ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. 6.

An Act for repairing and improving the Road from the *Honiton* Turnpike Road, near *Yard Farm*, in the Parish of *Upottery*, in the County of *Devon*, to the *Ilminster* Turnpike Road, near the Village of *Horton*, in the Parish of *Ilminster*, in the County of *Somerset*. [17th *March* 1807.]

WHEREAS the Road leading from the *Honiton* Turnpike Road at or near a Place called *Yard Farm*, in the Parish of *Upottery*, in the County of *Devon*, through the several Parishes of *Upottery* and *Yarcombe*, in the said County of *Devon*, and *White-Stanton*, *Buckland Saint Mary*, *Combe Saint Nicholas*, *White-Lackington*, *Broadway*, *Donyatt* and *Ilminster*, in the County of *Somerset*, to communicate with the *Ilminster* Turnpike Road at or near the Village of *Horton*, in the Parish of *Ilminster* aforesaid, is very circuitous and hilly; and in many Places narrow and incommodious, and the said Road cannot be effectually shortened, levelled, widened, amended, and kept in good Repair by means of the Laws now in being for the Amendment and Preservation of the publick Highways; but if the said Road were properly altered, levelled, widened, amended, and repaired, it would facilitate and improve the Communication between the Towns of *Honiton* and *Ilminster* and the adjoining Neighbourhood, and would

would otherwise be of great 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 Right Honourable Lord Viscount *Hinton*, the Right Honourable *John Hiley Addington*, Sir *Thomas Graves* Knight of the Bath, Sir *William Templer Pole* Baronet, Sir *Lawrence Palk* Baronet, Sir *John Kennaway* Baronet, *Robert Aberdein*, *Richard Abraham* Clerk, *Roger Andrews* Clerk, *William Austin*, *William Banger*, *John Baker*, *John Pollexfen Bastard*, *Edward Baker*, *James Basleigh*, *James Bernard*, *Bennett*, *William Blackmore*, *William Bond*, *Thomas Bowdage*, *John Broughton*, *Richard Brown*, *Theophilus Clarke*, *John Colesworthy*, *Henry Colesworthy*, *Henry Powell Collins*, *John Collins*, *John Collins* the Younger, *Thomas Collins*, *Richard Thomas Combe*, *Edward Combe* Clerk, *John Cooke*, *William Trevelyan Cox* Clerk, *William Huddy Cox*, *William Elisha De Visme*, *John Eason*, *Isaac Elton*, *Charles Fanshawe*, *Joseph Feltham*, *Christopher Flood*, *Richard Graves*, *Nicholas Gay* Clerk, *Courtenay Gidley*, *Robert Hallett*, *John Hanning*, *William Hanning*, *Edward Harrison*, *John Harward*, *Stephen Hayman*, *Edward Holland*, *Edward Honywood* Clerk, Doctor of Laws, *Thomas Hopkins* Clerk, *William House*, *Thomas Hutchings*, *William Hutchings*, *Thomas Jordon*, *John Jesse*, *Thomas Kerslake*, *John Kestell*, *Richard King*, *Thomas Frye Lewis* Clerk, *Samuel Lott*, *Harry Baines Lott*, *John Lathy*, *Richard Lewis* Clerk, *Vincent Langworthy*, *William Marshall*, *William Michell* Clerk, *John Mitchell* Clerk, *John Hawes Mules* Clerk, *William Palmer* Clerk, *Francis Palmer* Clerk, *John Abraham Palmer*, *John Pidgeon*, *Edward Bryanston Portman*, *Reymundo Putt*, *Thomas Putt* Clerk, *Stephen Robinson* Doctor of Physic, *Caleb Rockett*, *John Rogers*, *John Rogers* Clerk, *William Rogers*, *William Rosseter*, *Robert Hooper Scott*, *John Slatter*, *Thomas Slatter*, *Robert Slatter*, *Atwell Small* Doctor of Divinity, *William Smark*, *William Smark* the Younger, *Richard Marshall Smark*, *William Speke*, *Richard Toller*, *Henry Tripp*, *John Tooze*, *John Tooze* the Younger, *James Townsend*, *William Tucker*, *William John Tucker* Clerk, *Edward Raw Vere*, *Timothy Wallington* and *Malachi Wallington*, and their Successors to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for making, altering, levelling, widening, repairing, diverting, improving, and keeping in Repair a convenient Carriage Road from the *Honiton* Turnpike Road at or near *Yard Farm* aforesaid, through the several Parishes of *Upottery*, *Yarcombe*, *White-Stanton*, *Buckland Saint Mary*, *Combe Saint Nicholas*, *White Lackington*, *Broadway*, and *Donyatt* aforesaid, to the *Ilminster* Turnpike Road at or near the said Village of *Horton*, and for otherwise putting this Act in Execution.

Trustees Names.

Power to appoint new Trustees.

II. And be it further enacted, That as often as any of the Trustees hereby appointed and to be elected and appointed as herein-after mentioned shall die, or refuse to act in the Execution of this Act, it shall be lawful for the surviving or continuing Trustees from Time to Time, at any Meeting to be holden in pursuance of this Act, by any Writing under their respective Hands, to elect and appoint some fit Person to be a Trustee in the Room of every Trustee so dying or refusing to act (Ten Days previous Notice in writing of the Time and Place of Meeting of the said Trustees for every such Election being given by the Clerk or Treasurer of the said Road for the Time being, by affixing such Notice upon all the Turnpikes then erected

erected acroſs the ſaid Road), and every Perſon who ſhall be elected and appointed a Truſtee in Manner aforeſaid ſhall and may act with the ſurviving and continuing Truſtees in the Execution of this Act in the ſame Manner as if he had been originally appointed a Truſtee in and by this Act: Provided always, that if any Perſon or Perſons hereby nominated, or who ſhall be elected or appointed a Truſtee or Truſtees by virtue of this Act, not being *bona fide* a Creditor of the Tolls under this Act, ſhall neglect to act in the Execution thereof for the Space of Three Years, ſuch Neglect ſhall be and be deemed a Refuſal to act within the Intent and Meaning of this Act.

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

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

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act during the Time he ſhall hold any Place of Profit under the ſame, nor unleſs he ſhall be ſeiſed or entitled in his own Right, or in the Right of his Wife, for ſome Eſtate for Life, or for Years determinable on One or more Life or Lives, or for an Eſtate of Inheritance in Poſſeſſion, of or to Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds, or ſhall be Heir Apparent to ſome Perſon or Perſons who ſhall be ſeiſed or entitled for ſome Eſtate for Life, or for an Eſtate of Inheritance in Poſſeſſion, of or to Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or ſhall be poſſeſſed of a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Amount or Value of One thouſand Pounds, over and above what will be ſufficient to pay all his juſt Debts; and if any Perſon, not being ſo qualified, ſhall act as a Truſtee in the Execution of this Act, every Perſon ſo offending ſhall forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act.

The Acts of unqualified Truſtees previous to Conviction declared valid.

V. Provided always, That all Acts and Proceedings of any Perſon as a Truſtee in the Execution of this Act, previouſly to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been duly qualified according to the Directions of this Act.

Truſtees to be ſworn.

VI. 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);

The Oath.

'I *A. B.* do ſwear, That I am truly and *bona fide* in my own Right [*or*, in the Right of my Wife] ſeiſed or entitled for ſome Eſtate for Life [*or* of Inheritance] in Poſſeſſion, of or to Lands, Tenements, or Hereditaments,

'ments, of the clear yearly Value of Fifty Pounds [*and in the Case of an* '*Heir Apparent*,] I, *A. B.* do swear, That I am Heir Apparent to *C. D.* 'who, to the best of my Knowledge, Information, and Belief, is truly 'and *bona fide* in his own Right, or in the Right of his Wife, seised or en- 'titled for some Estate for Life, or of Inheritance in Possession, of or to 'Lands, Tenements, or Hereditaments, of the clear yearly Value of One 'hundred Pounds [*and in the Case of Personal Estate alone, or of Real and* '*Personal Estate together*] I, *A. B.* do swear, That I am truly and *bona* '*fide* possessed of a Personal Estate, [*or*, of Real and Personal Estate to- 'gether] of the Amount or Value of One thousand Pounds above what 'will be sufficient to pay all my just Debts, and that I will faithfully and 'impartially, according to the best of my Judgement, act in the Execu- 'tion and Performance of the several Trusts, Powers, and Authorities 'reposed in me as a Trustee, by virtue of an Act passed in the Forty-seventh 'Year of the Reign of His Majesty King *George* the Third, intituled, '[*here set forth the Title of the Act.*]

'So help me GOD.'

Meetings of the Trustees.

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

How Meetings shall be adjourned.

Trustees to pay their own Expences.

Meetings on Emergencies.

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

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

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

Power to erect Toll-Gates.

X. And be it further enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall appoint, ſhall and may erect or otherwiſe provide ſuch and ſo many Toll Gates or Turnpikes in, upon, or acroſs ſuch Parts, and in ſuch Places of the ſaid Road, and alſo ſuch and ſo many Toll Gates or Turnpikes on the Sides of the ſaid Road, and in, upon, or acroſs any Lane or Bye Way that doth or ſhall lead into or out of the ſame, as the ſaid Truſtees ſhall think proper, (ſubject nevertheleſs to the Reſtrictions and Directions herein-after mentioned concerning the ſame), and alſo ſhall and may erect or otherwiſe provide a Toll Houſe to every or any of the ſaid Toll Gates or Turnpikes, with ſuitable Buildings and other Conveniences thereto, and incloſe from the Sides of the ſaid Road convenient Gardens for the ſame.

And to take Tolls.

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

The Tolls.

For every Horſe, Mare, Gelding, or other Beaſt, drawing in any Coach, Chariot, Barouche, Chaiſe, Curricle, Chair, Landau, Berlin, Calaſh, Hearſe, or other ſuch Carriage, the Sum of Four-pence Halfpenny:

For every Horſe, Mare, Gelding, or other Beaſt, drawing ſingly or alone, any Carriage of any Deſcription whatſoever, the Sum of Four-pence Halfpenny:

For every Horſe, Mare, Gelding, or other Beaſt, drawing in any Waggon, Wain, Cart, or other ſuch Carriage, (drawn by Two Horſes or Beaſts of Draught, or more) the Sum of Three-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in proportion for any greater or leſs Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in proportion for any greater or leſs Number.

Additional Toll on Carriages em-

XII. And be it further enacted, That between the firſt Day of *November* and the laſt Day of *February* in each and every Year it ſhall be lawful for the

ployed in conveying Timber.

the Collectors of the Tolls to demand and take for each and every Horse or other Beast of Draught drawing in any Carriage employed in carrying or conveying any Timber, or Tree or Trees, a Toll equal to One Half in addition to the Toll which otherwise might be demanded and taken for such Horse or other Beast of Draught: Provided always, that no such additional Toll shall be demanded or taken save and except there shall be Two or more Horses or other Beasts of Draught in any such Carriage.

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

XIII. And be it further enacted, That each and every Waggon, Wain, Cart, or other such Carriage passing on the said Road, or any Part thereof, the Wheels whereof shall not roll a flat or level Surface, or a Surface so flat or level as not to deviate more than Half an Inch from a flat or level Surface, or the interior Diameter of the Wheels whereof shall deviate more from the exterior Diameter thereof than One Sixth Part of the Breadth of the Sole or Bottom of the Felly, shall be considered and deemed a Carriage on Wheels rolling a Surface less than Six Inches, and shall and may be weighed at any Weighing Engine to be erected on the said Road, or any Part thereof, and shall pay the same Tolls, and the same Rates of Weighing as any Waggon, Wain, Cart, or Carriage, on Wheels rolling a Surface less than Six Inches, is subject and liable to pay.

Power to recover the Tolls.

XIV. And be it further enacted, That the said respective Sums herein-before respectively granted or made payable shall be demanded and taken in the Name of and as Toll, by such Person or Persons as the said Trustees shall from Time to Time authorize and appoint to receive the same; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Person or Persons authorized to receive the same, neglect or refuse to make Payment thereof, or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized, to seize and distrain any Horse, Cattle, or Beast upon which any Toll is by this Act imposed, or any Carriage in which the same shall be drawing, or the Loading, Harness, and Accoutrements of any such Horse, Cattle or Beast, or any of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress, and of keeping the same, shall not be paid within the Space of Four Days next after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter, sell the Horse, Cattle, Beast, Carriage, Goods, and Chattels so distrained, and out of the Money which shall arise by such Sale pay or retain such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any), upon Demand, to the Owner or Owners thereof.

For settling Disputes concerning Tolls.

XV. And be it further enacted, That if any Disputes shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining to retain such Distress, or the Money arising from the Sale thereof, till the Quantity of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County in which the Dispute shall arise, who upon Application made to him for that Purpose shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, and shall determine

termine the Toll due, and assess the Charges of such Distress and of the Collector's Attendance upon the said Justice for that Purpose; all which Sums so determined and assessed shall be paid to the said Collector before he or she shall be obliged to return the Goods so distrained, or the said Overplus, or any Part thereof respectively.

Collectors declared competent witnesses.

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

Tolls may be varied.

XVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen, vary, or alter all or any of the Tolls hereby granted or made payable at all or at any of the Toll Gates or Turnpikes to be erected by virtue of this Act, and to cause the same to be collected in such Manner, Parts, and Proportions, as they shall think fit; and to raise, vary, or alter the same again, so as they do not at any Time exceed the Tolls by this Act made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Four Fifth Parts of the Money then due on Security of the said Tolls; but no such Alteration shall be made unless Twenty-one Days previous Notice thereof in Writing shall be affixed upon all the Turnpikes then erected across the said Road, and also inserted in One or more of the Newspapers usually circulated in the Neighbourhood of the said Road.

Tolls to be paid but Once a Day.

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

Number of Tolls limited.

XIX. And

Exemptions from Tolls

XIX. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Ox, or other Beast, drawing in any Carriage employed in carrying or conveying Stones, Bricks, Lime, Timber, Trees, Wood, Gravel, or other Materials for making or repairing the said Road, or any Bridge thereon, or any of the Highways in the several Parishes, Townships, or Districts through which the said Road shall pass, or Hay, or Corn in the Straw, the Produce of Lands lying within the respective Parishes, Townships, or Districts aforesaid, to be laid up, used, or consumed in the Houses, Out-houses, Barns, or Yards of the Owners thereof, and not for Sale; or Lime, or other Manure to be used for the Improvement of Lands; nor when returning unladen, after carrying or conveying any such Materials; nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast, drawing or not drawing, and employed in carrying or conveying any Ploughs, Harrows, or other Implements of Husbandry; nor for any Horses, Mares, Geldings, or Cattle when going to or returning from being shod or farried, or to or from Work in cultivating the Lands or Grounds within the same Parishes, Townships, or Districts, or going to or returning from Pasture or Watering Places (provided that such last mentioned Exemption shall only extend to such Cattle as shall be driven to and from Water or Pasture from one Parish to the next adjoining Parish, or to such Cattle as shall not pass upon the same Road more than Two Miles in going to or returning from Water or Pasture), nor shall any of the Tolls hereby granted be demanded or taken for any Horse, Ox, or other Beast, which shall only cross such Road and shall not pass above One Hundred Yards thereon, or for any Horse, Mare, Gelding, or Mule, when carrying or conveying any Clergyman to or from the Performance of the Duties of his Function on *Sundays*, or any other Day, or when carrying or conveying any Person or Persons residing in the same Parishes, Townships, or Districts, who shall pass on *Sundays* or on any other Days on which Divine Worship is or shall be ordered by Authority to be celebrated, to or from his or her parochial Church or Chapel, or to or from any other Place of religious Worship tolerated by Law, and usually resorted to by such Person or Persons, or when going to or returning from the Funeral of any Person or Persons who shall die and be buried in any of the same Parishes, Townships, or Districts; nor for any Horses or Carriages which shall be employed in conveying any Mail or Packet made up under the Authority or Direction of His Majesty's Post Master General or his Deputies; nor for any Horses belonging to Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers, or returning empty after having been so employed, provided such Horses, Cattle, or Carriages, shall return within the same Day; nor for any Horse, Mare, or Gelding furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them; nor Carriages conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; nor for any Horses, Carts, or Carriages employed only in carrying or conveying Vagrants sent by legal Passes, nor for any Horse, Mare, Gelding, or Mule drawing or not drawing,

ing, carrying or conveying, any Elector or Electors to or from an Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Devon* or *Somerſet*; and if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid or of any other of the Exemptions from Toll herein contained, not being entitled to the ſame, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds nor leſs than Forty Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

To prevent evading the Tolls.

XX. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Cattle, or Beaſt, upon which any Toll is by this Act impoſed, paſs through any Land or Ground within the Diſtance of One Mile from any Toll Gate or Turnpike which ſhall be erected by virtue of this Act, the ſame not being a public Road, or if any Owner or Occupier of ſuch Land or Ground ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, Cattle, or Beaſt to paſs through the ſame, whereby Payment of any of the ſaid Tolls, or any Part or Parts thereof, ſhall be evaded, or if any Perſon or Perſons ſhall give to or receive from any Perſon (other than a Collector of the ſaid Tolls) any Ticket by this Act directed to be given by a Collector of the ſaid Tolls, or ſhall forge and counterfeit any ſuch Ticket, or ſhall forcibly paſs through any ſuch Toll Gate or Turnpike as aforeſaid with any Horſe, Cattle, or Beaſt, or ſhall at any Time or Times take off or cauſe to be taken off any Horſe, Cattle, or Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls, or any Part or Parts thereof ſhall be evaded; or if any Perſon or Perſons ſhall leave or cauſe to be left upon or near to any Part of the ſaid Road any Carriage, Horſe, Cattle, or Beaſt, with an Intent to evade the Payment of any of the ſaid Tolls or any Part or Parts thereof, or with ſuch Intent ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage; every Perſon offending in any of the Caſes aforeſaid and being lawfully convicted thereof ſhall forfeit and pay a Sum not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted, One Moiety whereof ſhall be for the Uſe of the Informer or Informers, and the other Moiety thereof ſhall be applied for the Purpoſes of this Act in Manner herein-after directed.

Power to compound for the Tolls.

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

Power to leaſe the Tolls.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, after giving Twenty Days previous Notice thereof in Writing, to be affixed upon all the Turnpikes erected acroſs the ſaid Road, and to be inſerted in One or more of the Newſpapers uſually circulated in the Neighbourhood, from Time to Time to leaſe and demiſe the Tolls granted by this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, for the beſt Rent or Price that can be reaſonably gotten for the ſame; payable at ſuch Times and in ſuch Manner, and with, under, and ſubject to ſuch Covenants, Conditions, and Agreements as the ſaid Truſtees or any Five or more of them ſhall think

fit, they the ſaid Truſtees having a Counterpart of ſuch Leaſe or Leaſes, and taking ſuch other ſufficient Security for Payment of the Rents to be reſerved by and for the Performance of the Covenants to be contained in ſuch Leaſe or Leaſes as the ſaid Truſtees or any Five or more of them ſhall think fit.

Power to remove the Toll-Gates.

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

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

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

For recovering the Subſcriptions,

XXV. And be it further enacted, That if the ſeveral Perſons who have become Subſcribers, or who ſhall become Subſcribers towards the Expences of obtaining and paſſing this Act, and of carrying the ſame into Execution, or any of them, ſhall, after Twenty Days previous Notice in Writing, under the Hand of the Treaſurer or Clerk of the ſaid Road, for that Purpoſe to him, her, or them given or left at his, her, or their Dwelling-Houſe, or uſual Place of Abode, refuſe or neglect to make Payment of the reſpective Sums by him or them ſo ſubſcribed or agreed to be ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Truſtees to bring or cauſe to be brought any Action of Debt, or on the Caſe, Bill, or Suit, againſt any Perſon or Perſons ſo refuſing or neglecting

neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice being given as aforesaid, such respective Sum or Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered with full Costs of Suit.

For borrowing Money on Security of the Tolls.

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

Form of the Security.

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

Copies to be entered.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer of the said Road, which Book or Books may at all seasonable Times be perused and inspected without Fee or Reward; and it shall be lawful for all and every Person and Persons to whom any Mortgage or Security shall be made as aforesaid, his, her, and their Executors and Administrators respectively, by Writing or Writings under their respective Hands and Seals, to assign and transfer his, her, and their Right, Title, and Interest in and to such Mortgage and Security, and the Principal Money and Interest secured thereby, to

Mortgages may be transferred.

any other Perſon or Perſons; which Aſſignment and Transfer may be made in the Form, or in Words to the Effect following; (that is to ſay),

Form of Transfer.

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

Transfers to be entered.

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

Probates of Wills and Certificates of Marriages to be produced to the Clerk and entered.

XXVII. And be it further enacted, That where any Perſon or Perſons ſhall in Right or by virtue of his or her Marriage become entitled to any Sum or Sums of Money due on Mortgage or Security of the Tolls hereby granted, an Affidavit, containing a Copy of the Regiſter of ſuch Marriage ſhall be made before a Judge of one of His Majeſty's Courts of Record at *Weſtminſter*, or before a Maſter in Chancery in *England*, or a Magiſtrate or Baillie of ſome Corporate Town, or one of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk of the ſaid Road, who ſhall make an Entry thereof in the Book or Books which ſhall be kept for entering Copies of ſuch Mortgages and Transfers as aforeſaid; and ſuch Clerk ſhall, upon the Application of the Perſon or Perſons entitled to ſuch Sum or Sums of Money due on Mortgage or Security of the Tolls hereby granted, give and deliver to him, her, or them a Certificate of ſuch Entry; and where any Perſon or Perſons ſhall, as Executor or Executors, Adminiſtrator or Adminiſtrators, of any Perſon deceaſed, become entitled to any ſuch Sum or Sums of Money as laſt aforeſaid, the Probate of the Will, or Teſtamen-

tary

tary Inſtrument, or Letters of Adminiſtration, under which ſuch Perſon or Perſons ſhall be ſo entitled, ſhall be produced and ſhewn to the Clerk of the ſaid Road, who ſhall enter the ſame, and grant a Certificate thereof in Manner aforeſaid, for which Entry and Certificate reſpectively the Sum of Two Shillings and Sixpence and no more ſhall be paid to the ſaid Clerk.

Application of the Money.

XXVIII. And be it further enacted, That all the Monies which ſhall ariſe and be produced by Subſcriptions as aforeſaid, and from the Tolls by this Act granted, together with the Monies which ſhall from Time to Time be borrowed in purſuance of this Act, and all other Monies which ſhall ariſe and be produced by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and ſhall be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following (that is to ſay), in the firſt place, in Payment of the Coſts, Charges, and Expences of preparing and paſſing this Act; in the ſecond place, in paying the Intereſt accruing upon the ſeveral Principal Sums of Money which ſhall from Time to Time be due and owing on the ſeveral Mortgages or Securities made in purſuance of this Act; in the third place, in defraying the Expences of erecting and providing Turnpikes, Toll-Houſes, and other Buildings, and of making, forming, repairing, widening, and altering the ſaid Road, and purchaſing Lands for thoſe Purpoſes, and of erecting and maintaining neceſſary and convenient Bridges upon the ſaid Road, and of executing the ſeveral other Powers and Purpoſes of this Act; and laſtly, in reducing, paying off, and diſcharging the ſeveral Principal Sums for the Time being due on ſuch Mortgages or Securities as aforeſaid.

Appointing Officers.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, by Writing under their reſpective Hands, to appoint One or more Collector or Collectors of the ſaid Tolls, Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as the ſaid Truſtees ſhall think neceſſary, and ſuch Collectors, Clerks, Treaſurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on the Removal, Death, or Reſignation of any of them, to appoint others in their Stead; and the ſaid Truſtees are hereby authorized to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting in the Execution of this Act, ſuch Salaries and Allowances for their Trouble, Labour, and Service, as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when thereto required by the ſaid Truſtees, deliver to them, or to ſuch other Perſon or Perſons as they ſhall appoint, true, exact, and perfect Accounts in Writing under their Hands, upon Oath, (ſuch Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter) of all Monies which they reſpectively ſhall have received to that Time by virtue of this Act, and how much thereof has been paid and diſburſed, and for what Purpoſes, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands, to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and if any ſuch Officer or Perſon ſhall refuſe or neglect to give ſuch Account, or to produce or deliver up ſuch Vouchers as aforeſaid, or to verify ſuch Account upon Oath, or to pay the

Money due upon ſuch Account in Manner aforeſaid, or to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Truſtees, all the Books, Papers, and Writings in his or her Cuſtody or Power relating to the Execution of this Act, in every or any of the ſaid Caſes it ſhall be lawful for any Two or more Juſtices of the Peace for the County or Place where the Officer or Perſon ſo making Default ſhall be or reſide, upon Complaint thereof made to them by any Two or more of the ſaid Truſtees, to make Inquiry concerning ſuch Refuſal, Default, or Neglect, as well by Confeſſion of the Parties themſelves reſpectively, as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtices or either of them are and is hereby empowered and required to adminiſter without Fee or Reward) and if any ſuch Officer or Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtices ſhall, upon ſuch Conviction, commit him or her to the Common Gaol or Houſe of Correction of the ſame County or Place, there to remain, without Bail or Mainprize, until he or ſhe ſhall have given and made a true and perfect Account and Payment as aforeſaid, or until he or ſhe ſhall have compounded and agreed with the ſaid Truſtees (which Compoſition the ſaid Truſtees are hereby empowered to make), or until he or ſhe ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or made Satisfaction in reſpect thereof to the ſaid Truſtees; provided that no Perſon ſhall be ſo committed as laſt aforeſaid for a longer Space of Time than Six Calendar Months.

On the Death of a Gate-keeper two Truſtees may nominate another until the next Meeting.

XXX. And be it further enacted, That it ſhall be lawful for any Two or more of the ſaid Truſtees, although not aſſembled at any Meeting, upon the Death, Neglect, Refuſal or Incapability to act of any Collector of the Tolls hereby granted, to nominate and appoint ſome other fit Perſon in his or her Place until the next Meeting of the Truſtees of the ſaid Road, which Perſon ſo to be nominated and appointed ſhall have the like Power and Authority, and be accountable in the ſame Manner in all reſpects as the Perſon in whoſe Room or Stead he or ſhe ſhall be ſo appointed; and if any Collector of the ſaid Tolls, who ſhall be diſcharged from his or her Office by the ſaid Truſtees, ſhall refuſe to deliver up the Poſſeſſion of the Toll-Houſe, Buildings, and Appurtenances which he or ſhe enjoyed in Right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at ſuch Toll-Houſe, in Writing under the Hands of the ſaid Truſtees or any Two or more of them, or if the Wife or Family of any ſuch Collector who ſhall die as aforeſaid, or any other Perſon who ſhall be in Poſſeſſion of the Premiſes by any Means whatſoever, ſhall refuſe to deliver up ſuch Houſe, Buildings, and Appurtenances, within Two Days after Notice of ſuch new Appointment being made as aforeſaid ſhall have been given to him, her, or them, or left at ſuch Toll-Houſe, ſigned by any Two or more of the ſaid Truſtees, then and in either of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the County where ſuch Toll-Houſe ſhall ſtand, or by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll-Houſe and Premiſes in the Day Time, and to remove the Perſons who ſhall be found therein, together with their Goods and Chattels, out of ſuch Toll-Houſe and other Premiſes, and to put the new appointed Collector of the ſaid Tolls in Poſſeſſion thereof.

If diſcharged Gate-keeper refuſes to deliver up the Houſes &c.

XXXI. And

Treasurer to give Security.

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

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

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

Surveyor may get Materials for the Road.

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

Materials not to be taken from inclosed Grounds without an Order from two Justices.

XXXIV. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Person or Persons under the Authority of this Act, to dig, gather, take, or carry away any such Materials as aforesaid in or from any inclosed or private Lands, Grounds, or Quarries, until after Ten Days previous Notice in Writing, signed by the said Surveyor, or some other Officer of the said Trustees, shall have been given to the respective

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

Penalty on taking away Materials got by the Surveyor.

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

For preventing Obstructions on the Sides of the Roads.

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

Penalty on damaging Footways, or causing Nuisances or Obstructions on the Road.

XXXVII. And be it further enacted, That if any Person shall ride upon any Footway adjoining the said Road, or shall lead or drive any Horse, Cattle, or Swine, or any Carriage on any such Footway, or shall cause any Damage to be done thereto, or shall put or turn any Horse, Ass, Swine, or other Beast or Cattle of any Kind into or upon the said Road or the Sides thereof, or if any Person shall, without sufficient Cause leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage in or upon the said Road or the Side thereof, either with or without any Horse or Beast of Draught harnessed or yoked thereto (except in Case of Accidents, and for such reasonable Time as may be necessary to load or unload the same), every Person so offending shall forfeit and pay for the First Offence Ten Shillings, and for the Second and any subsequent Offence any Sum not exceeding Five Pounds.

Surveyor may remove Annoyances.

XXXVIII. And be it further enacted, That it shall be lawful for the said Surveyor, and such Person or Persons as he shall appoint, from Time

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

Surveyor empowered to remove ſudden Obſtructions without Notice.

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

For ſhearing the Hedges.

XL. Provided always, and be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and ſuch Perſon or Perſons as he, or they ſhall appoint, (ſuch Surveyor or Surveyors having an Order for that Purpoſe ſigned by the ſaid Truſtees, or any Three or more of them) at proper Seaſons of the Year, to ſhear and cut, as often as Occaſion ſhall require, the Tops and Sides of all the Hedges, Banks, or Fences ſtanding or growing by or near the Side or Sides of the ſaid Road, in ſuch Manner as ſuch Surveyor or Surveyors ſhall think proper, without any previous Notice to the Occupiers or Owners of ſuch Hedges, Banks, or

of Fences; and all Charges and Expences attending the same shall in such Case from Time to Time be paid and defrayed out of the Tolls to be collected by virtue of this Act.

Surveyor may make Causeways and Drains.

XLI. And be it further enacted, That it shall be lawful for the said Surveyor, and any other Person or Persons by Order of the said Trustees, to cut and make Ditches, Drains, and Watercourses, in, upon, and on the Sides of the said Road and also through any Grounds lying contiguous thereto, and to erect, and rebuild, and keep in Repair, Bridges and Arches upon the said Road, and across any such Ditch, Drain, or Watercourse as aforesaid, and to make sufficient Barriers and other Erections on any Part or Parts of the said Road, in order to prevent the same from being flooded or overflowed with Water, as the said Surveyor shall judge necessary; and also to make or cause to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the said Road (except as herein-after is mentioned) to be made use of as a Road whilst the old Road shall be repairing, and until the same shall be made safe and convenient for Travellers, making such Satisfaction to the Owners and Occupiers of such Grounds so to be used, cut through, or built upon, for the Damages which such Owners or Occupiers respectively shall sustain thereby, as the said Trustees shall judge reasonable.

Power to widen, turn, or alter the Roads;

XLII. And whereas several Parts of the Road herein-before described are not of sufficient Width, other Parts thereof are circuitous, and may be considerably shortened, and other Parts thereof pass over Hills, which may be altogether or in Part avoided, for Remedy of which Inconveniences, and for enabling the said Trustees to make and complete the said Road by opening a new and convenient Carriage Road through any private or inclosed Lands or Grounds lying in or near to the Line of the said Road herein-before described, be it further enacted, That it shall be lawful for the said Trustees at any Time or Times to widen the said Road, and to divert, turn, or alter the Course or Direction of any Part or Parts thereof, and to make a new and convenient Carriage Road through or over any Moor or Waste Ground without making any Satisfaction for the same, and also through or over any private Lands or Tenements (except as hereafter mentioned) first making Satisfaction to the Owners thereof and Persons interested therein for the Damages they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any private Lands or Tenements for the Purchase thereof, or for the Loss or Damage which such Owners and Persons interested or any of them, shall or may, anyways sustain by making, widening, turning, or altering any Part or Parts of the said Road; and it shall be lawful for all Bodies Politick, Coporate, or Collegiate, Corporations Aggregate or Sole, and Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whomsoever, for and on Behalf of any Infants, Femes Covert, Cestuique Trusts, and for all and every Person and Persons whomsoever who are or shall be seized or possessed of or interested in any such Lands or Tenements, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell to them all or any of such Lands or Tenements, as Occasion shall require, and all Contracts and Sales so made shall, without any Conveyance or Assurance in the Law, be valid

and to purchase Lands.

Power to Corporations, etc. to sell.

valid and effectual to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or any other Matter or Thing to the contrary thereof notwithſtanding; and all ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any ſuch Owners, Proprietors, Occupiers, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Tenements, upon Notice in Writing by the Clerk or Treaſurer of the ſaid Road to him, her, or them given, or left at the reſpective Dwelling-Houſes or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands and Tenements ſo to be taken in and added to any Part of the ſaid Road or into which any Part or Parts of ſuch Road are or is to be turned or altered as aforeſaid, ſhall by the Space of Ten Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees ſhall cauſe it to be inquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County where ſuch Lands or Tenements ſhall be ſituated, (which Oaths any One or more of the ſaid Truſtees is and are hereby empowered and required to adminiſter) what Damages will be ſuſtained by and what Recompence and Satisfaction ſhall be made to ſuch Owners, Occupiers, or other Perſon or Perſons intereſted for or on account of the taking of ſuch Lands or Tenements into the ſaid Road, or of turning any Part or Parts of ſuch Road into the ſame Lands or Tenements; and in order thereto the ſaid Truſtees are hereby empowered and required from Time to Time as Occaſion ſhall require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon or Perſons whomſoever, who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſes (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter); and they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion if there be Occaſion, and uſe all other lawful Ways and Means, as well for their own as for the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have inquired of, aſcertained, and ſettled ſuch Damages, Recompence, and Satisfaction, the ſaid Truſtees ſhall thereupon order the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners or Occupiers of, or other Perſons intereſted in the ſaid Lands or Tenements, according to ſuch Verdict or Inquiſition of the ſaid Jury, which ſaid Verdict or Inquiſition, and Order ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming any Eſtate in Fee Simple or Fee Tail, for Life or Lifes, or Years, in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Succeſſors, Executors, and Adminiſtrators, Infants, Iſſue unborn, Femes Covert, Perſons beyond the Seas, and under any other Diſability whatſoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning of ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff

The Recompence to be ſettled by a Jury in certain Caſes.

Their Verdict to be final.

Sheriff to ſummon Juries.

Sheriff of the County wherein ſuch Lands or Tenements are ſituated, or in caſe ſuch Sheriff or his Deputy or Deputies ſhall be anyways intereſted in the Matter in queſtion, then to ſome One of the Coroners of the ſame County not intereſted therein, thereby commanding and requiring ſuch Sheriff or Coroner to empannel, ſummon, and return a Jury of Twenty-four honeſt and indifferent Men, qualified according to Law, to be returned for Trials of Iſſues in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, his Deputy or Deputies or Coroner, is and are hereby required to empannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any One or more of them, ſhall ſwear or cauſe to be ſworn Twelve who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, or Coroner, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured, to attend that Service being qualified as laſt aforeſaid, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, or ſuch Coroner, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, unleſs prevented by Sickneſs or other ſufficient Cauſe, or who ſhall refuſe to be ſworn on the ſaid Jury, or on being ſo ſworn refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence; provided that any ſuch Fine ſhall not exceed the Sum of Ten Pounds upon any ſuch Sheriff, his Deputy or Deputies, or Coroner, and the Sum of Five Pounds upon any other Perſon for any Offence.

Sheriffs etc. may be fined on Neglect of Duty.

Directing by whom Expences of Juries for aſcertaining Damages ſhall be paid.

XLIII. And be it further enacted, That in caſe any Jury ſhall give a Verdict for more Money than what ſhall have been previouſly offered by the ſaid Truſtees as a Compenſation or Satisfaction for any Lands or Hereditaments taken, uſed, or damaged in the Execution of this Act before the ſummoning of the Jury, then all the neceſſary Coſts and Expences attending the Aſcertainment of ſuch Compenſation or Satisfaction ſhall be paid by the Truſtees; but if ſuch Jury ſhall give a Verdict for no more, or for leſs Money than ſhall have been offered by the ſaid Truſtees for any ſuch Compenſation or Satisfaction as aforeſaid, then all ſuch Coſts and Expences as laſt aforeſaid, ſhall be paid by the Perſon or Perſons who declined to accept ſuch Offer; which Coſts and Expences (being ſettled by ſome Juſtice of the Peace, who is hereby authorized and required to ſettle the ſame) ſhall be recoverable by ſuch Ways and Means as Penalties and Forfeitures are herein authorized to be recoverable.

How the Purchaſe Money is to be paid.

XLIV. And be it further enacted, That every Sum of Money, Recompence, and Satisfaction, which ſhall be agreed for or aſſeſſed as aforeſaid, ſhall

ſhall be paid out of the Monies which ſhall ariſe and be produced by virtue of this Act, to the Parties or Perſons reſpectively entitled thereto, or to their Agents, and upon Payment thereof, or in caſe of refuſal to accept the ſame, upon leaving the ſame in the Hands of the Treaſurer of the ſaid Road, for the Uſe of ſuch Parties or Perſons; and after Ten Days Notice thereof to ſuch Parties or Perſons, or their Agents, all Owners and Occupiers of, and Perſons intereſted in ſuch Lands or Grounds, ſhall thenceforth be diveſted of all Right, Title, Claim, Intereſt, and Property of, in, to, or out of the ſame; and ſuch Lands or Grounds ſhall be laid into and made Part of the ſaid Road, in ſuch Manner as the Truſtees ſhall direct, and ſhall be by them, or by ſuch Perſon or Perſons as they ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall thenceforth, to all Intents and Purpoſes whatſoever, become and for ever afterwards be a common Highway, and ſhall be deemed Part of the Road to be repaired by virtue of this Act, and ſhall be repaired accordingly; and after ſuch new Road ſhall be completed, the Lands conſtituting the former Road, or any Part thereof, unleſs leading over ſome Moor or Waſte Ground, or to ſome Town, Village, or Hamlet, to which ſuch new Road doth not lead, ſhall be veſted in the Clerk or Clerks, and Treaſurer or Treaſurers of the ſaid Road for the Time being; and he and they is and are hereby empowered to ſell the ſame, in ſuch Manner as the ſaid Truſtees ſhall direct or appoint; and in caſe of any ſuch Sale, after Payment of the Purchaſe Money for the Lands ſo ſold, and upon proper Receipts being ſigned or given for the ſame by the Clerk or Treaſurer for the Time being of the ſaid Road, the Lands ſo ſold as aforeſaid reſpectively, and the Fee Simple and Inheritance thereof reſpectively, ſhall be veſted in the Perſon or Perſons to whom the ſame ſhall be ſo ſold as aforeſaid, without any Conveyance or Aſſurance in the Law whatſoever.

Perſons in Poſſeſſion to be deemed lawful Owners till the contrary be ſhewn.

XLV. 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, Tenements, Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, 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, Tenements, and 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 be lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn, to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Purchaſe Money may be paid into

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

the Bank of England where Titles cannot be made out.

Lands, Tenements, 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 the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded or aſſeſſed as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees to order the Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, 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 ſuch Sum or Sums into the Bank as aforeſaid.

Court may order the Expences of Applications to the Court of Chancery, to be paid by the Truſtees.

XLVII. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands 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 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 Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Power to purchaſe Lands for erecting Toll Houſes.

XLVIII. Provided alſo, and it is hereby further enacted, That if in any Part of the ſaid Road where it ſhall be neceſſary to erect any Toll Houſe the ſaid Truſtees ſhall not be enabled to incloſe from the Sides of ſuch Road ſufficient Ground for erecting ſuch Toll Houſe, with ſuitable Buildings and other Conveniencies thereto, and a fit Garden for the ſame, then and in ſuch Caſe the ſaid Truſtees ſhall have like Power of agreeing for and purchaſing any Lands neceſſary for erecting ſuch Toll Houſe and Buildings, and making ſuch Garden as is herein-before given to them for purchaſing Lands for the Purpoſes of widening, turning, or altering any Part of the ſaid Road.

XLIX. Provided

XLIX. Provided always, and be it further enacted, That nothing in this Act contained shall empower the said Trustees, or any other Person or Persons, to pull down or damage any Dwelling-House or other Building, or to take away or damage any Ground having been used as a Garden, Orchard, Yard, Walk, or Avenue to a House, or Plantation or Nursery of Trees, for the Space of Twelve Calendar Months then last past, without the Consent in Writing of the Owner or Owners of every such Dwelling-House, or other Building, Garden, Orchard, Yard, Walk, Avenue, or Plantation or Nursery of Trees respectively, his, her, or their Agent or Agents, under their respective Hands for that Purpose first had and obtained.

Dwelling Houses, Gardens, etc. not to be damaged.

L. Provided also, and be it further enacted, That in case the ancient or former Road over any Moor or Waste Grounds shall by virtue of this Act be turned or diverted, the Inhabitants of the Parish, Township, or Hamlet, wherein the ancient or former Road shall thereby be left or discontinued, lieth, shall not be obliged to repair such ancient or former Road unless the same leads to some Town, Village, or Hamlet with which the new Road doth not communicate.

Roads discontinued not to be repaired.

LI. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of old Roads, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto, and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Piece or Pieces of old Road or Ground shall lie, by some Person or Persons no ways interested in the said Piece or Pieces of old Road or Ground, stating that such Offer was made by or on the behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed, with respect to disputed Value of Lands to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein directed with respect to Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of old Road or Ground as aforesaid, shall be applied to the Purpose of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Roads discontinued to be sold to the Owners of the adjoining Lands.

LII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, if the same amount to the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*

Application of Compensation when amounting to 200l.

England in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, or any of them, to the Intent that ſuch Money ſhall be paid, under the Direction and with the Approbation of the ſaid Court, (to be ſignified by an Order made upon a Petition to be preferred in a ſummary way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments) in the Purchaſe of the Land Tax, or in the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled to the ſame or the like Uſes, Intents, or Purpoſes, as the ſaid Court ſhall authorize or direct; 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, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon, ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities, ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application when the Compenſation is leſs than 200l. and exceeds 20l.

LIII. Provided always, and it is further enacted, That if any Money ſo agreed or aſſeſſed to be paid for any Lands, Tenements, 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 exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Two or more of the Truſtees for executing this Act, (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 thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining

obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Money is less than 20*l.*

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

New Roads to be fenced by the Trustees.

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

Lands chargable to the Repairs of Roads and Bridges to continue so.

LVI. Provided always, and be it further enacted, That where any particular Part or Parts of the said Road, or any Bridges, Arches, Drains, Sewers, or Watercourses lying in and upon the same Road have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments or by the said Counties of *Devon* and *Somerset*, or either of them, or any Ward, Parish, or Township therein, or otherwise howsoever, all and every such Part and Parts of the said Road, and all such Bridges, Arches, Drains, Sewers, and Watercourses, shall from Time to Time be maintained and kept in Repair by such Person or Persons, Bodies Politick and Corporate, Counties, Wards, Parishes, or Townships respectively, and in such Manner as the same ought to have been respectively maintained and kept in Repair in case this Act had not been made.

Statute Duty to be continued.

LVII. Provided always, and be it further enacted, That all Persons by Law chargeable towards repairing any Part or Parts of the said Road, or any Bridges thereon, shall still remain so chargeable, and shall do their respective Statute and other Work in or upon the said Road, and the other Highways of the Parishes, Townships, or Districts, in which the said Road lies, in like Manner as before the passing of this Act (subject nevertheless to the Regulations herein-after expressed concerning the same); and where any old Road shall be discontinued by virtue of this Act such Statute and other Work shall be performed upon the new Road made in lieu thereof.

How the Statute Work shall be apportioned.

LVIII. And, for ascertaining and determining what Part of the Statute Work ought to be performed on the said Road by the Inhabitants of the several Parishes, Townships, and Districts through which the said Road passes,

paſſes, be it further enacted, That it ſhall be lawful for any Two Juſtices of the Peace for the County or Counties in which the ſaid Road ſhall be ſituate, from Time to Time to adjudge and order what Part of the Statute Work ſhall be done in or upon the Road hereby directed to be repaired, and for what Space of Time, and in what Manner the ſame ſhall be done, upon ſuch Road by the Inhabitants of each or any of the Pariſhes, Townſhips, or Diſtricts in or through which the ſaid Road ſhall paſs.

For regulating the Performance hereof.

LIX. And be it further enacted, That the reſpective Surveyors of the Highways in all the Pariſhes, Townſhips, and Diſtricts through which the ſaid Road paſſes, ſhall Yearly and every Year, within Ten Days after Demand made to them reſpectively in Writing by the Surveyor, Clerk, or Treaſurer of the ſaid Road, in purſuance of an Order under the Hands of Two of the Juſtices of the Peace for the ſaid Counties of *Devon* and *Somerſet*, or one of them, give and deliver to the Perſon making ſuch Demand, a true or exact Liſt or Account in Writing under their reſpective Hands, of the Chriſtian and Surname of every Perſon in their ſaid reſpective Pariſhes, Townſhips, and Diſtricts, who are by Law chargeable towards repairing the ſaid Road in ſuch Pariſhes, Townſhips, and Diſtricts, and ſhall ſet forth and ſpecify in ſuch Liſt what each Perſon is reſpectively chargeable with, for and towards the ſame; and ſuch reſpective Pariſh or Townſhip Surveyors, within Four Days after Notice to them given by the ſaid Turnpike Surveyor, of the Time or Times when and where, and how many of the Perſons ſo chargeable as aforeſaid, are to perform their reſpective Statute or Days Works, ſhall ſummon or give Notice thereof in the Mode preſcribed by Law to the Perſons ſo chargeable as aforeſaid; and if any ſuch Pariſh or Townſhip Surveyor or Surveyors ſhall neglect or refuſe to do as he and they is and are hereby required and directed to do, or ſhall wilfully return incorrect or imperfect Liſts, he and they ſhall reſpectively forfeit and pay the Sum of Five Pounds for every ſuch Refuſal or Neglect; and if any Perſon or Perſons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards repairing the ſaid Road, ſhall, after ſuch Summons or Notice as aforeſaid neglect or refuſe to ſend their reſpective Teams, Draughts, Carts, or Wains, furniſhed with Labourers, Oxen, or Horſes, according to the Cuſtom of the Country, and proper Tools to do and perform ſuch their reſpective Days Works upon the ſaid Road, he, ſhe, or they ſo neglecting or refuſing, ſhall forfeit and pay the Sum of Ten Shillings for every Day that each Team, Draught, Cart, or Wain ſhall be wanting, or ſhall not be duly employed in that Service; and if any Perſon or Perſons who ſhall be ſent with any Team, Draught, Cart, or Wain to work on the ſaid Road, ſhall be found idle or negligent by the ſaid Turnpike Surveyor, he is hereby authorized and required to diſcharge and diſmiſs every ſuch Perſon or Perſons ſo found idle or negligent, and it ſhall be deemed as if ſuch Team, Wain, Draught, or Cart had not been ſent to work on the ſaid Road, and the ſame Sum ſhall be accordingly forfeited and paid; and if any Statute Work ſhall not be performed within the Year in which the ſame is due the ſame ſhall be performed in the Courſe of the ſucceeding Year.

How Truſtees may compel Surveyors of Highways to account for Compoſition Money.

LX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any of their Meetings, by Writing under their Hands, to ſummon all, every, or any of the Surveyor or Surveyors of the Highways of all, every, or any of the Pariſhes, Townſhips, or Places, (the Inhabitants

Inhabitants whereof are liable to perform Statute Work on the ſaid Road) to appear before the ſaid Truſtees, at any of their ſubſequent Meetings, and then to deliver in to them a full, true, and juſt Account in Writing of all the Sums of Money by them reſpectively received, for, in lieu of, or by way of Compoſition for Statute Work in their ſeveral and reſpective Pariſhes, Townſhips, or Places (which Account ſhall be verified upon Oath, if the ſaid Truſtees ſhall require the ſame); and in caſe the Perſon or Perſons ſo ſummoned ſhall neglect to appear at the Time and Place therein appointed, or ſhall refuſe or neglect to deliver in ſuch Account as aforeſaid, or if required, to verify the ſame upon Oath, or to pay the Treaſurer of the ſaid Road, or as the ſaid Truſtees ſhall direct, within Five Days from the Time of producing the ſaid Account, or whereon the ſame ought to have been produced, ſuch proportionable Part of all ſuch Compoſition Money as ſuch Surveyor or Surveyors, or any of them, ſhall have received, or without their wilful Neglect or Default might have received, that then in all or any of the ſaid Caſes the Perſon or Perſons ſo offending ſhall for every ſeparate Offence forfeit and pay a Sum not exceeding Twenty Shillings.

Statute and other Work may be compounded for.

LXI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time to compound and agree by the Year, or otherwiſe, with the Owners or Occupiers of any Lands, Tenements, or Hereditaments, or other Perſons, Bodies Politick or Corporate, liable or chargeable with or towards the Repair of any Part or Parts of the ſaid Road, or any Bridges, Arches, Drains, Sewers, or Watercourſes, lying in and upon the ſame, or the Performance of Statute Work thereon, for the Payment of a Sum or Sums of Money in lieu of ſuch Repairs and Statute Work reſpectively, and alſo for the reſpective Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, and Diſtricts, through which the ſaid Road paſſes, to compound and agree by the Year, or otherwiſe, with the ſaid Truſtees, for and in lieu of the Statute Work to be performed by the Inhabitants of ſuch Pariſhes, Townſhips, and Diſtricts, upon any Part or Parts of the ſaid Road.

For recovering the Compoſition Money.

LXII. And be it further enacted, That in caſe the Compoſition Money agreed to be paid for paſſing through any Turnpikes or Toll Gates, or in lieu of any ſuch Repairs or Statute Work as aforeſaid, or any Part or Parts of ſuch Compoſition Money reſpectively, ſhall not be paid within Fifteen Days after the ſame ſhall become payable, it ſhall be lawful for any Two or more Juſtices of the Peace for the Counties of *Devon* and *Somerſet*, or either of them, by Writing under their reſpective Hands and Seals, to empower the Perſon or Perſons authorized to receive ſuch Compoſition Money, (Oath having been firſt made before ſuch Juſtices that the ſame hath been demanded, and remains due, which Oath they are hereby reſpectively empowered to adminiſter) to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or other Perſon or Perſons having ſo compounded or agreed to pay ſuch Compoſition Money as aforeſaid, returning the Overplus (if any) after deducting ſuch Compoſition Money, and the reaſonable Charges of ſuch Diſtreſs and Sale, upon Demand, to the Owner or Owners thereof.

How Surveyors of the Highways are to be reimburſed, and

LXIII. And be it further enacted, That the reſpective Surveyors of the Highways who ſhall pay any ſuch Compoſition Money, or of whom the ſame ſhall be recovered as aforeſaid, ſhall be repaid or reimburſed the Compoſition

Compoſition Money to be paid by them

poſition Money paid by or recovered of them reſpectively, with the Coſts and Charges attending ſuch Recovery, by the ſeveral Ways and Means, and 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 buying Materials for repairing the Highways.

Truſtees may contract for Repairs.

LXIV. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, are hereby empowered to contract with any Perſon or Perſons for making, altering, raiſing, diverting, widening, and repairing the ſaid Road, or any Part or Parts thereof reſpectively, or any Arches or Bridges upon the ſame, and for doing any other Work by this Act authorized to be done, in ſuch Manner, and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper; and alſo to contract with any Perſon or Perſons, Bodies Politick or Corporate, for the Payment of any Annual Sums, or Sum in Groſs, as a Compenſation or Satisfaction for any Loſs, Injury, or Damage, which he, ſhe, or they ſhall or may ſuſtain by carrying this Act into Execution; and all Contracts in Writing for any of the Purpoſes aforeſaid, which ſhall be entered into purſuant to an Order made at any Meeting by the ſaid Truſtees, ſhall be binding to all Parties who ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators; and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

Mileſtones and Direction Poſts to be erected.

LXV. And be it further enacted, That the ſaid Truſtees ſhall cauſe the Road to be meaſured, and Mileſtones or Poſts to be ſet up, and from Time to Time renewed on the Sides thereof reſpectively, with Inſcriptions thereon denoting the Number of Miles, and Diſtance of Places, and alſo Direction Poſts where any other Road leads out of or into the ſaid Road; and if any Perſon or Perſons ſhall wilfully break, pull down, deſtroy, or damage any of the Stones or Poſts which ſhall be ſo fixed or ſet up, or eraſe, obliterate, or deface any of the Inſcriptions, Letters, or Figures, which ſhall be engraven or made thereon, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Penalty on hauling Timber or Stones on the Road.

LXVI. And be it further enacted, That if any Perſon ſhall haul or draw or cauſe to be hauled or drawn upon any Part of the ſaid Road, excepting only on croſſing the ſame, any Tree or Piece of Timber or any Stone, otherwiſe than upon Wheeled Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon Wheeled Carriages to drag upon any Part of the ſaid Road to the Prejudice thereof, or if any Perſon or Perſons ſhall drive any Waggon or other Carriage with any Wheel thereof dragged or ſtopped from going round upon any Part of the ſaid Road where the Deſcent thereof ſhall not be above Inches and a Half in the Length of Three Feet, every Perſon ſo offending and being lawfully convicted thereof ſhall forfeit and pay a Sum not exceeding Twenty Shillings, one Half whereof ſhall go to the Informer.

How Penalties and Fo-

LXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act impoſed or authorized to be impoſed (the Manner of levying

levying and recovering of which is not herein otherwise particularly directed) shall upon Proof of the Offences and Conviction of the Offenders respectively, before any One or more Justice or Justices of the Peace for the County, Riding, or District wherein such Offences shall be committed, either by the 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 virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant, and to administer such Oath *gratis*, and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels, and all such Penalties, Forfeitures, and Fines, (if not otherwise directed by this Act) shall be paid to the said Trustees or their Treasurer, and applied for the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County, Riding, or District, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Forfeitures are to be recovered and applied.

LXVIII. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the Form or in Words to the Effect following, *mutatis mutandis*, as the Case shall happen to be:

Devon or Somerset to wit } '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 Stile 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 Forty-seventh 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.'

Form of Conviction.

LXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing done in pursuance of this Act, for which no particular Relief hath been herein-before provided, (save and except the Verdict of the Jury, and any Determination, Proceeding, Matter, or Thing herein-before directed to be final), such Person or Persons may within Six Calendar Months after the

Appeal to the Quarter Sessions.

Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace for the County where the Matter of Complaint ſhall have ariſen, at their General Quarter Seſſions to be holden for the ſame County, ſuch Appellant or Appellants firſt giving or cauſing to be given Ten Days Notice in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer of the ſaid Road, and within Four Days after ſuch Notice entering into a Recognizance before ſome Juſtices of the Peace for the ſame County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of the Juſtices at ſuch Quarter Seſſion, and to pay ſuch Coſts as ſhall be awarded againſt him, her, or them by the ſaid Juſtices; and the Juſtices at their ſaid Seſſions, on due Proof of ſuch Notice having been given as aforeſaid, and of the entering into ſuch Recognizance, ſhall proceed in, hear, and finally determine the Cauſes and Matters of ſuch Appeal, in a ſummary way, and award Coſts to the Party appealing, or appealed againſt, as they ſhall think proper, and their Determination ſhall be final, binding and concluſive, to all Intents and Purpoſes.

Proceedings to be entered in a Book.

LXX. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees in the Execution of this Act ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſhall be ſigned by the ſame Number of Truſtees as are empowered to make or direct the ſame, and ſhall then be deemed original Orders and Proceedings; which Book or Books, and alſo the Book directed to be kept for regiſtering Mortgages and Transfers, ſhall and may be produced and read in Evidence in all Courts, and before all Juſtices and other Perſons having Juriſdiction in the Premiſes.

Books to be Evidence.

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

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

Limitation of Actions.

LXXII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act until Twenty Days Notice thereof ſhall have been given to the Clerk or Treaſurer of the ſaid Road, nor after a ſufficient Satisfaction thereof, or Tender of ſuch Satisfaction, hath been made to the Party or Parties aggrieved, nor after the Expiration of Six Calendar Months from the Time of the Fact being committed; and every ſuch Action or Suit

ſhall

ſhall be laid or brought in the County where the Cauſe of Action ſhall ariſe, and not elſewhere, and the Defendant or Defendants in every ſuch Action ſhall or may at his, her, or their Election, plead ſpecially, or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall have been brought before Twenty Days Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Expiration of the Time limited for bringing the ſame as aforeſaid, or ſhall be brought 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 and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath in other Caſes by Law.

Commencement and Continuance of this Act.

LXXIII. And be it further enacted, That this Act ſhall commence upon the Third Day of *April* One thouſand eight hundred and ſeven, and continue in force until the Third Day of *April* One thouſand eight hundred and twenty-eight, and from thence to the End of the then next Seſſion of Parliament; and this Act ſhall be adjudged, deemed, and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without the ſame being pleaded ſpecially.

Publick Act.

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