Treaſurers of the ſaid Road for the Time being; and he and they is and are hereby empowered to ſell, aſſign, transfer, apply, and diſpoſe of the ſame, and as the ſaid Truſtees ſhall from Time to Time order, direct, and appoint; and under the like Order, Direction, and Appointment of the ſaid Truſtees, to bring or cauſe to be brought any Action or Actions, or to prefer and proſecute any Indictment or Indictments againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take, or carry away, ſpoil, deſtroy, injure, or damage any of the ſaid Toll Gates, Turnpikes, or Toll Houſes, or any of the Conveniences or Appurtenances thereunto belonging, or any of the Materials, Matters, or Things aforeſaid, or any new Fences which ſhall be made or repaired by the ſaid Truſtees, or who ſhall do any Act to hinder or obſtruct any Perſon or Perſons employed by the ſaid Truſtees in the Execution of this Act.

XVII. And

Tolls to be taken.

XVII. And be it further enacted, That the ſeveral Tolls herein-after particularly mentioned ſhall be demanded and taken at each of the ſaid Toll Gates or Turnpikes which ſhall be erected in purſuance of this Act, (except as herein-after is expreſsly directed or provided to the contrary) before any Carriage, Horſe, Cattle, or Beaſt, upon which any Toll is by this Act impoſed, ſhall be permitted to paſs through the ſame; (that is to ſay),

For every Horſe or other Beaſt drawing in any Coach, Chariot, Barouche, Chaiſe, Curricle, Chair, Landau, Berlin, Calaſh, Hearſe, or other ſuch Carriage, the Sum of Four-pence Halfpenny; and on every *Sunday*, the Sum of Sixpence:

For every Horſe or other Beaſt drawing ſingly or alone any Waggon, Wain, Cart, or other ſuch Carriage, the Sum of Four-pence Halfpenny; and on every *Sunday*, the Sum of Sixpence:

For every Horſe or other Beaſt drawing in any Waggon, Wain, Cart, or other ſuch Carriage (drawn by Two or more Horſes or Beaſts of Draught) the Sum of Three-pence; and on every *Sunday*, the Sum of Four-pence Halfpenny:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny; and on every *Sunday*, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score; and on every *Sunday*, the Sum of One Shilling and Three-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score; and on every *Sunday*, the Sum of Seven-pence Half-penny *per* Score; and ſo in Proportion for any greater or leſs Number.

And between the Firſt Day of *November* and the Laſt Day of *February* in each and every Year, there ſhall be paid for every Carriage employed in carrying or conveying any Timber, or any Timber Tree or Trees, ſuch further Toll or Sum as ſhall be equal to One Half of the original Toll charged thereon: Provided always, that no ſuch additional Toll ſhall be demanded or taken, except for ſuch Carriages as ſhall be drawn by Two or more Horſes, Mares, or other Beaſts of Draught.

Carriages on Wheels not rolling a flat Surface, to be conſidered as Carriages with narrow Wheels.

XVIII. And be it further enacted, That every Waggon, Wain, Cart, or other ſuch Carriage paſſing on the ſaid Road or any Part thereof, the Wheels whereof ſhall not roll a flat or level Surface, or a Surface ſo flat or level as not to deviate more than Half an Inch from a flat or level Surface, or the interior Diameter of the Wheels whereof ſhall deviate from the exterior Diameter thereof more than One-ſixth Part of the Breadth of the Sole or Bottom of the Felly, ſhall be conſidered and deemed as a Carriage on Wheels rolling a Surface leſs than Six Inches, and ſhall and may be weighed at any Weighing Engine to be erected on the ſaid Road or any Part thereof; and ſhall pay the ſame Tolls and Penalties for Overweight, and ſhall be ſubject to the ſame Regulations and Reſtrictions with reſpect to Weights, as any Waggon, Wain, Cart, or Carriage, or Wheels rolling a Surface leſs than Six Inches, is by Law ſubject and liable to.

Tolls may be varied.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, when and as often as they ſhall think proper, to leſſen, vary, or alter all or any of the Tolls hereby granted or made

payable at all or at any of the Toll Gates or Turnpikes to be erected by virtue of this Act; and to raiſe, vary, or alter the ſame again, ſo as they do not at any Time exceed the Tolls by this Act made payable, and ſo as every Reduction thereof be made with the Conſent of the Perſon or Perſons for the Time being entitled to Four-fifth Parts of the Money then due on Security of the ſaid Tolls; but no ſuch Alteration ſhall be made unleſs Twenty-one Days previous Notice thereof in Writing ſhall be affixed upon all the Turnpikes then erected acroſs the ſaid Road, and alſo inſerted in One or more of the Newſpapers publiſhed or generally circulated in the ſaid County of *Devon*.

Tolls to be paid but once a Day.

XX. And be it further enacted, That no Perſon or Perſons ſhall be liable to pay Toll more than Once at any One Toll Gate or Turnpike to be erected by virtue of this Act, for paſſing and repaſſing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), with the ſame Horſe or Horſes, Cattle, Beaſts and Carriages through the ſame Toll Gate or Turnpike, but that all and every Perſon and Perſons having paid Toll Once as aforeſaid, and producing a Ticket denoting the Payment of ſuch Toll, and ſpecifying and naming therein the Gate or Gates to be thereby freed or exempted from Toll (which Ticket the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Toll) ſhall afterwards paſs and repaſs with the ſame Horſe or Horſes, Cattle, Beaſts, and Carriages, Toll-free during the ſame Day, through the ſame Toll Gate or Turnpike where ſuch Toll was paid: Provided always, that not more than One Toll ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing the ſame Day with the ſame Horſe or Horſes, Cattle, Beaſts, and Carriages, through all the Toll Gates or Turnpikes to be erected by virtue of this Act, but that every Perſon having Once paid the Toll by this Act impoſed, and producing a Ticket or Tickets denoting the Payment thereof (which Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of ſuch Tolls) ſhall paſs and repaſs with the ſame Horſe or Horſes, Cattle, Beaſts, and Carriages Toll-free during ſuch Day, through all the other Toll Gates or Turnpikes to be erected upon or on the Sides of the ſaid Road.

Number of Tolls limited.

Power to recover the Tolls.

XXI. And be it further enacted, That the ſaid reſpective Sums herein-before reſpectively granted or made payable ſhall be demanded and taken in the Name of, and as Toll, by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time authorize and appoint to receive the ſame; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made by any Perſon or Perſons authorized to receive the ſame, neglect or refuſe to make Payment thereof, or of any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized to ſeize and diſtrain any Horſe, Cattle, or Beaſt, upon which any Toll is by this Act impoſed, or any Carriage in which the ſame ſhall be drawing, or the Loading, Harneſs, and Accoutrements of any ſuch Horſe, Cattle, or Beaſt (except the Bridle or Halter apart from the Horſe or other Beaſt), or any of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, and of keeping the ſame, ſhall not be paid within the Space of Four Days next after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may

at any Time or Times thereafter ſell the Horſe, Cattle, Beaſt, Carriage, Goods, and Chattels ſo diſtrained, and out of the Money which ſhall ariſe by ſuch Sale, pay or retain ſuch Tolls, and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any), upon Demand, to the Owner or Owners thereof.

For ſettling Diſputes concerning Tolls.

XXII. And be it further enacted, That if any Diſputes ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Perſon or Perſons ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, till the Quantity of the Tolls and the Charges of ſuch Diſtreſs ſhall be aſcertained by ſome Juſtice of the Peace for the County in which the Diſpute ſhall ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties, or of a Witneſs or Witneſſes, and ſhall determine the Toll due, and aſſeſs the Charges of ſuch Diſtreſs, and of the Collector's Attendance upon the ſaid Juſtice for that Purpoſe; and it ſhall be lawful for ſuch Juſtice to aſſeſs and award ſuch Coſts to be paid by either of the Parties to the other of them, as he ſhall think fit and reaſonable; all which Coſts and Charges ſhall and may be levied, in caſe of Non-payment thereof, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) on Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon and Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

Collectors declared competent Witneſſes.

XXIII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting under the Authority of the ſaid Truſtees, ſhall not be incompetent, on account of his being appointed to collect ſuch Tolls, to give Evidence in any ſuch Diſpute, Suit, or Litigation.

Regulation as to Toll Collectors.

XXIV. And be it further enacted, That every Toll Collector, being a Leſſee of the ſaid Tolls, or being appointed either by the ſaid Truſtees or by any Leſſee or Leſſees to collect the Tolls payable at any Turnpike Gate to be erected by virtue of this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or in ſome other conſpicuous Part of the Toll Houſe or Toll Gate immediately on his beginning to collect ſuch Toll or coming on Duty; each of the Letters of ſuch Name or Names to be at leaſt One Inch in Length and of a Breadth in Proportion, and painted in Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall collect ſuch Toll or be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer or ſhall in any Ways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment

of

of the Tolls, or ſhall unneceſſarily detain any Paſſenger or Paſſengers, or ſhall make uſe of any ſcurrilous or abuſive Language to any Traveller or Paſſenger, then and in every ſuch Caſe ſuch Toll Collector ſhall forfeit and pay for every ſuch Offence ſuch Sum, not exceeding Forty Shillings, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge.

Carriages in His Majeſty's Service not ſubject to the Regulations for Overweight.

XXV. 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, 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 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 Act, contained to the contrary notwithſtanding.

Exemptions from Toll.

XXVI. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or other Beaſt, or any Carriage, either laden or unladen, when employed in carrying or conveying Stones, Bricks, Lime, Timber, Trees, Wood, Gravel, or other Materials for making or repairing the ſaid Road, or any Bridge thereon, or any of the Highways in the ſeveral Pariſhes, Townſhips, or Diſtricts through which the ſaid Road ſhall paſs; or in carrying or conveying any Lime, Dung, Mould, or Compoſt, for the manuring or improving of Lands; or Hay, or Corn in the Straw, or other Produce of Lands, to be laid up, uſed, or conſumed in or upon the Buildings or Grounds of the Owners of ſuch Lands, and not for Sale; or in carrying or conveying any Ploughs, Harrows, or other Implements of Huſbandry; nor ſhall any Toll be demanded or taken for any Horſes, Mares, Geldings, or Cattle when going to or returning from being ſhod or farried, or to or from Work in cultivating the Lands or Grounds within the ſame Pariſhes, Townſhips, or Diſtricts, or going to or returning from Paſture or Watering Places, or which ſhall only croſs ſuch Road, and ſhall not paſs above One hundred Yards thereon; nor ſhall any Toll be demanded or taken for any Horſe or other Beaſt, or Carriage, when carrying or conveying any Rector, Vicar, or Curate going to officiate at any Church, Chapel, or other Place of Religious Worſhip, or when viſiting his ſick Pariſhioners, or upon any other his Parochial or Miniſterial Duty; nor when carrying or conveying any Perſon or Perſons reſiding in the ſame Pariſhes, Townſhips, or Diſtricts, who ſhall paſs on *Sundays*, or on any other Days on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, to or from his or her Parochial Church or Chapel, or to or from any other Place of Religious Worſhip tolerated by Law, or when going to or returning from the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſame Pariſhes, Townſhips, or Diſtricts; nor for any Horſes or Carriages which ſhall be employed in conveying any Mail or Packet made up under the Authority or Direction of His Majeſty's Poſtmaſter

master General or his Deputies; nor for any Horses belonging to Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers, or returning empty after having been so employed; nor for any Horse, Mare, or Gelding furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them; nor Carriages conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; nor 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 carrying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horses, Carts, or Carriages employed only in carrying or conveying Vagrants sent by legal Passes; nor for any Horse, Mare, Gelding, or Mule drawing or not drawing, carrying or conveying any Elector or Electors to or from an Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Devon*; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or of any other Exemption from Toll, not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the said Tolls or any Part thereof shall be evaded, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

To prevent evading the Tolls.

XXVII. And be it further enacted, That if any Person or Persons, except the Owner or Occupier of such Land or Ground, or any of his or her Family or Servants, shall with any Horse, Cattle, or Beast, upon which any Toll is by this Act imposed, pass through any Land or Ground within the Distance of One Mile from any Toll Gate or Turnpike which shall be erected by virtue of this Act, the same not being a public Road; or if any Owner or Occupier of such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, or Beast, to pass through the same, with Intent to evade Payment of any of the said Tolls, or any Part or Parts thereof, or if any Person or Persons shall give to or receive from any Person, not being of his or her Family, or his or her Servant, or a Collector of the said Tolls, any Ticket by this Act directed to be given by a Collector of the said Tolls, or shall forge and counterfeit any such Ticket, or shall forcibly pass through any such Toll Gate or Turnpike as aforesaid, with any Horse, Cattle, or Beast, or shall at any Time or Times take off or cause to be taken off any Horse, Cattle, or Beast from any Carriage, whereby the Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall leave or cause to be left upon or near to any Part of the said Road any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls or any Part or Parts thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, every Person offending in any of the Cases aforesaid, and

being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, One Moiety whereof shall be for the Use of the Informer or Informers, and the other Moiety thereof shall be applied for the Purposes of this Act in Manner herein-after directed.

Roads may be stopped to prevent evading the Toll.

XXVIII. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace of the said County of *Devon*, at any Special Session or Meeting, by Order under their Hands and Seals, to stop up and discontinue any Bye Lane or Road opening into or communicating with the Road to be repaired by virtue of this Act, by means whereof the Tolls hereby made payable or any of them can or may be evaded, if they shall think it proper so to do; but subject to such Private or Occupation Roads (if any) as they shall think necessary; so as Twenty-one Days Notice be given by the Clerk to the Trustees of the Time, Place, and Purpose of such Special Session or Meeting, by affixing such Notice on all the Turnpike Gates then erected on the said Road; and so as such Order of the said Justices be subject to Appeal within such Time, and in such Manner as herein-after is provided with respect to Appeals.

Power to lease the Tolls.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, after giving Twenty Days previous Notice thereof in Writing, to be affixed upon all the Turnpikes erected across the said Road, and to be inserted in One or more of the Newspapers published or generally circulated in the said County of *Devon*, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, for the best Rent or Price that can be reasonably gotten for the same; payable at such Times and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements as the said Trustees or any Five or more of them shall think fit, they the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security for Payment of the Rents to be reserved by and for the Performance of the Covenants to be contained in such Lease or Leases as the said Trustees or any Five or more of them shall think fit.

Power to compound for the Tolls.

XXX. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any one Time, with all or any of the Inhabitants of the several Parishes, Townships, or Districts to or through which the said Road leads, for the passing of their Horses or Cattle through all or any of such Toll Gates or Turnpikes as aforesaid; all which Composition Monies shall be paid in advance, and in default thereof the Composition or Agreement shall be void.

For recovering the Subscriptions.

XXXI. And be it further enacted, That if the several Persons who have become Subscribers, or who shall become Subscribers towards the Expences of obtaining and passing this Act, and of carrying the same into Execution, or any of them, shall, after Twenty Days previous Notice in Writing, under the Hand of the Treasurer or Clerk of the said Road, for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House, or usual Place of Abode, refuse or neglect to

make Payment of the respective Sums by him or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt, or on the Case, Bill, or Suit, against any Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice being given as aforesaid, such respective Sum or Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered with full Costs of Suit.

For borrowing Money on Security of the Tolls.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings, to borrow and take up at Interest, upon the Credit of the Tolls to arise by virtue of this Act, any Sum or Sums of Money which they shall think necessary for the Purposes of this Act: Provided, that no Money shall be borrowed after the First Meeting of the said Trustees, unless Twenty Days previous Notice thereof shall be affixed in Writing upon all the Toll Gates or Turnpikes then erected across the said Road, and also published in One or more of the Newspapers generally circulated in the Neighbourhood of the said Road; and the said Trustees are hereby empowered, by any Writing or Writings under their respective Hands and Seals, from Time to Time to assign or mortgage the said Tolls, or any Part or Parts thereof, during the Continuance of this Act, as a Security or Securities to any such Subscriber or Subscribers as aforesaid, or other Person or Persons who shall advance such Sum or Sums of Money as aforesaid, their respective Executors, Administrators, and Assigns, for the Money so to be advanced, with Interest for the same; which Writing or Writings may be made in the Form, or in Words, or to the Effect following; (that is to say),

Form of the Security.

'BY virtue of an Act of Parliament made in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*,] we of the Trustees for putting the said Act into Execution, in Consideration of the Sum of paid by *A. B.* of to the Treasurer of the said Road, do hereby bargain, sell, and assign unto the said *A. B.* such Proportion of the Tolls to arise upon the said Road as the Sum of doth or shall bear to the whole Sum now due or hereafter to become due on the Security thereof; to hold the same unto the said *A. B.* his Executors, Administrators, and Assigns, from the Day of the Date hereof, for and during the Continuance of the said Act, unless the said Sum of with Interest for the same, after the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands and Seals, this Day of in the Year of our Lord .'

Copies to be entered.

Mortgages may be transferred.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer of the said Road, which Book or Books may at all seasonable Times be perused and inspected without Fee or Reward; and it shall be lawful for all and every Person and Persons to whom any Mortgage or Security shall be made as aforesaid,

aforesaid, his, her, and their Executors and Administrators respectively, by Writing or Writings under their respective Hands and Seals, to assign and transfer his, her, and their Right, Title, and Interest in and to such Mortgage and Security, and the Principal Money and Interest secured thereby, to any other Person or Persons; which Assignment and Transfer may be made in the Form or in Words to the Effect following; (that is to say),

Form of Transfer.

'I *A. B.* of [*or*, I *C. D.*] of Executor or Administrator of *A. B.* late of [*or otherwise as the Case may happen to be*] in Consideration of the Sum of to me paid by *E. F.* of do hereby assign and transfer unto the said *E. F.* his Executors, Administrators, and Assigns, a certain Mortgage or Security, bearing Date the Day of in the Year of our Lord under the Hands and Seals of of the Trustees for putting in Execution an Act of Parliament passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*] with all my Right and Title to the Principal Sum of thereby secured, and all Interest now due and hereafter to grow due thereon. Dated this Day of in the Year of our Lord .'

Transfers to be entered.

Which Transfer shall be produced to the said Clerk or Treasurer within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the Book or Books last mentioned, for which Entry the Sum of Two Shillings and Sixpence and no more shall be paid; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit of such Mortgage or Security; and every such Mortgage or Security may be again assigned and transferred in like Manner, and so from Time to Time as often as Occasion shall require; and it shall not be in the Power of any other than the Person or Persons to whom the same shall be last assigned as aforesaid, his, her, or their respective Executors or Administrators, to release, discharge, or make void the original Mortgage or Security so transferred as aforesaid, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage or Security shall be made as aforesaid, their respective Executors, Administrators, and Assigns, shall, in Proportion to the Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of their respective Securities.

Application of the Money.

XXXIII. And be it further enacted, That all the Monies which shall arise and be produced by Subscriptions as aforesaid, and from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say) in the First Place, in Payment of the Costs, Charges, and Expences of preparing and passing this Act, or in anywise incident thereto; in the Second Place, in paying the Interest accruing upon the several

several principal Sums of Money which shall from Time to Time be due and owing on the several Mortgages or Securities made in pursuance of this Act, and in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and of making, forming, repairing, widening, and altering the said Road, and purchasing Lands for those Purposes, and of erecting and maintaining necessary and convenient Bridges upon the said Road, and of executing the several other Powers and Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums for the Time being due on such Mortgages or Securities as aforesaid.

Surveyor may get Materials for the Road.

XXXIV. And be it further enacted, That it shall be lawful for the Surveyor of the said Road, and such other Person or Persons as shall be employed by such Surveyor, to search for, cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials for making, forming, and repairing the said Road, Toll Houses, and Bridges, in, upon, out of, and from any Waste Grounds, Commons, Common Quarries, Common Rivers or Brooks, in any Parish, Township, or District within or through which the said Road passes, or any adjoining Parish, Township, or District, without paying any Thing for the same, such Surveyor or other Person or Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and in case such Materials cannot conveniently be had in such Waste Grounds, Commons, Common Quarries, Common Rivers or Brooks as aforesaid, within convenient Distances, then to cut, dig, gather, take, and carry away any such Materials as aforesaid, in, upon, out of, or from and over any other Lands, Grounds, and Quarries (except as herein-after is mentioned,) making such Compensation and Satisfaction for the Damages done to the Owners and Occupiers of such Lands, Grounds, and Quarries, where, through, and from whence the same shall be dug, gathered, taken, and carried away, or over which any Materials gotten in any Waste Ground, Common, Common Quarry, River, or Brook, shall be conveyed, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, or any Person or Persons employed by them, and the said Owners or Occupiers, or any of them, concerning such Damage, or the Value of the Materials, it shall be lawful for any Two or more Justices of the Peace of the County or District where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Damages, and the Value of such Materials; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

But not from private Grounds, without an Order from Two Justices.

XXXV. Provided always, nevertheless, and be it further enacted, That it shall not be lawful for any Person or Persons, under the Authority of this Act, to dig, gather, take, or carry away any such Materials as aforesaid in or from any inclosed or private Lands, Grounds, or Quarries, without the Consent of the Owners of such Lands, Grounds, or Quarries, until after Ten Days previous Notice in Writing, signed by the said Surveyor, or some other Officer of the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands, Grounds, or Quarries

ries from which such Materials are intended to be taken, or left at the usual Place of Residence of such Owners or Occupiers respectively, requiring them to appear before Two or more Justices of the Peace acting for the County or District wherein such Lands, Grounds, or Quarries are situate, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials should not be taken away; and such Justices, after hearing the Parties concerned, shall, if they think proper, authorize such Surveyor or Officer to dig, gather, take, and carry away such Materials at such Time or Times, and in such Manner, as to such Justices shall seem proper; or if such respective Owners or Occupiers should not by themselves or their respective Agents attend pursuant to such Notice, such Justices may make such Order therein as they shall think fit, in the same Manner as if such respective Owners or Occupiers had attended pursuant to such Notice.

Penalty on taking away Materials got by the Surveyor.

XXXVI. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purpose of making or amending the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owners or Occupiers of any private Lands or Grounds, and the Person or Persons authorized by such Owners or Occupiers, who may get any Materials therein, (such Materials not being already dug or gathered) for the Use of such Owners or Occupiers only, and not for the Use of any other Highway, or for Sale), every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds.

Surveyor may remove Annoyances.

XXXVII. And be it further enacted, That it shall be lawful for the said Surveyor, and such Person or Persons as he shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road, by Timber, Stone, Carriages, Saw Pits or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise; and also to divert or turn any Watercourses, Gutters, Conduits, or Drains running into the same to the Prejudice thereof, and to open, scour, and cleanse, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining to any Part of the said Road; and also to cut down, top, or lop any Branches or Bushes growing in the said Road, or in the Hedges, Fences, Banks, or Grounds adjoining thereto, to take and carry away the same respectively, in case the respective Owners or Occupiers of the Land where such Annoyances shall happen, or where such Watercourses, Gutters, Ditches, Conduits, Drains, Watercourses, Branches, or Bushes shall be, shall neglect so to do for Ten Days after Notice in Writing given for that Purpose under the Hand of such Surveyor; and the Charges thereof respectively (being settled by the said Trustees) shall be reimbursed to such Surveyor from Time to Time by such respective Owners or Occupiers so neglecting as aforesaid; and in case such Charges shall not be paid on Demand, the same shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act authorized to be imposed are herein-after directed to be levied and recovered; and if, after the Removal of any such Nuisances and Annoyances as aforesaid, any Person shall offend again in like

Manner, every Perſon ſo offending again, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Twenty Shillings.

Surveyor empowered to remove ſudden Obſtructions without Notice.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, and ſuch Perſon or Perſons as he ſhall appoint, from Time to Time, without giving any previous Notice, to remove all ſuch Earth, Trees, Roots of Trees, and other Things as ſhall ſuddenly ſlide, fall, or be blown down from any Hedge, Bank, or Land, into or upon any Part of the ſaid Road, ſo as to narrow or obſtruct the Paſſage along the ſame, and to carry and place the ſame on any Waſte Ground near thereto, ſo as to be no Annoyance to Travellers; and ſuch Surveyor or Surveyors ſhall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence ſuch Earth, Trees, Roots, or other Things ſhall ſo ſlide or fall or be blown down as aforeſaid; and the Charges of carrying away the ſame (to be ſettled by the ſaid Truſtees) ſhall be reimburſed and paid to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered in ſuch Manner as Penalties and Forfeitures for Offences againſt this Act are hereby directed to be recovered.

For preventing Obſtructions on the Sides of the Roads.

XXXIX. And be it further enacted, That no Dung, Aſhes, Compoſt, Manure, or other Thing, ſhall be unladen and laid down upon any Moor, Common, or Waſte Ground, nearer to the Sides of the ſaid Road than the Diſtance of Thirty Feet, upon pain that every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Ten Shillings.

Road to be meaſured, and Mile Stones erected.

XL. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required and empowered to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in or near the Sides thereof, at the Diſtance of One Mile each from the other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, and alſo ſuch and ſo many Direction Poſts as to the ſaid Truſtees ſhall ſeem meet; and if any Perſon ſhall wilfully or maliciouſly damage, break, or pull up any of the Stones or Poſts which ſhall be erected and ſet up upon or near any Part of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks which ſhall be inſcribed thereon, and ſhall be convicted thereof by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace for the County or Place wherein any ſuch Stone or Poſt ſo damaged, broken, pulled up, or defaced, ſhall be (which ſaid Oath the ſaid Juſtice is hereby empowered and required to adminiſter,) every ſuch Perſon ſo offending, and being thereof convicted as aforeſaid, ſhall reſpectively forfeit and pay, over and above the Amount of Damages occaſioned, any Sum not exceeding Five Pounds for every ſuch Offence, to be levied and recovered in ſuch Manner as Penalties and Forfeitures are hereby directed to be levied and recovered; one Moiety of ſuch Forfeitures to be paid to and for the Uſe of the Informer, and the Reſidue thereof to be applied for the Purpoſes of this Act.

Penalty on damaging Footways, or cauſing Nuiſances or Ob-

XLI. And be it further enacted, That if any Perſon ſhall ride upon any Footway adjoining the ſaid Road, or ſhall lead or drive any Horſe, Cattle, or Swine, or any Carriage on any ſuch Footway, or ſhall cauſe any Damage to be done thereto, or ſhall put or turn any Horſe, Aſs, Swine, or other

Instructions on the Road.

other Beaſt or Cattle of any Kind into or upon the ſaid Road or the Sides thereof; or if any Perſon ſhall, without ſufficient Cauſe, leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage in or upon the ſaid Road or the Side thereof, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto (except in Caſes of Accidents, and for ſuch reaſonable Time as may be neceſſary to load or unload the ſame, and the ſame being during ſuch Time ſtanding as near to the Side of the ſaid Road as conveniently may be), every Perſon ſo offending ſhall forfeit and pay for the Firſt Offence Ten Shillings, and for the Second and any ſubſequent Offence any Sum not exceeding Five Pounds.

For ſhearing the Hedges.

XLII. Provided always, and be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe ſigned by the ſaid Truſtees, or any Three or more of them,) at proper Seaſons of the Year, to ſhear and cut, as often as Occaſion ſhall require, the Tops and Sides of all the Hedges, Banks, or Fences ſtanding or growing by or near the Side or Sides of the ſaid Road, in ſuch Manner as ſuch Surveyor or Surveyors ſhall think proper, without any previous Notice to the Occupiers or Owners of ſuch Hedges, Banks, or Fences; and all Charges and Expences attending the ſame ſhall, in ſuch Caſe from Time to Time be paid and defrayed out of the Tolls to be collected by virtue of this Act.

Surveyor may make Cauſeways and Drains.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, and any other Perſon or Perſons by Order of the ſaid Truſtees, to cut and make Ditches, Drains, and Watercourſes in, upon, and on the Sides of the ſaid Road, and alſo through any Grounds lying contiguous thereto, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, and to erect and rebuild and keep in Repair Bridges and Arches upon the ſaid Road, and acroſs any ſuch Ditch, Drain, or Watercourſe as aforeſaid, and to make ſufficient Barriers and other Erections on any Part or Parts of the ſaid Road, in order to prevent the ſame from being flooded or overflowed with Water, as the ſaid Surveyor ſhall judge neceſſary; and alſo to make or cauſe to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road (except as herein-after is mentioned), to be made uſe of as a Road whilſt the old Road ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for Travellers; making ſuch Satisfaction to the Owners and Occupiers of ſuch Grounds ſo to be uſed, cut through, or built upon, for the Damages which ſuch Owners or Occupiers reſpectively ſhall ſuſtain thereby, as the ſaid Truſtees ſhall judge reaſonable.

Plan depoſited with the Clerk of the Peace.

XLIV. And whereas a Map or Plan, upon the Scale of Three Inches to a Mile, deſcribing the Line of the ſaid Road hereby authorized to be made or repaired, and the Lands into and through which the new Road intended to be made by virtue of this Act will paſs, has been depoſited with the Clerk of the Peace for the County of *Devon*, together with a Book of Reference containing the Names of the Owners and Occupiers of the Lands through which the ſaid new Road is intended to be made; be it therefore further enacted, That the ſaid Map or Plan and Book of Reference ſhall remain with the Clerk of the Peace of the ſaid County;

and

and all Persons shall at all seasonable Times have Liberty to inspect, peruse, and examine, and take Extracts from or Copies of the same at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and for Extracts from or Copies of the said Book of Reference, after the Rate of Four-pence for every Seventy-two Words; and the said Plan and Book of Reference so deposited, or true Copies of or Extracts from the same or any of them, signed by such Clerk of the Peace or his Deputy, shall be and are hereby declared to be good Evidence in all Courts of Law and elsewhere; and the Trustees acting in the Execution of this Act shall not deviate more than One hundred Yards from the Line thereof described in such Map or Plan and Book of Reference so deposited as aforesaid, without the previous Consent in Writing of the Owners or reputed Owners and Occupiers respectively for the Time being of the Lands or Grounds upon or over which any such Deviation shall be made: Provided always, that no Advantage shall be taken of or against the said Trustees acting in the Execution of this Act, or any Interruption be given to them in the Execution thereof, on account of any Error or Omission in the said Plan or Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the County or District in which the Parish or Place to which such Error or Omission may apply shall be situate; and it shall be certified in Writing under their Hand or Hands, that such Error or Omission appeared to proceed from Mistake.

Trustees may purchase Lands for making the new Road.

XLV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby fully empowered from Time to Time as they think proper, to make, repair, widen, vary, or alter the Road described in the said Map or Plan (subject to the Restrictions hereinbefore mentioned) through or over any Common or Waste Ground, without making any Satisfaction for the same, and through or over any private or inclosed Lands, Tenements, or Hereditaments (except as herein-after mentioned) first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful for the said Trustees or their Clerk, or any other Person or Persons by them duly authorized, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, and Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by making, widening, diverting, turning, or altering any Part or Parts of the said Road; and the said Lands, Tenements, and Hereditaments so purchased, or any Part thereof, shall and may, by the Order and Direction of the said Trustees, be laid into and made Part of the said Road, in such Manner as such Trustees shall think convenient, and shall, by such Person or Persons as they shall order and appoint, be sufficiently drained, ditched, and fenced out for that Purpose; and after such Lands or Grounds shall be so drained, ditched, and fenced out, the same shall to all Intents and Purposes whatsoever become and be and be deemed and taken to be a Public and Common Highway, and to be Part of the Road to be amended, widened, and kept in Repair by virtue of this Act, and shall be repaired and kept in Repair by such Ways and Means and in such Manner as the old Roads were and ought to have been kept in Repair; and after any such Lands shall be made Part of the said Roads as aforesaid, the Lands or Grounds comprised in or constituting the former Road, in lieu whereof such Land

or Ground shall be purchased as aforesaid, shall be sold by the said Trustees to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same; and the Conveyance thereof, being executed by the said Trustees, and inrolled with the Clerk of the Peace for the said County of *Devon*, shall be good and effectual to all Intents and Purposes.

Corporations empowered to treat.

XLVI. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever, for and on Behalf of any Infants, Femes Covert or Cestuique Trusts, Idiots, Lunatics, or any other Persons under any Disability of acting for themselves, and for all and every Person or Persons who are or shall be seised or possessed of, or interested in any Lands, Tenements, or Hereditaments, to treat or agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or for the absolute Sale thereof, or of any Part thereof, or for their Interest therein; and that all Contracts, Agreements, and Sales which shall be so made, shall be valid and effectual to all Intents and Purposes, any Law, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and that all such Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, and other Persons, are and shall be indemnified for what they do by virtue or in pursuance of this Act.

In case of Persons not treating, a Jury to settle the Recompence.

XLVII. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Person or Persons interested in any Lands, Grounds, or Hereditaments, which the said Trustees shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Place of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the said Premises, shall, by the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating; then and in every such Case the said Trustees shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Devon* (which Oaths the said Trustees, or any Three or more of them, are hereby empowered to administer,) what Damage will be sustained by and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for or upon account of taking or using such Lands, Tenements, or Hereditaments, for the Purposes of this Act; and in order thereto, the said Trustees are hereby empowered and required from Time to Time to summon and call before them all and every Person or Persons who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees or any Three or more of them are hereby empowered and required to administer) and they shall

order and cauſe the ſaid Jury to view the Place in Queſtion, and uſe all other lawful Ways and Means as well for their own as the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have ſo aſcertained and ſettled ſuch Damages and Recompence, the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Owners, Proprietors, or Occupiers of the ſaid Lands, Tenements, or Hereditaments, or other Perſons ſo intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Judgment, Order and Determination ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, and all and every ſuch Owners, Proprietors, Occupiers, and Perſons anywiſe intereſted in ſuch Lands, Tenements, or Hereditaments, ſhall thereby be from thenceforth to all Intents and Purpoſes diveſted of all Right, Title, Claim, Intereſt, or Property of, in, to, or out of the ſame; and for ſummoning and returning any ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants, ſigned by them, to the Sheriff of the County of *Devon*, thereby commanding and requiring ſuch Sheriff to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff or his Deputy, is hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter*, is or ſhall be by Law entitled to; and the ſaid Truſtees are hereby empowered to impoſe any reaſonable Fine or Fines on any ſuch Sheriff or his Deputy, who ſhall make default in the Premiſes, and alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear, unleſs prevented by Sickneſs or other ſufficient Cauſe; or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give, or ſhall not give his or their Verdict on the Matter in Queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein, and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes, after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, ſhall refuſe to be ſworn, or to be examined, or give Evidence touching the ſame; but no ſuch Fine ſhall exceed the Sum of Ten Pounds, upon any one Perſon for One Offence.

By whom Expences of the Jury to be paid.

XLVIII. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money than ſhall by or on the Behalf of the ſaid Truſtees have been offered before the ſummoning and returning of ſuch Jury, as a Recompence or Satisfaction for any ſuch Right,

Right, Intereſt, or Property, or Damage as aforeſaid, then the Coſts and Charges of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by ſuch Truſtees out of the Money ariſing by virtue of this Act; but if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall by or on Behalf of the ſaid Truſtees, have been offered before the ſummoning and returning of ſuch Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons who declined to accept ſuch Offer; which Coſts and Expences (being ſettled by ſome Juſtice of the Peace, who is hereby authorized to ſettle the ſame) ſhall be recoverable by ſuch Ways and Means as Penalties and Forfeitures are hereby authorized to be recoverable: Provided always, that in caſe any Perſon ſhall, by reaſon of Abſence from *England*, have been prevented from treating, ſuch Coſts and Expences ſhall be paid by the ſaid Truſtees.

Lands, &c. to be Part of the Road, on Payment of the Purchaſe Money.

XLIX. And be it further enacted, That on Payment or Tender of ſuch Sum or Sums of Money as ſhall have been contracted and agreed between the Parties, or aſſeſſed by ſuch Jury in Manner aforeſaid, for the Purchaſe of any Lands, Tenements, or Hereditaments as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands, Tenements, or Hereditaments, or to ſuch other Perſon or Perſons as ſhall appear to be intereſted therein, or entitled to receive ſuch Money, or on paying ſuch Sum or Sums of Money into the Bank of *England* in ſuch Manner as by this Act is directed (as the Caſe may be) all Parties and Perſons whomſoever ſhall be from thenceforth diveſted of all Right and Title to ſuch Lands, Tenements, or Hereditaments; and ſuch Payment or Tender ſhall not only bar all the Eſtate, Right, Title, Intereſt, Claim, and Demand whatſoever of the Perſon or Perſons to whoſe Uſe the ſame ſhall be or ought to have been made, but ſhall alſo bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail, and all other Eſtates in Reverſion or Remainder, of his, her, or their Iſſue, and of every other Perſon whomſoever therein; and after Ten Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, ſuch Lands and Hereditaments ſhall be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall for ever afterwards be deemed a Common Highway, and ſhall be deemed Part of the Road by this Act directed to be repaired; and after ſuch new Road ſhall be formed and completed, then the Land, not being Common or Waſte Land, compriſed in or conſtituting the old or former Road, ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up, and left unrepaired, unleſs the ſame may be wanted for any public Uſe, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the ſame may lead, or ſhall be by the ſaid Truſtees ſold for the beſt Price or Prices that can be gotten for the ſame, or exchanged for other Lands uſed for the Purpoſes of this Act; and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act; and the Conveyance to be made of ſuch Lands, being executed by the ſaid Truſtees, and enrolled with the Clerk of the Peace for the ſaid County of *Devon*, ſhall be good and effectual to all Intents and Purpoſes.

Houſes, &c. not to be taken without Conſent.

L. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend to empower the ſaid Truſtees, or any other Perſon or Perſons, to purchaſe, take, or damage any Dwelling Houſe or other Building; or to purchaſe, take, or damage any Garden, Orchard, Yard, Walk, or Avenue to a Houſe or Plantation, or Nurſery of Trees, without the Conſent in Writing of the Owner or Owners of every ſuch Dwelling Houſe or other Building, Garden, Orchard, Yard, Walk, Avenue, or Plantation, or Nurſery of Trees reſpectively, under their reſpective Hands for that Purpoſe firſt had and obtained; other than and except Three ſeveral Cottages ſituate in the Village of *Sidbury*, belonging to *Joel Hayman*, *William Rolle Darke*, and *Mary Darke*, and in the ſeveral Occupations of *Matthew Board*, *William Raymond*, and *Chriſtopher Bond*; all of which ſaid Cottages, or ſo much thereof reſpectively as project into the ſaid Road, it ſhall be lawful for the ſaid Truſtees to purchaſe, take, and uſe for the Purpoſes of this Act, without any ſuch Conſent as aforeſaid.

New Road to be fenced by Truſtees.

LI. And be it further enacted, That in all Places where the ſaid Truſtees ſhall widen, turn, or alter any Part or Parts of the ſaid Road, or make any new Road, the ſaid Truſtees ſhall make or cauſe to be made proper Walls or Quickſet Fences where neceſſary, as the Caſe ſhall require, ſo as effectually to guard and fence off the Lands adjoining to the ſaid Road, and alſo proper Gates, Bridges, and Arches where neceſſary, out of the ſaid Road into the Lands adjoining; and ſhall keep the Quickſet Fences ſo to be made in good Order and Repair for the Term of Three Years from the Time that ſuch Quickſet Fences ſhall have been made.

Owner of the adjoining Land to have the firſt Offer.

LII. Provided always, and be it further enacted, That when any Grounds ſhall be ſold by the ſaid Truſtees in purſuance of the Powers of this Act, the ſame ſhall be firſt offered at a fair and reaſonable Price to the Perſon or Perſons from whom the ſame ſhall have been purchaſed, his, her, or their Heirs; or in caſe of the Sale of Part of an old Road, the ſame ſhall be firſt offered at a reaſonable Price to ſuch Perſon or Perſons as ſhall have Lands adjoining thereto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe the ſame, any Affidavit to be made and ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County where ſuch Piece or Pieces of old Road or Ground ſhall lie, by ſome Perſon or Perſons no ways intereſted in the ſaid Piece or Pieces of old Road or Ground, ſtating that ſuch an Offer was made by and on the Behalf of the ſaid Truſtees, and that ſuch an Offer was not then and there agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be;) and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they and the ſaid Truſtees ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner herein-before directed with reſpect to the diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees, *mutatis mutandis*.

Application of Compenſation when equal to 200l.

LIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of this Act, which ſhall belong to any Body Politic, Corporate, or Collegiate, Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on the Behalf of an Infant, Lunatic, Idiot, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, in the Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting any other Hereditaments ſtanding ſettled therewith, or to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, Tenements, and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation ſhall be leſs than 200l. and exceed 20l.

LIV. Provided always, and be it enacted, That if any Money ſo agreed and awarded to be paid for any Lands, Tenements, and Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing

under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved by Three or more of the Truſtees acting in the Execution of this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and appointing Parties,) in order that ſuch principal Money and the Dividends ariſing thereon may be applied in any Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20l.

LV. Provided alſo, and be it enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees or any Three or more of them ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Purchaſe Money to be paid into the Bank of England in certain Caſes.

LVI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded or aſſeſſed for any Lands, Tenements, and Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded or aſſeſſed as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered; then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees to order the Sum or Sums of Money ſo awarded or aſſeſſed as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, and Hereditaments [deſcribing them] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title, or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums into the Bank as aforeſaid.

LVII. Provided

In case of a disputed Title.

LVII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſts of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made to appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court may order reaſonable Expences of Purchaſes to be paid by the Truſtees.

LVIII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance thereof, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons liable to Statute Duty to continue ſo, and Regulations as to performing of Statute Duty.

LIX. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto; and it ſhall be lawful for any Two or more Juſtices of the Peace within their reſpective Juriſdictions, and they are hereby empowered and required (upon Application made to them by the ſaid Truſtees, or any Two or more of them, or by their Treaſurer, Clerk, or Surveyor, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or their Treaſurer or Treaſurers; and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of

ſuch

ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute in force for the Repairs of Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and on ſuch Parts of the ſaid Road as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and, in default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is authorized or directed to be recovered by this Act; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force for the Repair of the Public Highways; and if any Perſon who ſhall come or be ſent to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

LX. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgment, or other Proceedings, made touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want

Proceedings not to be quaſhed for want of Form, or re-

movable by Certiorari.

want of Form only, or be removed or removable by *Certiorari* or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Diſtreſs not to be unlawful for want of Form.

LXI. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

Limitation of Actions.

LXII. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, after Six Calendar Months next after the Fact being committed; and every ſuch Action or Suit ſhall be brought and tried in the County where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall or may, at his or their Election, plead Specially or the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Plaintiffs not to recover after Tender of Amends.

LXIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants Twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in ſuch Action, if Tender of ſufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit; whereupon ſuch Proceedings, Order, and Judgment ſhall be made and given in and

by ſuch Court; as in other Actions where the Defendant is allowed to pay Money into Court.

Recovery and Application of Penalties.

LXIV. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act authorized to be impoſed, the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County where the Offence ſhall be committed (which Warrant ſuch Juſtice is hereby empowered to grant, upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath;) and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned, upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making the Diſtreſs and Sale; and the Penalties and Forfeitures when recovered (if not herein-before directed to be otherwiſe applied) ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties or Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender to be committed to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures ſhall be ſooner fully paid and ſatisfied.

Appeal.

LXV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Matter or Thing done in purſuance of this Act, for which no particular Relief hath been herein-before provided (ſave and except the Verdict of the Jury, and any Determination, Proceeding, Matter, or Thing herein-before directed to be final) ſuch Perſon or Perſons may, within Six Calendar Months after the Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace for the County where the Matter of Complaint ſhall have ariſen, at their General Quarter Seſſions of the Peace to be holden for the ſame County, ſuch Appellant or Appellants firſt giving or cauſing to be given Ten Days Notice in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Clerks, or Treaſurer or Treaſurers to the ſaid Truſtees, and within Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſame County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of the Juſtices at ſuch Quarter Seſſions, and to pay ſuch Coſts as ſhall be awarded againſt him, her, or them by the ſaid Juſtices; and the Juſtices at their ſaid Seſſions, on due Proof of ſuch Notice having been given as aforeſaid, and of entering into ſuch Recognizance, ſhall proceed to hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award Coſts to the Party appealing or appealed againſt, as they ſhall think proper; and their Determination ſhall be final, binding, and concluſive to all Intents and Purpoſes.

Public Act.

LXVI. And be it further enacted, That this Act ſhall be deemed and judged and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without being ſpecially pleaded.

LXVII. And

Commencement and Continuance of the Act.

LXVII. And be it further enacted, That this Act shall commence upon the Day the same shall receive the Royal Assent, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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