ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 65.

An Act for making and maintaining a Carriage Road from *Padbrooke Bridge* in the Parish of *Cullompton*, to *Hazel Stone* in the Parish of *Broad Clist*, in the County of *Devon*. [1st *May* 1813.]

WHEREAS the making and keeping in Repair a Carriage Road leading from the *Exeter* Turnpike Road at or near *Padbrooke Bridge* in the Parish of *Cullompton*, in the County of *Devon*, through the Parishes of *Cullompton*, *Bradninch*, and *Broad Clist*, to the *Exeter* Turnpike Road aforesaid, at or near *Hazel Stone* in the Parish of *Broad Clist*, in the said County, would avoid very steep and inconvenient Hills, and would be of great Advantage to the Owners and Occupiers of Estates, and Inhabitants in that Part of the Country, as well as of Publick 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 the Honourable *Percy Charles Wyndham*, the Honourable *Newton Fellowes*, Sir *Thomas Dyke Acland* Baronet, Sir *Charles Warwick Bampfylde* Baronet, Sir *John Davie* Baronet, Sir *William Lemmon* Baronet, *Adair* of Hatherton Park, *Mark Ashford*, *Robert Baker*, *Robert Baker* junior, *M. Blake* M. D. *Elias Baker*, *John Broom*, *George Bampfylde*, *James Buller*, *John Binford*, *Richard Blake*, *Henry Bowden*, *Ellis Bowden*, *Joseph Bowden*, *John Brice*, *Brice* of *Taunton*, *Baker* of *Exeter*, *William Boucher*, *Henry Brutton*, *John Veryard Brutton* Clerk, *William* Trustees.

William Brown, *William Brown* junior, *Montague Barton* Clerk, *James Buller*, *Richard Hall Clarke*, *John Were Clarke*, *James Croſſe*, *Henry Croſſe*, *Edward Croſs*, *Joſeph Davy*, *Robert Drewe*, *Abraham Elliott*, *Thomas Fox*, *Mark Farrant*, *Robert Farrant*, *William Gabriel*, *Joſeph Gould*, *John Fraunceis Gwyn*, *Francis Huiſh* Clerk, *John Huiſh* Clerk, *William Hurley*, *Richard Hurley*, *John Hole*, *Triſtram Collins Hine*, *Jones* of *Wellington*, *William Kinglake*, *James Knox*, *William Leigh* of *Bardon*, *Robert Leigh*, *Henry James Leigh*, *Aaron Moore*, *Richard John Marker*, *John Nott*, *Charles Poole*, *Charles Poole* junior, *Francis Poole*, *Henry Skinner*, *Richard Summers*, *John Summers*, *John Sweet*, *John Sydenham* Clerk, *Stephen Shute*, *John Sellwood*, *Frederick Steele*, *Todd* of *Were's-Cott*, *Henry Tripp*, *Proctor Thomas* Clerk, *William Underhay*, *William Upcott*, *John Turner*, *John Turner* junior, *Thomas Tanner* Clerk, *John Rogers Whitter*, *James White*, *Lyons Walrond*, *Robert White*, *Henry Walrond*, *Mark Weſtron*, *Mark Weſtron* junior, *Frederick White*, *William Willey*, *Francis Cowlen Wood*, *Thomas Were*, *Nicholas Were*, *William Were*, *Robert Young*, together with ſuch other Perſons not exceeding the Number of Ten as the ſaid Truſtees ſhall appoint, ſhall be and they are hereby appointed Truſtees for making, widening, altering, improving, and keeping in Repair the ſaid Road leading from the *Exeter* Turnpike Road at or near *Padbrooke Bridge* aforeſaid, through the Pariſhes of *Cullompton*, *Bradninch*, and *Broad Cliſt* aforeſaid, to the *Exeter* Turnpike Road aforeſaid, at or near *Hazel Stone* aforeſaid, and for carrying the ſeveral Powers, Purpoſes, and Truſts of this Act into Execution.

Power to make the Road and enter Lands.

II. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or for ſuch Perſon or Perſons as they ſhall employ for that Purpoſe, and they are hereby fully authorized and empowered to ſet and ſtake out, and to form, make, and complete the ſaid Road herein-before deſcribed or mentioned, with all neceſſary Arches or Bridges in or upon the ſame, or on the Side or Sides thereof, in, upon, through, or over any Commons or Waſte Grounds, without making any Satisfaction for the ſame, and alſo, in, upon, through, or over any private Lands, Grounds, Tenements, or Hereditaments, firſt making Satisfaction to all Parties intereſted therein in Manner herein-after directed: And for that Purpoſe it ſhall be lawful for the ſaid Truſtees, their Surveyor or Surveyors, Officers, Servants, and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon the Lands and Tenements through which or whereupon the ſaid Road is intended to paſs, or the Lands or Grounds adjoining thereto, except as is herein-after otherwiſe provided, and to cut and make ſuch Drains, Gutters, Arches, and Tunnels in and upon the Lands adjoining or near ſuch Road, as ſhall be by them thought neceſſary and proper for draining the Water from ſuch Road, according to the true Intent and Meaning of this Act, doing as little Damage as may be in the Execution of the Powers and Authorities hereby given; and in caſe any Difference ſhall ariſe concerning the Satisfaction to be made for the Damages which ſhall be ſuſtained by the Owners or Proprietors or Perſons intereſted in ſuch Lands, the ſame ſhall be aſcertained and ſettled by a Jury in Manner directed by this Act with reſpect to the Valuation of Land authorized to be purchaſed by the ſaid Truſtees; and which ſaid Road ſhall not be made of leſs Breadth than Twenty Feet nor more than Thirty Feet.

III. And

Plan and Book of Reference.

III. And whereas a Map or Plan describing the Line of the said new Road, and the Lands through which the same is to be carried, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the County of *Devon*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and the said Trustees, in making the said Road, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan; without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may make Roads through Lands though Owners Names not in Book of Reference.

IV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are, or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously stated or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County wherein such Lands are situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Power to appoint New Trustees.

V. And be it further enacted, That when any of the Trustees named in, or to be elected by virtue of this Act, shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, at any Meeting to be held by virtue of this Act (whereof at least Twenty-one Days Notice in Writing shall have been given upon all the Toll Gates to be erected on the said Road) by Writing under their Hands, to elect one other Person to be a Trustee in the Room of every or any Trustee so dying or refusing to act; and every Person so elected (being qualified as by this Act is required) shall from thenceforth have the like Powers and Authorities to act as a Trustee in the Execution of this Act, as if he had been named and appointed a Trustee in and by this Act.

All Acts may be done by Five Trustees unless otherwise directed.

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

Qualification of Trustees.

VII. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall at the Time of acting be seised in his own Right, or in the Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, Tythes, or Hereditaments

taments of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſeiſed of Meſſuages, Lands, Tenements, Tythes, or Hereditaments, for ſome Eſtate of Freehold or Inheritance in Poſſeſſion, of the clear yearly Value of Three hundred Pounds above Reprizes, or be poſſeſſed of a Perſonal Eſtate, or of Real and Perſonal together, to the Amount or Value of Three thouſand Pounds over and above what will be ſufficient to pay all his juſt Debts: Provided alſo, that every Truſtee, before he ſhall act as ſuch (except in adminiſtering the following Oath) ſhall take an Oath before One or more of the ſaid Truſtees (who is and are hereby empowered to adminiſter the ſame,) in the Form following; (that is to ſay),

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 and in the actual Poſſeſſion or Receipt of the Rents and Profits of Freehold or Copyhold Meſſuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes [*or*, being ſuch Heir Apparent] am Heir Apparent of *C. D.* who is ſeiſed of Meſſuages, Lands, Tenements, Tythes, or Hereditaments, for ſome Eſtate of Freehold or Inheritance in Poſſeſſion, of the clear Value of Three hundred Pounds above Reprizes, or am poſſeſſed of Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount or Value of Three thouſand Pounds over and above what will be ſufficient to pay all my juſt Debts. So help me GOD.'

Certain Perſons not to act as Truſtees.

VIII. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, in any Matter wherein he ſhall be perſonally intereſted, nor during the Time he ſhall hold any Place of Profit under this Act; nor ſhall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Truſtee, be capable of holding any Place of Profit under this Act.

Penalty for acting as a Truſtee, not being qualified.

IX. And be it further enacted, That if any Perſon hereby declared incapable of acting as a Truſtee in the Execution of this Act ſhall preſume to act therein, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof being given of his having acted as a Truſtee in the Execution of this Act.

Acts of unqualified Truſtees previous to Conviction valid.

X. Provided always, and be it further enacted, That all Acts and Proceedings which ſhall have been done by any ſuch Perſon touching the Execution of this Act previous to his being convicted of the Offence before-mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Firſt and other Meetings of Truſtees.

XI. And be it further enacted, That the ſaid Truſtees ſhall meet together at the *White Hart Inn* in *Cullompton*, in the ſaid County of *Devon*, on the Second *Monday* after the Day of the Commencement of this Act, or as ſoon after as conveniently may be, between the Hours of Ten of the

the Clock in the Forenoon and Two of the Clock in the Afternoon, and ſhall then and there proceed to the Execution of this Act; and ſhall adjourn themſelves from Time to Time, and afterwards meet there, or at any other Place on or near the ſaid Road, at ſuch Time or Times as the ſaid Truſtees ſhall order, direct, and appoint, as often as it ſhall be neceſſary for putting this Act into Execution; but nevertheleſs Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment only; and that in caſe a competent Number of Truſtees ſhall not appear at any Time and Place appointed for a Meeting of the Truſtees for putting this Act in Execution, either to act or adjourn to any other Time, or in caſe the Truſtees at any Time aſſembled, ſhall not adjourn themſelves, then and in either of the ſaid Caſes it ſhall be lawful for the Clerk or Treaſurer to the ſaid Truſtees for the Time being to appoint a Meeting of the ſaid Truſtees to be holden at the ſame Place where the laſt Meeting was held or was appointed to have been held, on ſome future Day, not exceeding Three Calendar Months next after the Day on which ſuch laſt Meeting was held or was appointed to have been held as aforeſaid; and the ſaid Clerk or Treaſurer ſhall give Notice thereof in Writing, by affixing the ſame on all the Toll Gates then erected on the ſaid Road, or by inſerting the ſame in ſome Newſpaper circulated in the Neighbourhood of the ſaid Road, at leaſt Seven Days before ſuch future Meeting; and in caſe neither the Clerk nor Treaſurer ſhall give ſuch Notice as aforeſaid, it ſhall be lawful for any Three of the ſaid Truſtees, although not aſſembled at a Meeting, by Notice in Writing under their Hands to be affixed or inſerted in Manner aforeſaid, to appoint the Truſtees to meet at ſome Houſe on or near the ſaid Road, upon ſome Day not exceeding Four Weeks from the Time of affixing or inſerting ſuch laſt-mentioned Notice; and that the ſaid Truſtees ſhall, at all their Meetings, defray their own Expences.

Meetings on Emergencies.

XII. And be it further enacted, That if after any ſuch Adjournment of the ſaid Truſtees it ſhall be thought neceſſary that they ſhould meet at an earlier Day than the Day appointed by ſuch Adjournment, in that caſe the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of them, although not aſſembled at a Meeting, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice in the Manner herein-before directed of the Time, Place, and Purpoſe of ſuch Meeting as mentioned in ſuch Order (ſuch Time not being leſs than Five Days after ſuch Notice); and ſuch earlier Meeting ſhall and may be held accordingly, and the Proceedings of the Truſtees at all ſuch Meetings as aforeſaid ſhall be as good, valid, and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments.

Orders of Truſtees to be made at Meetings, and entered in a Book.

Books to be Evidence.

XIII. And be it further enacted, That all Orders and Determinations of the ſaid Truſtees ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe; and ſhall be entered in a Book or Books to be kept for that Purpoſe (except herein otherwiſe particularly directed) and that no Order or Determination ſhall be made unleſs the major Part of the Truſtees preſent at any Meeting ſhall concur therein; and ſuch Orders and Proceedings ſo entered and ſigned by a competent Number of the ſaid Truſtees (as the Caſe may require) or by their Clerk, by their Order, ſhall be deemed to be original Orders and Proceedings; and the ſaid Book or Books, and alſo the Book or Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments of Tolls, and true

examined Copies thereof ſigned by the Clerk to the ſaid Truſtees, ſhall and may reſpectively be read in Evidence in Caſes of Appeal, and in all Suits or Actions touching any Thing done or to be done in purſuance of this Act.

Orders not to be revoked but by a certain Number of Truſtees.

XIV. Provided always, and be it further enacted, That no Order made by the ſaid Truſtees ſhall be revoked or altered at any ſubſequent Meeting, unleſs by a Majority of Truſtees at a Meeting where Seven at leaſt ſhall be preſent, and at leaſt Five of them ſhall concur therein.

Truſtees being Juſtices may act as ſuch; and Mortgagees may act as Truſtees.

XV. And be it further enacted, That all ſuch Truſtees as are Juſtices of the Peace, may act as Juſtices in the Execution of this Act notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted; and that no Perſon poſſeſſed of or entitled to any Mortgage or other Security upon the Tolls granted by this Act, ſhall on ſuch Account only be diſqualified from acting as a Truſtee.

Truſtees may appoint and remove Officers, &c.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at their Firſt or any ſubſequent Meeting, as Occaſion ſhall require, to elect, and by Writing under their Hands to appoint a Clerk or Clerks, and a Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls and Monies which ſhall be due and payable by virtue of this Act, and alſo One or more fit Perſon or Perſons to be Surveyor or Surveyors of the ſaid Road, and ſuch other Officer or Officers as the ſaid Truſtees ſhall think proper; and from Time to Time to remove ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors, and other Officers or any of them, as they ſhall ſee Occaſion, and to elect and appoint others in the Room of ſuch of them as ſhall be removed, or ſhall die; and out of the Monies to be raiſed or received by virtue of this Act, to pay and allow to the ſeveral Clerks, Treaſurers, Collectors, Receivers, Surveyors, and other Officers ſo elected and appointed, and to ſuch other Perſons as ſhall aſſiſt them or any of them in and about the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Service, as to the ſaid Truſtees ſhall ſeem reaſonable and proper; and every ſuch Officer and Perſon as hath been appointed by virtue of this Act, ſhall from Time to Time when thereunto required by the ſaid Truſtees, by Writing under their Hands, make out and deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, a true and perfect Account in Writing under his or her Hand, of all Monies which ſhall have been by him or her had, collected, or received, and how and to whom and for what Purpoſe the ſame and every Part thereof hath been diſpoſed of, together with the Vouchers and Receipts for ſuch Payments; and ſhall verify ſuch Account upon Oath, if thereunto required by the ſaid Truſtees (which Oath any one of the ſaid Truſtees is hereby empowered to adminiſter); and every ſuch Officer and Perſon ſhall and is hereby required to pay all ſuch Monies as upon the Balance of ſuch Account ſhall appear to be owing from him or her, to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and if any ſuch Officer or Perſon ſhall refuſe or neglect to render up and give ſuch Account as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in his or her Hands when thereunto required in Manner aforeſaid; or if any ſuch Officer or

Officers to account and pay Balances, &c.

Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees or to ſuch Perſon or Perſons as they ſhall direct or appoint, within Ten Days after being thereunto required by the ſaid Truſtees, or by ſuch other Perſon or Perſons, all Books, Papers, and Writings in his or her Cuſtody or Power, relating to the Execution of this Act; then and in every ſuch Caſe, Complaint being made by the ſaid Truſtees of any ſuch Neglect or Refuſal, to any Juſtice of the Peace for the County or Place where the Officer or Perſon ſo neglecting or refuſing ſhall live or reſide, ſuch Juſtice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Officer or Perſon to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Truſtees might have done; and if upon the Confeſſion of the Officer or Perſon againſt whom ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes, it ſhall appear to the ſaid Juſtice that any of the Monies which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Perſon, ſuch Juſtice may and is hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Monies to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Monies and the Charges of taking and making ſuch Diſtreſs, and of ſelling the ſame; or if ſuch Officer or Perſon ſhall not appear before the ſaid Juſtice, at the Time and Place appointed for that Purpoſe, or if appearing, ſhall refuſe or neglect to make out and deliver to the ſaid Juſtice ſuch Account in Writing as aforeſaid, or to verify the ſame on Oath as aforeſaid, if ſo required by the ſaid Juſtice, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Account, or to deliver up all ſuch Books, Papers, and Writings as aforeſaid, then and in either of the Caſes aforeſaid, the ſaid Juſtice may and is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Officer or Perſon to the Common Gaol or Houſe of Correction of the County, Town, or Place where he or ſhe ſhall live or reſide, there to remain without Bail or Mainpriſe, until he or ſhe ſhall have delivered in and ſettled his or her Account, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Monies which ſhall appear to be in his or her Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale (if any) as ſhall in that reſpect have been made, or until he or ſhe ſhall have delivered up all ſuch Books, Papers, and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no Perſon who ſhall be committed for Want of ſufficient Diſtreſs, ſhall be detained in Priſon for any longer Time than Twelve Calendar Months.

Balances to be levied by Diſtreſs.

For Want of Diſtreſs, Offenders may be committed.

XVII. Provided always, and be it further enacted, That no Truſtee ſhall be capable of voting on the Election of any Treaſurer, Clerk, Receiver, Collector, Surveyor, or other Officer to be employed by the ſaid Truſtees in the Execution of this Act, unleſs he ſhall have attended and acted as a Truſtee at ſome Publick Meeting of the ſaid Truſtees, and ſigned the Book or Books in which the Orders and Proceedings of the ſaid

Truſtees who have not acted, &c. not to vote in the Choice of Officers.

ſaid Truſtees are uſually entered, within the Space of Six Calendar Months preceding ſuch Election.

Treaſurer, &c. to give Security.

XVIII. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby authorized, directed, and required, to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, and Collector or Collectors appointed by virtue of this Act, for the due Execution of their Offices reſpectively, as the ſaid Truſtees ſhall think proper.

Collectors making Default, &c. may be removed.

XIX. And be it further enacted, That when and as often as any Receiver or Collector of the Tolls by this Act granted ſhall neglect to perform, or be incapable of performing his or her Duty, or ſhall abſcond or abſent himſelf or herſelf, any Two or more of the ſaid Truſtees (although not aſſembled at a Meeting of the ſaid Truſtees appointed by virtue of this Act) may diſcharge ſuch Receiver or Collector ſo neglecting or being incapable of performing his or her Duty, or abſconding or abſenting himſelf or herſelf; and in ſuch Caſe, and alſo in caſe any Receiver or Collector of the Tolls ſhall die, the ſaid Truſtees or any Two or more of them, though not aſſembled at a Meeting, ſhall and may nominate and appoint a Receiver or Collector of the ſaid Tolls, to continue until the then next Meeting of the ſaid Truſtees, inſtead of ſuch Receiver or Collector as ſhall die or be ſo diſcharged; and ſuch Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner in all Reſpects as the Perſon who ſhall die or be ſo diſcharged would have had and been ſubject to; and if any Receiver or Collector of the ſaid Tolls who ſhall be diſcharged from his or her Office by virtue of this Act, or his Wife, Child, or Children, or Family, or the Widow or any of the Children, Family, or other Repreſentative or Repreſentatives of any Receiver or Collector who ſhall die, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Gate or Toll Houſe, or any of the Appurtenances thereof, for the Space of Seven Days next after Demand thereof made, and Notice in Writing for that Purpoſe given or left at ſuch Toll Gate or Toll Houſe, under the Hands of any Two or more of the ſaid Truſtees (although not aſſembled at a Meeting) or under the Hand of their Clerk or Treaſurer for the Time being; then and in any of the ſaid Caſes, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid County, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe and Appurtenances in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, or in Poſſeſſion of the ſaid Gate, together with his, her, or their Goods, out of and from the ſame, and to put the ſaid Truſtees, or any one of them, or ſuch new appointed Receiver or Collector, into the Poſſeſſion of ſuch Toll Houſe, Toll Gate, and Appurtenances.

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

XX. And be it further enacted, That the ſaid Truſtees may ſue and proſecute, and be ſued and proſecuted for and concerning any Thing which ſhall be done by virtue or in purſuance of this Act, in the Name of their Treaſurer or Clerk 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 Treaſurer or Clerk, ſhall

ſhall abate or be diſcontinued by the Death or Removal of any Treaſurer or Clerk, nor by the Act of ſuch Treaſurer or Clerk, without the Conſent of the ſaid Truſtees, at a Meeting held in purſuance of this Act; but that the Treaſurer or Clerk for the Time being to the ſaid Truſtees, ſhall be deemed to be the Plaintiff or Defendant, as the Caſe may be, in every ſuch Action: Provided always, that every ſuch Treaſurer or Clerk, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully indemnified, reimburſed, and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Proceedings he ſhall pay, bear, expend, or be put unto, or become chargeable with, for or by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

Treaſurer or Clerk to be indemnified.

XXI. And be it further enacted, That the ſaid Truſtees ſhall and may, as they may think proper, erect and ſet up, or cauſe to be erected and ſet up, any Toll Gate or Gates, Weighing Machine or Weighing Machines, in, upon, or acroſs the ſaid Road or any Part thereof; and alſo any Toll Houſe or Toll Houſes, with ſuitable Out-buildings and Conveniences at or near each Toll Gate and Weighing Machine, or either of them, and may from Time to Time afterwards remove, alter, or diſcontinue the ſame or any of them, as the ſaid Truſtees ſhall think expedient.

Truſtees may erect Toll Gates.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to erect or cauſe to be erected one or more Gate or Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, on the Side or Sides of the ſaid Road, and acroſs any Publick Lane or Way leading out of the ſame, and there to receive and take any ſuch Tolls as are by this Act granted and made payable, ſo that the ſame do not extend to a Double Charge in caſe of paſſing through any other of the Toll Gates or Turnpikes upon the ſaid Road.

Side Gates or Bars may be erected

XXIII. And be it further enacted, That the Right and Property in all the Toll Gates, Toll Houſes, and Weighing Machines, and the ſeveral Conveniences and Appurtenances thereto belonging, which ſhall be erected, ſet up, or made upon the ſaid Road, or on the Sides thereof, by virtue of this Act, and all Materials for building and repairing the ſame, and for making the ſaid Road, and all the Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees, and they are hereby authorized and empowered to ſell or diſpoſe of the ſame as they ſhall think proper for the Purpoſes of this Act; and to bring or cauſe to be brought any Action or Actions, or to prefer or cauſe to be preferred and proſecuted any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or damage any of ſuch Toll Gates, Toll Houſes, Weighing Machines, Conveniences, Appurtenances, Materials, Articles, or Things, or diſturb the ſaid Truſtees, or their Agents or Servants in the Poſſeſſion thereof; and in any ſuch Action, Indictment, or other Proceeding for the Purpoſes aforeſaid, it ſhall be ſufficient to ſtate the ſame to be the Property of the Truſtees of this Act, without naming or otherwiſe deſcribing them.

Toll Gates, &c. to be veſted in Truſtees.

Tolls to be taken.

XXIV. And be it further enacted, That the reſpective Tolls or Sums of Money following, ſhall, ſubject to the Reſtrictions herein-after contained, be demanded and taken at each and every Toll Gate and Turnpike which ſhall be erected by virtue of this Act, of and from the Perſon or Perſons uſing or attending any Horſe, Beaſt, Cattle, or Carriage, by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time authorize and appoint for that Purpoſe, before any ſuch Horſe, Beaſt, Cattle, or Carriage, ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe or Litter drawn by Six Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday* the Sum of Three Shillings, and on every other Day Two Shillings.

For every Stage Coach drawn by Six Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday* the Sum of Three Shillings, and on every other Day Two Shillings and Sixpence.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe or Litter drawn by Four Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday* the Sum of Two Shillings, and on every other Day One Shilling and Sixpence.

For every Stage Coach drawn by Four Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday* the Sum of Two Shillings and Sixpence, and on every other Day Two Shillings.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe or Litter drawn by Two Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday* the Sum of One Shilling and Sixpence, and on every other Day One Shilling.

For every Stage Coach drawn by Two Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday* the Sum of One Shilling and Sixpence, and on every other Day One Shilling.

For every Stage Coach having more than Six Inſide Paſſengers, the additional Sum of One Shilling.

For every Chaiſe, Car, or Chair, drawn by One Horſe, Mare, Gelding, Mule, or other Beaſt, on a *Sunday* the Sum of Nine-pence, and on every other Day Sixpence.

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Eight Horſes or other Beaſt, the Sum of Three Shillings and Four-pence.

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Seven Horſes or other Beaſts, the Sum of Three Shillings.

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Six Horſes or other Beaſts, the Sum of Three Shillings.

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Five Horſes or other Beaſts, the Sum of Two Shillings and Sixpence.

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Four Horſes or other Beaſts, the Sum of Two Shillings.

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Three Horſes or other Beaſts, the Sum of One Shilling and Four-pence.

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by Two Horſes or other Beaſts, the Sum of Eight-pence.

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by One Horſe or other Beaſt, the Sum of Four-pence.

For every Carriage (without Horſes) of any Deſcription, which ſhall be faſtened or tied, or in any Manner fixed to another Carriage, the Sum of Sixpence.

For

For every Horſe, Mare, Gelding, Mule or Aſs, laden or unladen, and not drawing, on a *Sunday* the Sum of Two-pence, and on every other Day One Penny.

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and ſo in Proportion for a greater or leſs Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score, and ſo in Proportion for a greater or leſs Number.

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, drawn by Eight Horſes or other Beaſts, the Sum of Four Shillings, and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes or other Beaſts, the Sum of Sixteen Shillings.

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Seven Horſes or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more with a flat and level Surface, the Sum of Three Shillings and Sixpence, and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes or other Beaſts, the Sum of Fourteen Shillings.

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Six Horſes or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Three Shillings; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes or other Beaſts, the Sum of Twelve Shillings.

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Five Horſes or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Three Shillings; and having the Fellies of the Wheels of leſs than Six Inches in Breadth, drawn by the like Number of Horſes or other Beaſts, the Sum of Twelve Shillings.

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Four Horſes or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Two Shillings and Sixpence; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes or other Beaſts, the Sum of Eight Shillings.

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Three Horſes or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of One Shilling and Sixpence; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes or other Beaſts, the Sum of Five Shillings.

For every Carriage uſed for the Purpoſe of drawing or conveying Timber drawn by Two Horſes or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of One Shilling; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes or other Beaſts, the Sum of Three Shillings.

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by One Horſe or other Beaſt, having the Fellies of the Wheels

Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Eight-pence; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, the Sum of One Shilling and Sixpence.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll, by ſuch Perſon or Perſons as the ſaid Truſtees ſhall authorize or appoint to receive the ſame.

Tolls may be levied by Diſtreſs.

XXV. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall after Demand thereof made either at the Gate Bar or Chain where ſuch Toll ſhall be collected, or immediately after paſſing through the ſame neglect or refuſe to pay ſuch Toll or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls as aforeſaid, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to ſeize and diſtrain any Horſe or Horſes, Cattle, Carriage, or other Thing upon or for which ſuch Toll is hereby impoſed, together with their Bridles, (except the Bridle apart from the Horſe) Saddles, Gears, Harneſs, or Accoutrements, or their Loading, or a ſufficient Part thereof, or any of the Goods or Chattels of, belonging to, or in the Poſſeſſion of the Perſon or Perſons ſo then and there neglecting or refuſing; and if ſuch Toll, or any Part thereof ſo neglected or refuſed to be paid, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe and Horſes, Cattle, Carriage, Thing or Things ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any) and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Toll and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall be deducted.

Toll to be paid but once a Day.

XXVI. And be it further enacted, That if any Perſon ſhall have paid the Toll by this Act granted for the paſſing of any Horſe, Beaſt, Cattle, or Carriage through any Gate or Turnpike erected or to be erected on the ſaid Road, ſuch Perſon, upon producing a Note or Ticket denoting Payment of ſuch Toll, ſhall be permitted to paſs through the ſame Gate or Turnpike, with the ſame Horſe, Beaſt, Cattle, or Carriage, Toll free (in reſpect of ſuch Horſe, Beaſt, Cattle, or Carriage for which he or ſhe ſhall have ſo paid the Toll as aforeſaid) on the ſame Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next ſucceeding Night, which Note or Ticket the Collector of the Toll is hereby required to deliver *gratis*, if demanded, on Receipt of ſuch Toll.

Number of Tolls limited.

XXVII. Provided always, and be it further enacted, That no more than One full Toll ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing the ſame Day, to be computed as aforeſaid, with the ſame Horſes, Cattle, Beaſts, or Carriages, through all or any of the Toll Gates or Turnpikes to be erected by virtue of this Act.

Settling Diſputes about the Amount of Tolls.

XXVIII. Provided always, and be it further enacted, That if any Diſpute ſhall ariſe concerning the Amount of Tolls due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector or Perſon

diſtraining to retain the ſame or the Money ariſing from Sale thereof (as the Caſe may happen) until the Amount of Toll due, and the Charges of ſeizing, diſtraining, keeping, or ſelling ſuch Diſtreſs (as the Caſe ſhall happen), ſhall be aſcertained by One or more Juſtice or Juſtices of the Peace for the ſaid County of *Devon*, who, upon Application made to him or them for that Purpoſe, ſhall examine the ſaid Matter upon Oath of the Parties or other Witneſs or Witneſſes, and determine the Amount of the Toll due, and alſo aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping, and Sale, and of the Collector's Attendance for that Purpoſe upon the ſaid Juſtice or Juſtices, all which Sums ſo determined or aſſeſſed ſhall be paid to the ſaid Collector or other Perſon before he or ſhe ſhall be obliged to return the Diſtreſs, or the Overplus after the Sale thereof, or any Part thereof.

Collector of Tolls a competent Witneſs.

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

Tolls may be leſſened.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any Meeting to be holden for that Purpoſe, whereof at leaſt Seven Days Notice ſhall be given in Writing, to be affixed on all the Toll Gates then erected on the ſaid Road, from Time to Time as they ſhall think proper, to leſſen or reduce, and again to raiſe and advance all or any of the Tolls hereby granted, and to order the ſame to be taken in ſuch Manner, Parts, and Proportions as they ſhall think fit; ſo that the reſpective Tolls ſo varied or altered do not exceed the Tolls by this Act authorized to be taken, and ſo as ſuch Reduction or Advancement be made with the Conſent in Writing of the ſeveral Perſons who ſhall be entitled to Five-ſixth Parts of the Money then due on the Credit of the ſaid Tolls; and ſuch Tolls ſo varied, and every of them, ſhall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Penalties on taking more or leſs Toll.

XXXI. And be it further enacted, That if any Farmer, Renter, or Collector of any of the ſaid Tolls, ſhall demand and take, or cauſe to be demanded and taken from any Perſon or Perſons any Toll not hereby authorized to be taken, or a greater or leſs Toll than ſo authorized, ſuch Farmer or Renter ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Pounds, and alſo his or her Contract for renting the Tolls, if the ſaid Truſtees ſhall think fit to vacate the ſame; and every ſuch Collector not being a Farmer or Renter ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings; ſuch Forfeitures reſpectively to be recovered in Manner hereinafter mentioned: Provided always, that if the Juſtice by or before whom the Matter of Complaint ſhall be heard ſhall be of opinion that the Offender had probable Ground for ſuch Demand and Taking, it ſhall be lawful for ſuch Juſtice either to mitigate the ſaid reſpective Penalties, or wholly to exonerate the Offender there-

from, as such Justice shall think fit, any Law or Statute to the contrary notwithstanding.

Penalty on Persons evading Tolls.

XXXII. And be it further enacted, That if any Person or Persons whomsoever, owning, retaining, or occupying any Tenements, Lands, or Grounds near to the said Road or any Part thereof, shall knowingly or willingly permit or suffer any Person or Persons to pass through any Ground, Gate, Passage, or private Way with any Horse, Beast, Cattle, or Carriage, on which a Toll is by this Act imposed, with an Intent to evade the Payment of the said Toll; or if any Person or Persons owning, going in, or driving any such Carriage, or owning, riding, or driving any such Horse, Beast, or Cattle, shall therewith pass through any such Ground, Gate, Passage, or Private Way, with an Intent to evade the Payment of the said Toll or any Part thereof, or if any Person or Persons shall unload or cause to be unloaded any Goods or other Things, or shall take off or cause to be taken off any Horse or Beast of Draught from any Carriage, either before or after the same shall have passed through any of the Toll Gates to be erected by virtue of this Act; or having passed through any of the said Toll Gates shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Road with Intent to avoid or evade the Payment of any of the Tolls hereby imposed; or shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable) any Note or Ticket, with Intent to avoid or evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons liable to the Payment of any of the said Tolls, shall forcibly pass or attempt to pass any of the said Toll Gates or Turnpikes without Payment thereof at such Gate or Gates; or if any Person or Persons shall do any other Act in order or with Intent to avoid or evade the Payment of the said Tolls, or any Part thereof, each and every Person and Persons in any Manner aforesaid offending, and being thereof convicted on the Oath of One or more credible Witness or Witnesses before any One or more of His Majesty's Justices of the Peace for the County, Liberty, or Division, wherein any such Offence shall be committed (which Oath the said Justice or Justices is and are hereby empowered and required to administer), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety to the Treasurer to the said Trustees, to be applied for the Purposes of this Act.

Proviso for Carriages provided for His Majesty's Service.

XXXIII. Provided always, 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 in respect of such Stores, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in or on any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horses or Beasts; 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 Beasts to such Waggon,

Waggon, Wain, Cart, or other Carriage for drawing the ſame; any Thing in this Act or in any other Act or Acts of Parliament relating to Highways or Turnpike Roads, to the contrary notwithſtanding.

General Exemptions.

XXXIV. And be it further enacted, That no Tolls ſhall be demanded or taken for any Horſe or Carriage paſſing through any of the Turnpikes or Toll Gates which ſhall be erected by virtue of this Act, when carrying or conveying Stone, Bricks, Lime, Timber, Wood, Heath, Chalk, Gravel, or other Materials to be uſed on or about the ſaid Road; or for the repairing any Highways in any of the Pariſhes, Townſhips, Diſtricts, or Places, which are liable to perform Statute Duty upon any Part of the ſaid Road, nor returning empty when ſo employed, or carrying or conveying Hay, Corn in the Straw, or other Produce of Lands not ſold or diſpoſed of, but going to be laid up in the Houſes, Out-houſes, Barns, or Yards of the Owners thereof; or any Ploughs, Harrows, or other Implements of Huſbandry to be uſed in the Cultivation of ſuch Lands; or any Mould, Dung, Compoſt, Lime, or Manure to be laid and ſpread on Lands; nor ſhall any Toll be paid for any Horſes, Mares, Geldings, Mules, Aſſes, or Cattle, going to or returning from Work in cultivating the Lands within the ſame Pariſhes or Places, or any of them; nor for any Horſes, Mares, Geldings, Mules, Aſſes, Cattle, Sheep, Lambs, or Hogs, going to or returning from Paſture on any Commons or other Grazing Grounds or Watering Places, or Blackſmiths Shops to be ſhoed, or having been ſhoed; nor for any Horſe or other Beaſt of Draught or Carriage employed in carrying or conveying any Furze, Peats, Turf, or Heath for Fuel, or returning empty having been ſo employed; nor ſhall any Toll be paid by any Rector, Vicar, or Curate going to officiate or returning from officiating 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; or by any other Perſon going to or returning from his, her, or their uſual Church, Chapel, or other Place of Religious Worſhip tolerated by Law, on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated, or for the Purpoſe of attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes or Places; nor for any Horſes, Cattle, Beaſts, or Carriages which ſhall only croſs the ſaid Road, and ſhall not paſs more than One hundred Yards thereon; nor for any Horſes or Carriages of whatſoever Deſcription, when employed or going to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either in conveying, fetching, or guarding the ſame, or in returning back from conveying the ſame, nor for the Horſes of Soldiers on March or on Duty, or Carriages or Horſes or other Beaſts employed in carrying the Arms or Baggage of ſuch Soldiers; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons are 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; 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 conveying 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 Carriage, Horſe, or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes or travelling with Vagrants ſent by legal Paſſes; nor for any Horſe or Carriage going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Devon*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled thereto, or ſhall make uſe of any Fraud whatſoever whereby the Payment of the ſaid Tolls or any Part thereof ſhall be evaded, every ſuch Perſon for every ſuch Offence ſhall forfeit and pay a Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Tolls may be let to Farm.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, in ſuch Manner and Form as is directed in that Behalf, by the general Laws now in being for regulating the Turnpike Roads in *England*, from Time to Time to demiſe or let to farm all or any of the Tolls ariſing by virtue of this Act for any Term not exceeding One Year on each Demiſe, for the beſt Rent or Rents which can be gotten for the ſame, payable in Proportions, at ſuch Times, and to ſuch Perſon or Perſons, and under ſuch Conditions and Agreements, and with ſuch Sureties, Surety, or Security for the Payment thereof, as the ſaid Truſtees ſhall think fit; and the Monies ariſing thereby ſhall be applied and diſpoſed of in ſuch Manner as the Tolls ſo leaſed or hereby directed to be applied.

Truſtees may take Poſſeſſion of Toll Houſes when let to Farm, and vacate Leaſes.

XXXVI. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act ſhall be demiſed or let to farm, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let; or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid, purſuant to the Leaſe or Agreement for the demiſing or letting thereof, then and in either of theſe Caſes the ſaid Truſtees or their Clerk or Treaſurer, or any other Perſon or Perſons authorized by Writing under their Hands, ſhall be at Liberty, and they are hereby authorized to enter upon and take Poſſeſſion of every or any Toll Houſe, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereat reſpectively from the Poſſeſſion thereof, and from the Collection of ſuch Tolls; and that thereupon it ſhall be lawful for the ſaid Truſtees, if they ſhall think fit, to vacate and determine the Leaſe, Contract, or Agreements for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, ſave as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Covenants or Agreements on the Leſſee's Part, as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees, in every ſuch Caſe, to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or to cauſe them to be collected, as if no former Demiſe, Contract, or Agreement had been made relating thereto.

XXXVII. And

For recovering Subscriptions.

XXXVII. And be it further enacted, That if the several Persons who have become Subscribers towards the Expences of passing and executing this Act, or any of them, shall after Twenty Days previous Notice in Writing, under the Hands 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*, and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice 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.

Trustees may borrow Money on Mortgage.

XXXVIII. And be it further enacted, That the said Trustees, at any Meeting to be holden for that Purpose, whereof One Calendar Month's Notice shall be given in Writing, to be affixed upon all the Toll Gates then erected upon the said Road, may and they are hereby empowered from Time to Time to borrow and take up at Interest on the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they shall think necessary for the Purposes of this Act; and they are hereby authorized and empowered, either at such Meeting or afterwards by any Writing or Instrument under their Hands and Seals, to demise or mortgage all or any Part of the Tolls hereby granted, and the Turnpikes or Toll Gates, Bars, Chains, Toll Houses, and Weighing Machines for collecting the same, and the Buildings and Appurtenances thereof, or any or either of them (the Costs and Charges of such Mortgages to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security or Securities to any Person or Persons, or his, her, or their Trustee or Trustees, who shall advance such Sum or Sums of Money; which said Mortgage or Mortgages shall be made in the Form or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Fifty-third 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 in Execution, in Consideration
'of the Sum of
'to the Treasurer of the said Trustees in Hand paid, do grant, bargain,
'sell, and demise unto
'his Executors, Administrators, and Assigns, such Proportion of the Tolls
'arising by virtue of the said Act, and of the Toll Gates, Bars, Chains,
'and Toll Houses for collecting the same, and the Buildings and Appur-
'tenances thereto belonging, as the said Sum of
'doth or shall bear to the whole of the Monies
'now secured or hereafter to be secured on the Credit thereof; to be had
'and holden from the Day of the Date hereof, for and during the Con-
'tinuance of the said Act, unless the said Sum of
'with Interest at the Rate of *per Centum*
'*per*

'*per Annum* shall be sooner paid and satisfied. Given under our Hands
'and Seals the Day of in the Year
'of our Lord One thousand eight hundred and

Mortgages to be entered in a Book; and may be transferred.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept and provided for that Purpose by the Clerk or Treasurer; and all and every or any Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments of Tolls shall be made by virtue of this Act, or who shall be entitled to the Monies thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage or Assignment, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Mortgage or Assignment in the following Words, or Words to the like Effect; (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 passed in the Fifty-third 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 One thousand eight hun-
'dred and Witness.'

Transfer to be notified and entered.

Which said Transfer shall be produced and notified to the Clerk or Treasurer for the Time being, who shall cause an Entry or Memorial to be made thereof in the said last-mentioned Book or Books, containing the Date, Names of the Parties, and Sum of Money therein transferred; for which the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons to whom the same shall have been previously transferred, to make void, release, or discharge the original Security or any Money thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall in Proportion to the Sums of Money thereby secured be Creditors on the Tolls by this Act granted, and on the said Toll Gates, Bars, Chains, and Toll Houses, and the Buildings and Appurtenances thereto belonging in equal Degree one with another, and no Person shall have any Preference in respect of the Priority of advancing his or her Money, or the Date of his or her Security.

No Priority of Mortgages.

XXXIX. And

Application of the Money.

XXXIX. And be it further enacted, That all Monies which ſhall ariſe and be produced by and from the Tolls by this Act granted or made payable, together with the Monies which ſhall be borrowed upon the Credit thereof, 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 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 all the Coſts, Charges, and Expences incident to or attending the obtaining and paſſing of this Act or relative thereto; in the Second Place in paying the Intereſt now due, and which ſhall become due upon the ſeveral Principal Sums from Time to Time remaining due and owing on Mortgage or Security of the Tolls by this Act granted; in the Third Place in defraying the Expences of making, amending, repairing, widening, altering, improving, and keeping in Repair the ſaid Road, and of executing the ſeveral other Powers, Intents, and Purpoſes of this Act; and laſtly, in reducing, paying off, and diſcharging the ſaid ſeveral Principal Sums due on ſuch Mortgages or Securities as laſt aforeſaid.

For Redemption of Money borrowed.

XL. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees at any Meeting held in purſuance of this Act, to order and direct ſuch Part or Proportion of the Tolls granted and made payable by this Act, as ſuch Truſtees or the major Part of them ſo preſent ſhall think proper (not exceeding Ten *per Cent.* upon the clear Produce of ſuch Tolls), to be ſet aſide and appropriated for and towards the Reduction of the Debt which ſhall or may ariſe or be incurred by virtue of this Act, and from Time to Time to apply and diſpoſe of the Monies ſo ſet aſide in the Redemption and Purchaſe of the ſaid Securities, in ſuch Manner as the ſaid Truſtees ſhall at any Meeting think proper.

Enabling Surveyors to get Materials for repairing Roads.

XLI. And be it further enacted, That the Surveyor or Surveyors of the ſaid Road, and ſuch Perſons as ſhall be employed by him or them or by the ſaid Truſtees, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stone, Gravel, Sand, or any other Materials proper for making or repairing the ſaid Road, or any Arches or Bridges in or upon the ſame, or on the Side or Sides thereof, out of or from any Common or Waſte Grounds, Common River or Brook, in any Townſhip, Pariſh, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, or in any adjoining Townſhip, Pariſh, or Place, without paying any Thing for the ſame; ſuch Surveyor or other Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken; or railing or fencing ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers and Cattle; and where there is not ſufficient of any ſuch Materials to be procured in any Common or Waſte Grounds, Common River, or Brook, the ſaid Surveyor or Surveyors or other Perſons as aforeſaid, may by Order of the ſaid Truſtees, ſearch for, cut, dig, gather, take, or carry away all ſuch Materials as aforeſaid, in, upon, or out of, from, and over the Lands of any Perſon or Perſons in any Townſhip, Pariſh, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, (not being a Yard, Garden, Park, Paddock, planted Walk or Avenue to an Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees), paying or tendering

tendering Payment for the Damage done to the Owners and Occupiers thereof reſpectively, out of the Grounds whereon or from whence the ſame ſhall be cut, gathered, taken, or carried away, or upon, over, or through which the ſame or any other Materials ſo cut, dug, and gathered as aforeſaid ſhall be conveyed, ſuch Equivalent in Money as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the Truſtees, Surveyor, or Surveyors, or other Perſons appointed or employed as aforeſaid, and the Owners or Occupiers of Private Lands, or any of them, concerning ſuch Payment and Damages as aforeſaid, the Juſtices of the Peace at their next General Quarter Seſſions, or the Second General Quarter Seſſions at the fartheſt, to be holden for the ſaid County of *Devon*, on Ten Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payment and Damages; and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive upon all Parties.

Surveyor not to take Materials in private Grounds till after Notice given.

XLII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor or any other Perſon or Perſons under the Authority of this Act, to dig, gather, take, or carry away any Materials for making or repairing the ſaid Road, out of or from any incloſed Lands or Grounds, until Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken or left for ſuch Occupier, at his or her laſt or uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Two or more Juſtices of the Peace for the ſaid County, to ſhow cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, the ſaid Truſtees or ſuch Juſtices ſhall, (if they think proper) authorize ſuch Surveyor or other Perſon or Perſons to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Truſtees or ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall refuſe or neglect to appear by himſelf or herſelf, or his or her Agent, the ſaid Truſtees or ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his or her Agent had attended.

Penalty on taking away Materials raiſed by Surveyors.

XLIII. And be it further enacted, That if any Perſon or Perſons ſhall take away or cauſe to be taken away any Materials which ſhall have been dug or gathered in any Lands, Fields, Commons, Waſte Grounds, Rivers, Brooks, or elſewhere, for the Purpoſe of making or amending the ſaid Road; or ſhall dig, 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 Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Six Calendar Months (except the Owner or Owners, or Occupier of any Private Ground, and any Perſon or Perſons authorized by ſuch Owner or Owners to get Materials therein for his, her, or their own private Uſe only, and not for Sale) every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, over and above the Value of the Materials ſo taken away.

For removing Nuiſances.

XLIV. And be it further enacted, That if any Perſon ſhall leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the ſaid Road, without any Horſe or other Beaſt of Draught, yoked

yoked or harneſſed thereto to draw the ſame, except in Caſes of Accident, or for any longer Time than ſhall be neceſſary for loading or unloading thereof, and the ſame being then drawn up as near to one Side of the Road as conveniently may be; or ſhall knowingly or wilfully lay any Sort of Timber or Trees, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, in any Part of the ſaid Road, or on the Sides thereof; or if any Perſon or Perſons ſhall draw or cauſe to be drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or Stone, otherwiſe than upon Wheel Carriage or Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber, which ſhall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the ſaid Road, to the Prejudice or Injury thereof; or if any Perſon or Perſons ſhall ſlaughter, ſinge, ſcald, or dreſs any Beaſt or Cattle in or upon any Part of the ſaid Road, or ſhall hew or ſaw any Piece of Stone, Wood, or Timber; or bind, make, or repair (except in Caſes of Accident) the Wheel of any Carriage, or (except in Caſes of Accident) ſhoe, bleed, or farry any Horſe or other Beaſt in or upon any Part of the ſaid Road, every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to remove Annoyances.

XLV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they 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, Wood, Stone, Carriages, Sawpits or other Pits, Trees, Aſhes, Dung, Filth, Rubbiſh, Straw, or otherwiſe; and to turn any Watercourſes, Gutters, Conduits, or Drains, running into, along, or out of the ſaid Road, to the Prejudice thereof; and to open, ſcour, or cleanſe, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining or near to the ſaid Road, or any Part or Parts thereof reſpectively, and alſo to prune or lop at proper Seaſons of the Year, any Trees, Branches, Shrubs, or Buſhes growing in the Hedges or Fences adjoining the ſaid Road, ſo as the ſame be not planted for Ornament or Shelter, and to take and carry away the Prunings or Loppings thereof, or in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do for Five Days after Notice in Writing given for that Purpoſe under the Hand or Hands of ſuch Surveyor or Surveyors, the Charges whereof to be ſettled by the ſaid Truſtees by Writing under their Hands, ſhall from Time to Time be reimburſed to the ſaid Surveyor or Surveyors, by ſuch reſpective Owners or Occupiers neglecting to turn, open, ſcour, or cleanſe, or to deepen, widen, and enlarge any ſuch Gutter, Ditch, Conduit, Drain, or Watercourſe, or to prune or lop ſuch Trees, Branches, Shrubs, or Buſhes, or by the Perſon or Perſons occaſioning or neglecting or refuſing to remove ſuch Annoyances as aforeſaid; which Charges ſhall be levied and recovered in the ſame Manner as the Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be impoſed are herein-after directed to be levied and recovered; and if after the Removal of any ſuch Annoyances any Perſon or Perſons ſhall offend again in like Manner, every ſuch Perſon ſhall for every ſuch Second or ſubſequent Offence, forfeit and pay any Sum not exceeding Five Pounds.

Gates to Fields to open inwards.

XLVI. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining to the ſaid Road, ſhall be ſo

ſo made and hung as to open inward towards ſuch Field or Ground, and not outward towards the ſaid Road; and that it ſhall be lawful for the ſaid Truſtees to cauſe all or any of ſuch Gates as are now erected and open outward towards the ſaid Road, to be altered and made to open inward, as they the ſaid Truſtees ſhall think proper.

Roads to be meaſured, and Mile Stones erected.

XLVII. And be it further enacted, That the ſaid Truſtees ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the ſame with Inſcriptions thereon, denoting the Number of Miles and Diſtances from Places, as they ſhall think proper; and alſo ſhall cauſe to be ſet up on or near the ſaid Road, ſuch and ſo many Direction Poſts as they may think neceſſary; and if any Perſon or Perſons ſhall wilfully break, damage, or pull up any of ſuch Mile Stones, Mile Poſts, or Direction Poſts, or ſhall in any Manner injure or damage the Cauſeways, or obliterate or deface any of the Letters, Figures, or Marks on any of the ſaid Stones or Poſts, and ſhall be thereof lawfully convicted before any Juſtice or Juſtices of the Peace for the ſaid County of *Devon*, by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be paid to the ſaid Truſtees, or to their Treaſurer or Clerk, to be applied for the Purpoſes of this Act.

Penalty on defacing them.

Power to make Cauſeways, Ditches, &c.

XLVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or the ſaid Surveyor or Surveyors, or ſuch other Perſon or Perſons as the ſaid Truſtees ſhall appoint, to make Cauſeways or Foot Paths along the Side or Sides of the ſaid Road, and to cut or make Ditches, Drains, or Watercourſes upon and through any Grounds lying contiguous to the ſaid Road, in order to drain or waſh the ſaid Road, and to prevent the ſame from being overflowed, as ſuch Surveyor or Surveyors or other Perſon or Perſons by Order of the ſaid Truſtees ſhall judge neceſſary, making ſuch Satisfaction to the Owners or Occupiers of ſuch Grounds for the Damages which they or any of them ſhall ſuſtain thereby, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers, and the ſaid Truſtees touching ſuch Damages, the ſame ſhall be ſettled by the Juſtices of the Peace for the ſaid County of *Devon*, at their General Quarter Seſſions of the Peace for the ſaid County next after ſuch Difference ſhall ariſe.

Haling or drawing Timber, &c. on Road.

XLIX. And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stones (Mill Stones excepted), otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be drawn upon Wheel Carriages to drag upon any Part of the ſaid Road, to the Injury thereof, every ſuch Perſon ſhall, for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Riding on Footways and Cauſeways.

L. And be it further enacted, That if any Perſon or Perſons ſhall wilfully ride or drive any Horſe, Beaſt, or Cattle upon any Foot Way paved with Flag Stones, Pavements, or Bricks, or Cauſeway, made or to be made on the Side of the ſaid Road for the Accommodation of Perſons travelling on Foot, or ſhall wilfully draw or drive any Barrow, Truck,

Dray, Sledge, or other Carriage on any ſuch Footway ſo paved as aforeſaid, and ſhall be convicted thereof by his or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Devon*, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay ſuch Sum of Money as ſuch Juſtice or Juſtices ſhall adjudge, not exceeding Twenty Shillings.

Truſtees may widen or alter Roads.

LI. And be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to widen, turn, vary, or alter any Part or Parts of the ſaid Road in Manner herein deſcribed, for the better Accommodation of Coaches, Carriages, and Paſſengers, it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered from Time to Time to treat, contract, and agree with any Perſon and Perſons, for the Purchaſe of any Lands, Grounds, or Hereditaments lying near or contiguous to the Line of ſuch Road, and for the Loſs or Damage the Owners, Proprietors, and Occupiers thereof, or any of them, ſhall or may anywiſe ſuſtain by ſuch widening, turning, varying, or altering ſuch Road, and to pay for the ſame out of the Monies hereby veſted in the ſaid Truſtees for the Purpoſes of this Act, ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, or Perſons intereſted as aforeſaid and the ſaid Truſtees, and for the Coſts attending ſuch Purchaſe; which Road when widened, turned, varied, or altered by virtue of this Act, ſhall be and remain Thirty Feet wide at the leaſt, including the Ditches; and ſuch Lands and Grounds when ſo purchaſed as aforeſaid, ſhall by the Order and Direction of the ſaid Truſtees be laid into and made Part of ſuch Road, in ſuch Manner as the ſaid Truſtees ſhall think convenient, with proper Drains, Ditches, and Fences for that Purpoſe, and ſhall from thenceforth be deemed and taken as a Public Common Highway, and Part of the Road to be made by virtue of this Act.

Truſtees may contract for Lands with Bodies Politic, &c.

LII. And for removing all Difficulties which may obſtruct ſuch Contracts; be it further enacted, That it ſhall be lawful for all Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees and Committees, not only for and on the Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on the Behalf of their Infants, Wards, *Ceſtuique* Truſts, Lunatics, Idiots, or Perſons of unſound Memory and Underſtanding, and to and for all Femes Covert, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in any ſuch Land or Hereditaments, to contract with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or ſell and convey unto them any ſuch Land or Hereditaments, or any Part thereof, for any of the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees and Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

LIII. And

Where Perſons neglect or refuſe to treat, Damages may be ſettled by Jury.

LIII. And be it further enacted, That if ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees, Committees, or any other Perſon or Perſons intereſted in any ſuch Land or Hereditaments, upon Notice to him or them given or left in Writing at the Dwelling Houſe or Houſes or other Place or Places of Abode of ſuch Perſon or Perſons, or of the Principal Officer or Officers of any ſuch Body or Bodies Politic, Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Land or Hereditaments through which any Part of ſuch Road is to be diverted, turned, or altered, ſhall, for the Space of Ten Days next after ſuch Notice given or left, neglect or refuſe to treat or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees ſhall cauſe ſuch Damage or Recompence to be enquired into and aſcertained by a Jury of indifferent Men of the County of *Devon*; and in order thereto the ſaid Truſtees are hereby empowered and required from Time to Time as Occaſion ſhall be or require, to ſummon and call before ſuch Jury and examine on Oath any Perſon or Perſons whomſoever (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter); and ſuch Truſtees ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and Recompence, they 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 ſaid Owners and other Perſons intereſted in ſuch Land or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgment, Order, or Determination thereupon, ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, Remainder, Reverſion, or otherwiſe, their Heirs and Succeſſors as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for ſummoning and returning ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of *Devon*, requiring him to impannel, ſummon, and return Twenty-four Perſons qualified to ſerve on Juries, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, and ſuch Sheriff or his Deputy or Deputies is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff or his Deputy or Deputies ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs, or Agents making Default in the Premiſes, and on

on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the Jury ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn or examined or give Evidence; ſo that no ſuch Fine be more than Ten Pounds on any One Perſon for One Offence:

How Expences of Jury ſhall be paid.

LIV. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Land or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to or offered by the ſaid Truſtees, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, before the ſummoning and returning of the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the Hearing and Determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid County, not intereſted in the Matter in Queſtion (who is hereby required to examine and ſettle the ſame at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the ſaid Truſtees, by ſuch Ways and Means as are herein provided for Recovery of Penalties and Forfeitures: Provided that where by reaſon of Abſence, any Perſon or Perſons ſhall have been prevented from treating with the ſaid Truſtees touching the Matters aforeſaid, the Whole of ſuch Fees and Expences ſhall be paid by the ſaid Truſtees.

Dwelling Houſes, Gardens, &c. not to be damaged.

LV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to the taking down of any Dwelling Houſe or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling Houſe, or any Yard, Park, Paddock, planted Walk, incloſed Nurſery for Trees, or Avenue to any Houſe, or any Part thereof, without the previous Conſent of the Owner or Proprietor

thereof, teſtified by Writing under their reſpective Hands, other than and except the ſeveral Orchards and Gardens deſcribed or mentioned in the Schedule hereunder written or hereunto annexed, any Thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

Old Roads may be ſold.

LVI. And be it further enacted, That after any Land ſhall have been purchaſed and laid into the ſaid Road or any Part thereof, in purſuance of this Act as aforeſaid, ſuch Part and Parts of the old and former Road in lieu whereof ſuch Lands and Grounds ſhall be purchaſed for ſuch new Road as aforeſaid (unleſs the ſame ſhall lead over ſome Heath, Common, Moor, or Waſte Ground, or to ſome Village, Town, or Place to which ſuch new Road doth not lead) ſhall be veſted in the ſaid Truſtees, and ſhall and may be diſpoſed of by them for the beſt Price that can be reaſonably got for the ſame; and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of in amending and improving the ſaid Road by this Act directed to be made; and the Sale and Conveyance or Conveyances to be made of ſuch Lands and Grounds comprizing the ſaid old Road, being executed by the ſaid Truſtees, and inrolled amongſt the Records of the Seſſions of the Peace of the ſaid County of *Devon*, ſhall veſt the Property of the ſame Lands and Grounds in the Perſon or Perſons to whom the ſame ſhall be ſo ſold and conveyed, to all Intents and Purpoſes whatſoever, and the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſ-application or Non-application of ſuch Money.

Perſons whoſe Lands adjoin to have the Preference.

LVII. Provided always, and be it further enacted, That whereſoever the Courſe of any Part of the ſaid Road ſhall be altered under or by virtue of the Authority of this Act, or any Toll Houſe diſcontinued and a new Road opened and made in any adjoining Land, the Offer of the Purchaſe of ſuch old Road or Toll Houſe ſhall be firſt made to the Owner of ſuch adjoining Land as ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road or Toll Houſe, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer thereof,

Value to be ſettled by a Jury, and be recoverable by Action.

then the Value thereof ſhall be ſettled and aſcertained by a Jury, in ſuch Manner as the Price for any Land to be taken in purſuance of this Act is directed to be ſettled and aſcertained in and by this Act, and ſuch Owner ſhall be deemed the Purchaſer thereof at the Sum to be aſcertained by a Jury to be the Value thereof; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money, upon Demand thereof by the Treaſurer or Clerk to the ſaid Truſtees, and Tender of the Conveyance of ſuch old Road or Toll Houſe, the ſame ſhall and may be recovered by the ſaid Truſtees by Action of Debt in any of His Majeſty's Courts of Record; and in caſe any ſuch Owner ſhall not agree, or ſhall refuſe to purchaſe any ſuch old Road or Toll Houſe, it ſhall be lawful for any Perſon or Perſons (not intereſted in the Premiſes) to make an Affidavit before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the ſaid County of *Devon*, ſtating that ſuch Offer has been made by or on Behalf of the ſaid Truſtees, and that ſuch Owner has not agreed or has refuſed to purchaſe ſuch old Road or Toll Houſe (as the Caſe may be) and ſuch Affidavit ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to, or refuſed by ſuch Owner: Provided nevertheleſs, that if ſuch Owner

ſhall

ſhall be willing to take ſuch old Road or Toll Houſe in Exchange for ſuch new Road or Toll Houſe, it ſhall be lawful for the ſaid Truſtees, and they are hereby required to aſſure the ſame to ſuch Perſon by entering the ſame in their Book, and delivering to him or her a Copy thereof, ſigned by the ſaid Truſtees; which Copy ſhall be a good and valid Title to the ſame, and be available in any Suit at Law or in Equity.

Money agreed upon or aſſeſſed, how to be paid or tendered.

LVIII. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for or aſcertained, or aſſeſſed as aforeſaid, ſhall be paid out of the Monies to be raiſed by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Caſe may require) to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons or their Agents, or in caſe of Refuſal to accept the ſame, then upon leaving the ſame in the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees for the Uſe of ſuch Parties or Perſons, and after Ten Days Notice thereof given to ſuch Parties or Perſons or their Agents, to receive ſuch Money, Conſideration, Recompence, or Satisfaction, it ſhall be lawful for the ſaid Truſtees, their Surveyors, Workmen, or Agents, to extend, widen, divert, or turn ſuch Road through or over ſuch Lands or Hereditaments, and to do all and every ſuch Act, Matter, and Thing with relation to ſuch Lands or Hereditaments as the ſaid Truſtees ſhall think fit, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments and every Part thereof.

Application of Compenſation, when amounting to 200l.

LIX. And be it further enacted, That the Principal Money to ariſe from the Sale of any Lands, Tenements, or Hereditaments which ſhall be purchaſed for the Purpoſes of this Act, of any Body Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Femes or Feme Covert, or other incapacitated Perſon or Perſons, ſhall, in caſe the ſame ſhall amount to or exceed 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 there, *ex parte* the Truſtees for executing this Act, or any Two or more of them, 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 or Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, or Hereditaments, or affecting other Lands or Hereditaments, ſtanding ſettled therewith 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 Lands 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 Lands 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 or Profits of the Lands and Hereditaments so to be purchased in case such Purchase or Settlement were made.

Application of Money not amounting to 200 l. but exceeding 20l.

LX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or 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 amount to or 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 Lands or 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 of by the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends arising therefrom may be applied in Manner herein-before directed, so far as the Case 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.

LXI. Provided also, and be it further 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 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 Lands and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees 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.

Respecting disputed Titles.

LXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or 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 such Person

or

or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments be not known or diſcovered, then and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Truſtees to order the ſaid Sum or Sums of Money ſo awarded 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 or 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 Publick 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 Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe as to the Title to Money.

LXIII. 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 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 Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands 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 Intereſts 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 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 or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court may order Expences of Purchaſes to be paid.

LXIV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporations 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 Court of Chancery, and to be applied in the Purchaſe of other Lands or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all the Purchaſes from Time to Time to be made in purſuance of this

Act, or ſo much of ſuch Expences as the 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 Sum of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons, &c. before liable to Repairs to continue ſo.

LXV. And be it further enacted, That all and every Perſon and Perſons, Townſhips, Pariſhes, Hamlets, Vills, and Places, and the Inhabitants thereof reſpectively, and Bodies Politick and Corporate, who before the making of this Act have or hath uſed, or of Right ought, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the ſaid Road, or any Bridge, Drain, or Watercourſe in or upon the ſame, ſhall, notwithſtanding this Act, be ſubject and liable to ſuch Repairs, in the ſame Manner as they and every of them have or hath heretofore uſually been, or would have been in caſe this Act had not been made.

Statute Duty.

LXVI. And be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Devon*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees or by their Treaſurer, Clerk, or Surveyor, from Time to Time to adjudge, order, and determine what Part or Proportion of the Statute Work ſhall be done in and upon the ſaid Road hereby directed to be made, and for what Space of Time, and in what Manner, and by which of the Inhabitants of or Occupiers of Lands and Tenements in the ſeveral Pariſhes, Townſhips, or Places through which the ſaid Road does or ſhall paſs, the ſame ſhall be done; and alſo what Proportion of the Compoſition Money received or to be received by the Surveyors of the Highways of ſuch Pariſhes, Townſhips, and Places reſpectively, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by them reſpectively paid to the ſaid Truſtees or their Treaſurer, Surveyor or Surveyors; and in order thereunto it ſhall be lawful for ſuch Juſtices and they are hereby required from Time to Time on ſuch Application as aforeſaid, to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, to bring in before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons, at ſuch Time not being leſs than Ten Days then next following, as the ſaid Juſtices ſhall direct, true and perfect Liſts in Writing of the Names of the ſeveral Perſons who within ſuch Pariſhes, Townſhips, or Places reſpectively, ſhall be 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 by each Perſon; which Liſts 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 and Effect for the Repairs of the Publick Highways; and the ſame when ſo delivered in as aforeſaid, ſhall be laid before ſuch Juſtices as aforeſaid by the Treaſurer or Clerk, or by the ſaid Turnpike Surveyor or Surveyors; and out of ſuch Liſts the ſaid Juſtices ſhall and may and are hereby required to allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear ſubject and liable to the 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

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 order and direct what Proportion of the Money received or receivable by the Surveyors of such Parishes, Townships, or Places respectively, from the several 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 shall be paid, and at what Time the same shall be so paid by such Surveyors to the said Trustees, or their Treasurer, Surveyor or Surveyors; and in Default of Payment thereof the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Surveyors liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person so appointed and ordered to do such Statute Work as aforesaid, who shall neglect or refuse to perform the same after Four Days Notice in Writing given to or left with him, her, or them, at his, her, or their usual Place 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 or 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 Publick Highways; and if any Person who shall come or be sent to work as a Labourer, or who 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 sending such Labourer, Team, or Draught shall be subject 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 Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, 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 Five Pounds.

Trustees may compound for Statute Duty.

LXVII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to compound or agree by the Year or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Parishes, Townships, or Places in which the said Road shall lie and be situate, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work; or to compound with the Surveyor of the Highways for any such Parishes, Townships, or Places for the Whole or any Part of the Statute Work liable to be performed within the same respectively; all which Composition Monies shall be applied in the Repair of the said Road.

Composition Money how to be recovered.

LXVIII. Provided always, and be it further enacted, That in case any Composition Money agreed to be paid for or in lieu of any such Statute Work as last aforesaid, shall not be paid within Three Days next after the

the ſame ſhall become payable according to ſuch Compoſition or Agreement, then it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Devon* (Oath having been made by the Surveyor or Surveyors of the ſaid Road that the ſame hath been demanded and remains unpaid) to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods of the Perſon or Perſons, Surveyor or Surveyors of the Highways ſo having compounded in lieu of ſuch Statute Work, returning the Overplus (if any) to the reſpective Owners of the Goods ſo to be diſtrained upon Demand, after the Charges of ſuch Diſtreſs and Sale ſhall have been thereout deducted.

Surveyors of Pariſhes, &c. to be reimburſed Compoſition Money.

LXIX. Provided alſo, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any Pariſh, Townſhip, or Place, for or in reſpect of whoſe Statute Work ſuch Compoſition ſhall be made as aforeſaid, ſhall pay the Compoſition Money, or if ſuch Compoſition Money ſhall be recovered by Diſtreſs and Sale of his or their Goods and Chattels, in Manner herein-before directed, then and in either of the ſaid Caſes ſuch Surveyor or Surveyors ſhall be paid or reimburſed the Compoſition Money which ſhall be ſo paid by or recovered of him or them as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale, either out of the Compoſition Monies received or to be received by him or them in lieu of Statute Work, in ſuch Pariſh, Townſhip, or Place, or in ſuch Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimburſed the Monies by them expended in purchaſing Materials for repairing the ſaid Highways.

Truſtees may contract for Repairs.

LXX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to contract and agree with any Perſon or Perſons for the repairing of the ſaid Road, or any Part or Parts thereof, or for doing any other Work in purſuance or Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money, annually or otherwiſe, or for ſuch Conſiderations as the ſaid Truſtees ſhall think proper.

LXXI. And be it further enacted, That all and every the Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act ſhall and may cauſe the Conviction to be drawn up in the Form or to the Effect following, (*mutatis mutandis*), (that is to ſay);

Form of Conviction.

'BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or*, us] [*Name and Style of convicting Juſtice or Juſtices*] for that the ſaid *A. B.* [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*here ſtate the Offence againſt the Act according to the Fact*] contrary to the Form of the Statute made in the Fifty-third Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*] and I [*or*, we] do therefore declare and adjudge that the ſaid *A. B.* [*Name of Offender*] has forfeited for the ſaid Offence the Sum of [*Fine*] or ſhall be committed to [*Place of Impriſonment*] for the Space of [*Time of Impriſonment*] Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt above written.'

LXXII. And

Proceedings not to be quashed for want of Form.

LXXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, 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*; and that when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding 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 committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in an Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining, before such Action brought.

Limitation of Actions.

LXXIII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done or alledged to be done in pursuance of this Act, until Fourteen Days Notice shall be given to the Clerk or Treasurer to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action shall be brought, laid, and tried in the said County of *Devon*, and not elsewhere, and the Defendant or Defendants in every such Action or Suit shall and may plead 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 it shall appear that the same was so done, or that such Action or Suit was brought before Fourteen Days Notice thereof had been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time hereby limited for bringing the same, or in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be non-suited or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Case of Law.

Penalties and Forfeitures how to be recovered and applied.

LXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, (the Manner of levying and recovering whereof is not herein otherwise directed) shall upon Proof of the Offences respectively before any One Justice of the Peace, for the County or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and

Seal of such Justice, which Warrant such Justice is hereby empowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are levied, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and Penalties, Forfeitures, and Fines when so levied, (if not otherwise directed to be applied by this Act) shall be from Time to Time paid to the Treasurer of the said Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, or Fines shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

LXXV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved, and to have Cause of Complaint by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been herein-before appointed, such Person may appeal to the Justices at the General Quarter Sessions of the Peace, to be holden for the County or Place wherein the Cause of Complaint shall arise, within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof to the Clerk or Treasurer of the said Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide by the Order of and pay such Costs as shall be awarded by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Publick Act.

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

Commencement and Duration of Act.

LXXVII. And be it further enacted, That this Act shall commence and take Effect upon the Day on which 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.

The

The SCHEDULE above referred to.

Parishes.	Descriptions.	Owners.	Occupiers.
Cullompton	Orchard	William Palmer	Robert Salter.
Ditto	Orchard	Abraham Elliott	Robert Coombe.
Bradninch	Orchard	John Hole	Francis Moxey.
Broadclist	Orchard	Sir John Davie, Bart.	Mary Pyne.
Ditto	Orchard	Ditto	Ditto.
Ditto	Orchard	Ditto	Ditto.
Ditto	Orchard	Wm. Boucher, Leasehold under Sir J. Davie	William Boucher.
Ditto	Orchard	Ditto	Ditto.
Ditto	Garden	Sir John Davie, Bt.	Silvester Rook.
Ditto	Garden	Sir T. D. Acland, Bt.	John Birminham.
Ditto	Garden	Aaron Moore	William Mortimer.

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