ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

***

effectual ſo much of Two Acts, made in the Second and Twelfth Years of the Reign of His preſent Majeſty, for repairing, widening, and altering ſeveral Roads leading from Taviſtock *to* Plymouth, *and other Places in the County of* Devon; *and for repairing and widening the Road from the Guildhall in* Taviſtock *aforeſaid, through* Matthew Street *and* Lower Brook Street, *to* Cherrybrook *and to* Dunnabridge Pound, *and from the* Callington *Turnpike Road to* Morwelham *and* New Quay, *in the ſaid County; as relates to the Roads leading from the Lower Market Houſe in* Taviſtock *aforeſaid, to* Old Town Gate *in* Plymouth *aforeſaid, and from* Manadon Gate *to the* Old Pound *near* Plymouth Dock; certain Tolls were made payable, and certain Powers and Authorities given to the Truſtees therein named, for the Purpoſe of amending and keeping in Repair the ſeveral Roads therein mentioned: And whereas the ſaid Truſtees have proceeded in amending and repairing the Roads leading from the Lower Market Houſe in *Taviſtock*, in the County of *Devon*, by *Eaſt Bridge*, over the River *Tavy*, through *Saint John's Lane* by *Aſh Farm Houſe*, and *Sortridge Gate*, to the North-eaſt End of *Horra Bridge*, and from the South-weſt End of the ſaid Bridge, by certain Places called *The Rock Jump*, *Knacker's Hole*, and *Manadon Gate*, to a Place called *Old Town Gate*, in *Plymouth*, and alſo the Road from the ſaid Place called *Manadon Gate* to the *Old Pound* near *Plymouth Dock*, and have borrowed conſiderable Sums of Money on the Credit of the Tolls granted by the ſaid recited Acts, and ariſing on ſuch Roads; which Sums ſtill remain due and owing, and cannot be repaid, nor the ſaid Roads be kept in proper Repair, unleſs the Term granted by the ſaid recited Acts, ſo far as the ſame relate to ſuch Roads, be further continued, and the Powers thereof altered and enlarged; and it would tend greatly to facilitate the Purpoſes of the ſaid recited Acts, ſo far as the ſame relate to ſuch Roads, if ſuch Part thereof were repealed, and further and better Proviſion made for thoſe Purpoſes: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt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 ſo much of the ſaid recited Acts as relates to the repairing and widening of the Roads leading from the Lower Market Houſe in *Taviſtock*, in the County of *Devon*, by *Eaſt Bridge*, over the River *Tavy*, through *Saint John's Lane*, by *Aſh Farm Houſe*, and *Sortridge Gate*, to the North-eaſt End of *Horra Bridge*, and from the South-weſt End of the ſaid Bridge, by certain Places called the *Rock Jump*, *Knacker's Hole*, and *Manadon Gate*, to a Place called *Old Town Gate*, in *Plymouth*, and alſo the Road from the ſaid Place called *Manadon Gate* to the *Old Pound* near *Plymouth Dock*, and all the Clauſes, Powers, Authorities, Proviſions, Matters, and Things, in the ſaid recited Acts contained, ſo far as the ſame relate to ſuch Roads, ſhall be and the ſame are hereby declared to be repealed, and null and void to all Intents and Purpoſes whatſoever.

Former Act for making the new Road, &c. repealed.

Truſtees.

II. And be it further enacted, That the Marquis of *Taviſtock*, Sir *John Saint Aubyn* Baronet, Sir *Harry Trelawny* Baronet, Sir *William Elford* Baronet, *Joſeph Andrews*, *Anthony Adams*, *William Andrews*, *Richard Abbott*, *Samuel Archer*, *Addis Archer*, *Iſaac Abraham*, *John Arthur*, *George Arthur*, *Leonard Arthur*, *William Adams*, *John Arſcott* Clerk, *Robert Butcher*, *Thomas Butcher*, *Robert Holt Butcher*, *Thomas Buknal*, *John Bray*, *William Bonney*, *Thomas Burnaford*, *Richard Board*, *Joſeph Bayly*, *Peter Burnaford*,

Burnaford Clerk, *John Burnaford*, *Humphry Bryant* Clerk, *John Bolt*, *George Blanchard*, *John Pollexfen Baſtard*, *Edmund Baſtard*, *Thomas Bewes*, *Richard Boger*, *Richard Birdwood*, *John Bayly*, *Robert Brent*, *George Boughton*, *John Briggs*, *William Bray*, *John Berryball*, *George Blanchard*, *William Blanchard*, *Robert Bichell*, *John Bichell*, *William Burnaford*, *Henry Beauford* junior, *William Bredall* junior, *Richard Beard*, *John Beard*, *Richard Beard* junior, *Edward Atkyns Bray*, *Francis Bedford*, *William Bedford*, *John Burgh*, *John Bidlake* Clerk, *Peter Birdwood*, *Chriſtopher Birdwood* Clerk, *Jonathan Baron*, *Arthur Burrell*, *Richard Bayly*, *Charles Byrne*, *Thomas Hillerſden Bulteel*, *Charles Boyle*, *John Barton*, *Robert Bayly*, *John Brabynt Bayly*, *Samuel Collins* Clerk, *Philip Cookworthy*, *John Croſsman*, *William Cock*, *William Crapp*, *Hugh Crocker*, *John Carter*, *William Crocker*, *Henry Corniſh*, *Benjamin Carpenter*, *John Condy*, *George Cudlipp*, *John Phillips Carpenter*, *Abraham Craze*, *George Crabb*, *William Crabb*, *John Carpenter*, *Joſeph Carpenter*, *George Collins*, *Thomas Cleather*, *William Clark*, *John Campbell*, *Coppleſtone Coward* Clerk, *George Chamberlayne*, *Richard Hall Clark*, *Reginald Pole Carew*, *William Collings*, *John Cole* of Petertavy, *William Crabb* junior, *John Carter* junior, *Thomas Corniſh*, *Samuel Carter*, *John Cudlipp* Doctor of Medicine, *William Corniſh*, *Samuel Chubb*, *Samuel Carter* junior, *John Cole* Doctor in Divinity, *Charles Chamberlayne*, *John Cleventon*, *George Coryndon*, *William Cleather*, *John Collier*, *George Couch*, *Richard Cock*, *George Cooban*, *John Doidge*, *Charles Daviſon*, *James Davis*, *John Dunning*, *Maurice Doidge*, *Joſeph Dawe*, *William Doidge*, Sir *John Thomas Duckworth* K. B. *Bartholomew Dunſtanville*, *Stephen Drew*, *John Dunſtanville* Clerk, *John Derby*, *William Parry Dyer*, *Thomas Elworthy*, *William Eaſton*, *Ralph Elford*, *William Edgecumbe*, *John Edwards*, *John Edwards* junior, *Thomas Edgecumbe*, *George Edgecumbe*, *Thomas Edgecumbe* junior, *Pierce Edgecumbe*, *Richard Edgecumbe*, *Jonathan Elford*, *Jonathan Elford* junior, *George Eaſtlake*, *William Eaſtlake*, *Maddaford Edgecumbe* Clerk, *Gabriel Edgcumbe*, *John Robins Edgcumbe*, *William Elford* Clerk, *Edward Elford*, *Theophilus Edwards* Clerk, *Thomas Eales*, *Thomas Edwards*, *James Elliot*, *John Foot*, *Ambroſe Foot*, *Joſeph Freeman*, *John Forteſcue*, *John Fletcher*, *John Flood*, *William Ford*, *John Frankland*, *William Farr* Doctor of Medicine, *John Foot* Clerk, *Robert Fanſhaw*, *John Walter Foote*, *Daniel Friend*, *William Friend*, *John Pierſon Foot*, *John Jefford Ford*, *William Foot*, *Robert Fuge*, *Benjamin Fuge*, *Samuel Fuge*, *Robert Fuge* junior, *John Hale Fuge*, *Richard Fillis*, *Robert Forteſcue*, *William Graves*, *Thomas Graves*, *James Groves*, *John Gryles*, *John Gill*, *William Gill*, *Edmund Henn Gennys*, *John Gandy* Clerk, *John Gill* of Petertavy, *William Gill* of Colcharton, *William Gill* junior, *William Gill* of Romauſleigh, *William Gill* of Morwelham, *John Gill* of Taviſtock, *John Garland* junior, *John Glanville*, *John Gaſking* Doctor of Medicine, *John Harris* of Hayne, *John Bidlake Herring*, *George Home*, *Joſeph Howell*, *Joſeph Hooper*, *Robert Hicks*, *John Hyne*, *Charles Hawke*, *James Hawke*, *Nicholas Hyne*, *Jacob Hornbrook*, *John Herring*, *Charles W. Hotchkys*, *Stephen Hammick*, *Robert Hughes* Clerk, *William Hare*, *John Harris* of Radford, *John Hawker*, *George Herbert*, Sir *John Henſlow*, *William Harris*, *Thomas Hughes*, *John Pyne Herring*, *John Hillman*, *John Hillman* junior, *Thomas Harris*, *Stephen Love Hammick*, *Nehemiah Auguſtus Hunt*, *Henry Charles Hobart* Clerk, *Richard Hennah* Clerk, *Warwick Young Churchill Hunt* Clerk, *Richard Higginſon*, *Benjamin Robert Haydon*, *John Hele*, *George Herbert* junior, *George Hunt*, *George Jago* Doctor in Divinity, *William Jope*, *Lewis Jones*,

Jones, *John Jones*, *Philip Juſtice*, *Peter Jope*, *Henry Johns*, *Humphrey Julian* Clerk, *Henry John*, *George Jefferina*, *Richard Julian*, *William Jacobſon*, *Elizens Jeſſep*, *John Moore Knighton*, *Thomas Knighton*, *Philip Kelly*, *Arthur Kelly*, *Arthur Kelly* junior, *Andrew Kinſman*, *Richard King*, *Samuel Kerſwell*, *William Hancock Kelly*, *Francis Kelly*, *William Kinſman*, *Simon Kinſman*, *John Luxmoore*, *Francis Luce* Clerk, *George Langworthy* Clerk, *John Lloyd*, *John Loney*, *John Livzey*, *Thomas Luxmoore*, *Henry Luxmoore*, *Humphrey Lawrence*, *Philip Langmead*, *Manaſſeh Lopez*, *George Leach*, *John Clark Langmead*, *William Langmead*, *George Leach* junior, *James Lethbridge*, *Samuel Lang*, *John Lang*, *Jonathan Langmead*, *Thomas Lang* junior, *Thomas Lane*, *William Luke*, *Edward Lyne*, *Edmund Lockyer*, *Thomas Lockyer*, *Samuel Hood Linzee*, *Francis Lindſay*, *John Lampen Lewis*, *William Mallett*, *Hugh Mallett*, *Thomas Manadon*, *Stephen Mignan* of Gennys, *Joſeph May* of Goodmeavy, *Joſeph May*, *James Macadams*, *Samuel Merivale* Clerk, *Richard Morrice*, *John Morſhead*, *Jonas Morgan*, *Orlando Manley*, *William Manley* Clerk, *Vaughan May*, *Mark Milbank*, *Thomas Mangles*, *George Mangles* Clerk, *Nicholas Mill* Clerk, *John Maxwell*, *Thomas Miller*, *William Marſhall*, *Richard Nelſon*, *William Neil* Clerk, *Thomas Netherton*, *John Netherton*, *Montagu Parker*, *John Francis Pengelly*, *Thomas Pearſe*, *John Pritchard*, *Thomas Parſons*, *Edward Palmer*, *Nicholas Palmer* Clerk, *John Prideaux*, *Thomas Parſons* of Taviſtock, *Richard Parſons*, *Hercules Payne*, *Thomas Parſons* of Petertavy, *John Spurrell Pode*, *Ralph Panie*, *Joſeph Pearſe*, *George Palmer*, *Richard Palmer*, *Henry Pengelly* Clerk, *George Parſon*, *Simon Pleace*, *Edgecumbe Parſons*, *Thomas Prout*, *Pearce Parſon*, *William Pearce*, *Samuel Payne*, *John Pridham*, *Joſeph Pridham*, *Coppleſtone Radcliffe* Clerk, *James Richardſon*, *Edmund Robinſon*, *John Reep*, *John Revell*, *William Rowe*, *John Rowe* Clerk, *Thomas Roſkitty*, *Roger Rundle*, *Thomas Reed*, *John Reed*, *John Row*, *Richard Rundle*, *Robert Butler Remmett* Doctor of Medicine, *John Rideout*, Sir *John Leman Rogers* Baronet, *William Roſdew*, *Richard Roſdew*, *John Reed* of Maratavy, *John Rowe* of Lamerton, *William Rowe*, *Richard Rundle*, *Thomas Rundle*, *William Rundle*, *John Rowe*, *William Radford*, *Joſeph Rowe*, *Robert Remmett*, *Richard Rous* Clerk, *John Radcliffe*, *Walter Shellabeer*, *Peter Symons*, *Thomas George Shortland*, *Robert Sargent*, *Thomas Splatt*, *John Smith*, *James Smith*, *Alexander Shaugh*, *John Strong*, *John Slaman*, *John Teaſedale Spry* Clerk, *Peter Sleman*, *Richard Sleman*, *Richard Sleman* junior, *William Stephens*, *Nathaniel Stephens*, *William Symons*, *Saville William Shepherd*, *Thomas Shepherd*, *Benjamin Shepherd*, *Michael Seymour*, *Andrew Sargent*, *Nathaniel Seccombe*, *Andrew Saunders*, *John Harriſon Stapleton*, *James Stephens*, *Thomas Scammell*, *Charles D. Symons*, *Thomas Stewart* Doctor of Medicine, *George Trelevan*, *Peter Tonkin*, *Henry Tolcher*, *William Taylor*, *Warwick Hele Tonkin*, *Philip Thorne*, *Samuel Tolfrey*, *Jonathan Tingcombe*, *John Tingcombe*, *Arthur Tremayne*, *Richard Vivyan*, *Philip Vivian*, *Thomas Vaughan*, *Nicholas Vincent*, *Richard Vivyan Willesford*, *Francis Willesford*, *John Whitechurch*, *Henry Whitechurch*, *Thomas Windeat*, *William Windeat*, *Thomas Winſloe*, *Thomas Wyet*, *Thomas Wiſe*, *Henry Whitechurch* junior, *Richard Welſh*, *Thomas Windeat* junior, *Francis Wills*, *Samuel White*, *Thomas Woollcombe*, *Walter Willcock*, *George Woolcombe*, *Francis Woolldridge*, *William Woollcombe* Doctor of Medicine, *Henry Woollcombe*, *Manie Swete Walroud*, *Peter Welsford*, *Giles Welsford*, *James Woolldridge*, *William Woolldridge*, *Duke Yougg* Clerk, and *Charles Yonge*, and their Succeſſors, to be elected in Manner herein-after directed, ſhall be and they are hereby declared to be Truſtees for amending, repairing, altering, widening, and improving the Road

Road leading from the Lower Market Houſe in *Taviſtock*, in the County of *Devon*, by *Eaſt Bridge*, over the River *Tavy*, through *Saint John's Lane*, by *Aſh Farm Houſe* and *Sortridge Gate*, to the North-eaſt End of *Horra Bridge*, and from the South-weſt End of the ſaid Bridge, by certain Places called the *Rock Jump*, *Knacker's Hole*, and *Manadon Gate*, to a Place called *Old Town Gate*, in *Plymouth*, and alſo the Road from the ſaid Place called *Manadon Gate*, to the *Old Pound* near *Plymouth Dock*, and for otherwiſe carrying this preſent Act into Execution.

No Act valid unleſs at a Meeting.

III. And be it further enacted, that no Act of the ſaid Truſtees ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be done at ſome Meeting to be holden in purſuance of this Act (except as may be herein excepted); and that all the Powers and Authorities by this Act granted to the ſaid Truſtees, ſhall and may be exerciſed from Time to Time by the major Part of them who ſhall attend at any Meeting to be holden in purſuance of this Act, the Number of ſuch Truſtees preſent at every ſuch Meeting, not being leſs than Five, and all the Orders and Proceedings of the major Part of the Truſtees preſent at ſuch their ſeveral Meetings ſhall have the ſame Force and Effect as if the ſame were made or done by all ſuch Truſtees for the Time being (ſave and except as may be herein excepted); and at every Meeting of the ſaid Truſtees, a Chairman ſhall and may be appointed; and when and as often as it ſhall ſo happen that there ſhall be an Equality of Votes at any ſuch Meeting upon any Queſtion (including the Vote of the Chairman) then and in ſuch Caſe it ſhall and may be lawful to and for the Chairman to give the deciſive or caſting Vote.

Majority preſent may act, the whole Number not being leſs than Five.

Chairman to be appointed, and to have the caſting Vote.

Election of new Truſtees.

IV. And be it further enacted, That upon the Death, Refuſal, or Diſability, of any of the ſaid Truſtees hereby appointed, or their Succeſſors, to be elected in Manner herein-after mentioned, to act in the Execution of this Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſurviving or remaining Truſtees, from Time to Time to elect and appoint One other Perſon to be a Truſtee in the room of each Truſtee ſo dying, or refuſing, or being incapable of acting; and Notice of the Time and Place of the Meeting for every ſuch Election ſhall be ſigned by the Clerk to the ſaid Truſtees for the Time being, and ſhall be affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid Roads, at leaſt Seven Days before ſuch Meeting; and every Perſon ſo elected a new Truſtee as aforeſaid, ſhall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purpoſes, in as full and ample a Manner as the Truſtee in whoſe room or ſtead he ſhall have been ſo elected.

Qualification of Truſtees.

V. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Sixty Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate of the Value of One thouſand Two hundred Pounds, or ſhall be Heir Apparent of ſome Perſon poſſeſſed of an Eſtate in Lands of the clear Yearly Value of Three hundred Pounds; and if any Perſon not being ſo qualified, ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, in any

of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted, ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on the Part of the Plaintiff or Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified as aforeſaid, previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Acts of Truſtees not qualified, if done before Conviction, valid.

Victuallers, *etc.* incapable of acting, *etc.*

VI. Provided always, and be it enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe, Alehouſe, or other Houſe of publick Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, or Spirituous or other ſtrong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe, Alehouſe, or other Houſe of publick Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, or Spirituous or other ſtrong Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they, do employ a Perſon or Perſons to collect ſuch Tolls who ſhall not be under any ſuch Incapacity.

Truſtees may act as Juſtices, except where perſonally intereſted.

VII. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be Juſtices of the Peace, ſhall and may, in their reſpective Juriſdictions, and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

First Meeting of the Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees ſhall meet at the *Pope's Head* Inn, in the Borough of *Plymouth*, on the *Wedneſday* Three Weeks after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and proceed to carry this Act into Execution, and ſhall and may at ſuch Meeting, and at their ſeveral Meetings to be holden for the Purpoſe of carrying this Act into Execution, from Time to Time adjourn themſelves, and appoint their next Meeting to be holden there or at any other Place near to the ſaid Roads, as to the ſaid Truſtees ſhall ſeem convenient, and at ſuch Time as to them ſhall ſeem proper; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act in the Execution of this Act, the Truſtee or Truſtees then preſent, or the Clerk to the ſaid Truſtees, ſhall from Time to Time, as often as the Caſe ſhall happen, adjourn ſuch Meeting to ſome other Day, within Twenty-one Days then following, to be holden at the ſame Place; and the ſaid Clerk ſhall cauſe Notice thereof to be affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid Roads, at leaſt Seven Days before the Day to which ſuch Meeting ſhall be ſo adjourned; and the ſaid Truſtees ſhall at their ſeveral Meetings defray their own Expences; and that no Perſon ſhall be capable of acting

Truſtees to defray their own Expences.

as

as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Place of Profit under this Act.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of any Meeting as aforeſaid, it ſhall at any Time or Times be thought neceſſary that a Meeting of the Truſtees ſhould be holden on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, then and in every ſuch Caſe the Clerk to the ſaid Truſtees (an Order in Writing, ſigned by Two or more of the ſaid Truſtees, mentioning the Time and Place, and Purpoſe of ſuch earlier Meeting, being given to him or left at his laſt or uſual Place of Abode) ſhall forthwith give Notice of ſuch earlier Meeting in Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Seven Days after ſuch Notice); and all Proceedings of the ſaid Truſtees at ſuch earlier Meeting, ſhall be as good and valid as they would have been in caſe ſuch Truſtees had met in purſuance of any Adjournment.

No Order to be revoked, unleſs at a Meeting for the Purpoſe, nor unleſs a Majority of the Truſtees preſent concur.

X. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the Truſtees holden in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice, ſpecifying the Revocation or Alteration intended to be made, ſigned by the Clerk to the ſaid Truſtees, be affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid Roads, at leaſt Twenty-one Days before ſuch ſubſequent Meeting, nor unleſs a Majority of Four-fifths of the Truſtees preſent at ſuch ſubſequent Meeting ſhall decide in favour of ſuch Revocation or Alteration, and a greater Number of Truſtees ſhall be preſent at ſuch ſubſequent Meeting, than were preſent at the Meeting when ſuch Order, Appointment, or Proceeding were had or made.

Proceedings to be entered.

XI. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings, relative to the Execution of this Act, and of the Names of all ſuch Truſtees as ſhall be preſent at their ſeveral Meetings; and all Entries in ſuch Book or Books being ſigned by the Chairman and Clerk then preſent, or either of them, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Caſes, Suits, and Actions, touching or concerning any Thing done in purſuance of this Act; and that ſuch Book or Books ſhall at all of the Meetings of the ſaid Truſtees be open and liable to the Inſpection of all and every of the ſaid Truſtees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Sixpence, and ſo in proportion for any greater or leſs Number of Words.

Entries of Proceedings under former Acts, good Evidence.

XII. Provided always, and be it enacted, That all and every Book or Books, in which any Entry or Entries of any Proceeding or Proceedings relating or in anywiſe appertaining to the ſeveral Roads directed to be amended, widened, and repaired, by virtue of this Act, of any of the Truſtees, or other Perſon or Perſons acting by and under the Authority of the ſaid recited Acts or any of them (ſuch Entry or Entries being made in ſuch Book or Books according to the Directions of, and made Evidence by,

by, the ſaid recited Acts or any of them) ſhall be and be deemed to be good and ſufficient Evidence of ſuch Proceedings in any Court, whatſoever; any Thing herein contained to the contray thereof notwithſtanding.

Truſtees to appoint Officers;

XIII. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered, by Writing under their Hands, to appoint a Treaſurer or Treaſurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Roads, and alſo ſuch other Officers and Perſons for the Execution of this Act, as they the ſaid Truſtees ſhall think proper; and from Time to Time remove ſuch Officers and Perſons reſpectively, as they the ſaid Truſtees ſhall ſee Occaſion; and out of the Monies to be received by virtue of this Act, to allow and pay ſuch Salaries, Wages, and Allowances, to the ſaid Officers and other Perſons, as the ſaid Truſtees ſhall think reaſonable; and the ſaid Truſtees ſhall and they are hereby required to take ſuch ſufficient Security from every ſuch Treaſurer and other Officer, for the due Execution of his Office, as they ſhall think proper; and all ſuch Officers ſo to be appointed ſhall, under their Hands, at ſuch Time or Times, and in ſuch Manner, as the ſaid Truſtees ſhall direct, deliver to the Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been expended and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and every ſuch Treaſurer ſhall, on the laſt *Wedneſday* in the Month of *October* yearly, or at the Firſt Meeting of the ſaid Truſtees then next following (although not thereunto required by the ſaid Truſtees) lay his Accounts before the ſaid Truſtees, in order that the ſame may be audited, paſſed, and allowed by them, if approved of; and all the ſaid Officers ſo accounting as aforeſaid, ſhall upon Oath (which Oath any One of the ſaid Truſtees is hereby empowered to adminiſter) verify their ſaid Accounts; and if any ſuch Officer ſhall refuſe or neglect to make and render, or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Ten Days next after being thereunto required by the ſaid Truſtees, by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Officer, all Books, Papers, and Writings, in his Cuſtody or Power, relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, then and in every ſuch Caſe, upon Complaint made by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or wilful Neglect as aforeſaid, to any Juſtice of the Peace for the County, City, or Place, wherein ſuch Officer ſo refuſing or wilfully neglecting ſhall be or reſide, ſuch Juſtice may, and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal, for the Officer ſo refuſing or neglecting to appear before him, and upon his appearing, or having been ſummoned and not appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Con-

and alſo them Salaries.

Truſtees to take Security from the Treaſurer.

Officers to account.

Treaſurer to account yearly, on Oath.

ſeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, ſhall remain due from ſuch Officer, ſuch Juſtice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer; and if no Goods or Chattels of ſuch Officer can be found, ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels; or if it ſhall appear to ſuch Juſtice that ſuch Officer ſhall have refuſed or wilfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of ſuch Officer, and he ſhall have refuſed or wilfully neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the common Gaol or Houſe of Correction for the County, City, or Place, where ſuch Offender ſhall be or reſide, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make and receive) and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees.

Officers acting under the Acts repealed, to account to the Truſtees under this Act.

XIV. And be it further enacted, That all and every Treaſurer and Treaſurers, Clerk and Clerks, and all and every other Perſon and Perſons appointed by virtue of, or acting, or who have acted in Execution of the ſaid recited Acts, or any of them, ſo far as the ſame relate to the ſeveral Roads to be amended, widened, and repaired by virtue of this Act, who ſhall have in his, her, or their Cuſtody or Power, any Monies collected by virtue of, or any Books, Papers, or Writings, relating to the Execution of the ſaid recited Acts, ſo far as the ſame relate to ſuch Roads, ſhall, when thereunto required by Notice in Writing, ſigned by any Three or more of the ſaid Truſtees, given to him, her, or them, or left at his, her, or their laſt or uſual Place or Places of Abode, within Ten Days after the Receipt of ſuch Notice, deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons appointed by them for that Purpoſe, at the Time and Place to be mentioned in ſuch Notice, all the Monies received by him, her, or them, by virtue of the ſaid recited Acts, ſo far as the ſame relate to ſuch Roads, and all the Books, Papers, and Writings, relating to the Execution thereof, and all the Accounts of the ſeveral Monies received or diſburſed by him, her, or them, together with the Vouchers relating thereto; and every ſuch Treaſurer, Clerk, and other Perſon ſo accounting, ſhall upon Oath (which Oath any One of the ſaid Truſtees is hereby empowered to adminiſter) verify all their ſaid Accounts; and if any ſuch Treaſurer, Clerk, or other Perſon, ſhall refuſe, or wilfully neglect to make and render, or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating thereto, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver up in Manner aforeſaid all Books, Papers, and Writings, relating to the Execution of the ſaid recited Acts,

ſo far as the ſame relate to ſuch Roads, or give Satisfaction to the ſaid Truſtees in reſpect of the ſame, then and in every ſuch Caſe it ſhall and may be lawful to and for any Juſtice of the Peace for the County, City, or Place, wherein ſuch Treaſurer, Clerk, or other Perſon ſo refuſing or neglecting, ſhall be or reſide, upon Complaint made to him by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal for the Treaſurer, Clerk, or other Perſon ſo refuſing or neglecting, to appear before him, and upon his appearing or having been ſummoned and not appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or received by virtue of the ſaid recited Acts or any of them, ſo far as the ſame relate to ſuch Roads, ſhall be due from ſuch Treaſurer, Clerk, or other Perſon, ſuch Juſtice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be raiſed by Diſtreſs and Sale of the Goods and Chattels of ſuch Treaſurer, Clerk, or other Perſon as aforeſaid; and if no Goods and Chattels of ſuch Treaſurer, Clerk, or other Perſon can be found, ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling ſuch Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Treaſurer, Clerk, or other Perſon, ſhall have refuſed or neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of the ſaid recited Acts, ſo far as the ſame relate to ſuch Roads, ſhall be in the Cuſtody or Power of ſuch Treaſurer, Clerk, or other Perſon, and he or they ſhall have refuſed or neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction of the County, City, or Place, where ſuch Offender ſhall be or reſide, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account, and make Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for the ſaid Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make and receive) and until he ſhall deliver up all ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof, to the ſaid Truſtees.

On the Death of a Gatekeeper, Truſtees may nominate another until the next Meeting.

XV. And be it further enacted, That it ſhall and may be lawful to and for any Two or more of the ſaid Truſtees hereby appointed, upon the Death, Neglect, Refuſal, or Incapacity to act, of any Collector of the Tolls hereby granted, by Writing under their Hands, to nominate and appoint ſome other fit Perſon in his or her Place, until the next Meeting of the Truſtees of the ſaid Roads, 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 that 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

If diſcharged Gatekeeper refuſes to deliver up Toll Houſe, &c.

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 Three 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 Four 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 Three or more of the ſaid Truſtees, then and in either of the ſaid Caſes, it ſhall and may be lawful to and for any Juſtice of the Peace for the County, City, or Place, where ſuch Toll Houſe ſhall ſtand or be, 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 in Poſſeſſion thereof.

any Juſtice may cauſe him to be put out.

XVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered to continue the ſeveral Turnpikes already erected on the ſaid Roads, and (in caſe they ſhall think proper) to cauſe to be erected ſuch and ſo many other Turnpikes, to ſecure the Tolls hereby granted, upon or acroſs the ſaid Roads, and on or near the Sides thereof, in, near unto, or acroſs, any Lanes or Ways leading or that may hereafter lead out of the ſame, and to continue the preſent Toll Houſes, and to erect or cauſe to be erected ſuch and ſo many other Toll Houſes as they ſhall think proper; and it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, in Manner herein directed for the purchaſing or taking Land for the turning or widening of the ſaid Roads, to purchaſe and take Land ſufficient for ſuch Toll Houſe or Toll Houſes, with neceſſary Accommodations thereto, and from Time to Time remove, alter, or diſcontinue, ſuch Turnpikes and Toll Houſes, or any of them, as they the ſaid Truſtees ſhall from Time to Time think meet and expedient; and it ſhall and may be lawful to and for the ſaid Truſtees to demand and take, or cauſe to be demanded and taken, at the ſaid Turnpikes, the Tolls following, before any Horſe, or other Beaſt or Cattle, ſhall be permitted to paſs through the ſame; (that is to ſay)

Truſtees empowered to erect Turnpikes and Toll Houſes, and receive Tolls.

Tolls.

For every Horſe, Mare, Gelding, Aſs, Mule, or other Beaſt, drawing any Coach, Chariot, Landau, Berlin, Phaeton, Chaiſe, Chaiſe Marine, Carr, Calaſh, Chair, Caravan, Hearſe, or Litter, the Sum of Three-pence:

For every Horſe, Mare, Gelding, Aſs, Mule, or other Beaſt, (exceeding Three in Number) drawing any Waggon, Wain, Cart, or Dray, the Sum of Eight-pence:

For every Horſe, Mare, Gelding, Aſs, Mule, or other Beaſt, (not exceeding Three in Number) drawing any Waggon, Wain, Cart, or Dray, the Sum of Three-pence:

For every Horſe, Mare, Gelding, Aſs, or Mule, 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.

XVII. And

Increaſed Toll on *Sundays*.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the reſpective Toll Gatherers or Collectors on the ſaid Roads, and they are hereby authorized and empowered, on each and every *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year, to demand and take for and in reſpect of every Horſe, Beaſt, and other Cattle whatſoever, paſſing through any Gate or Turnpike upon the ſaid Roads, or any of them, Double the Toll or Sum which may be demanded and taken for the ſame reſpectively on any other Day, by virtue of this Act, before ſuch Horſe, Beaſt, or other Cattle, ſhall be permitted to paſs through any ſuch Gate or Gates, Turnpike or Turnpikes.

Tolls veſted in the Truſtees.

XVIII. And be it further enacted, That the ſaid Tolls ſhall be, and they are hereby veſted in the ſaid Truſtees, and a Table thereof ſhall be put up and continued at each and every Turnpike erected on the ſaid Roads, and it ſhall and may be lawful to and for the ſeveral Perſons who ſhall by virtue of this Act be appointed Collectors of the ſaid Tolls, to demand, collect, and receive the Tolls hereby granted; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made by any Collector to be appointed as aforeſaid, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall and may be lawful to and for ſuch Collector to ſeize and diſtrain, or cauſe to be ſeized and diſtrained, any Horſe or Horſes, or other Beaſt or Cattle chargeable with the ſaid Tolls, or their Bridles, Saddles, Harneſs, or Accoutrements, or any Part or Parts thereof; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within Five Days next after ſuch Seizure and Diſtreſs made, the Collector ſo ſeizing and diſtraining ſhall and may ſell or cauſe to be ſold the Horſe or Horſes, Beaſts or other Cattle, and their Bridles, Saddles, Harneſs, or Accoutrements, ſo ſeized and diſtrained, or any Part thereof, at or near the Turnpike where the ſaid Tolls ought to have been paid, rendering the Overplus (if any) upon Demand, to the Owner or Owners thereof, after ſuch Tolls, and all reaſonable Charges for diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

In caſe of Diſpute concerning Tolls and Charges, the Matter to be ſettled by a Juſtice.

XIX. Provided always, and be it enacted, That if any Diſpute ſhall happen about the Quantity of the Tolls due, or the Charges of diſtraining, keeping, and ſelling any Diſtreſs, it ſhall and may be lawful to and for the Collector or Perſon ſo diſtraining, to detain the Diſtreſs, or the Money ariſing from the Sale thereof, until the Quantity of the Tolls, or the Charges of diſtraining, keeping, and ſelling the Diſtreſs, as the Caſe may be, ſhall be aſcertained by ſome Juſtice of the Peace for the County, City, or Place, wherein ſuch Diſpute ſhall happen to ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter by Oath of the Parties, or other Witneſs or Witneſſes, and ſhall determine the Quantity of Tolls due, and ſhall alſo aſſeſs the Charges of ſuch Diſtreſs and Sale, and all other reaſonable Coſts; all which Sum or Sums ſo determined or aſſeſſed, ſhall be paid to the Collector before he ſhall be obliged to return the ſaid Diſtreſs, or the Overplus after the Sale thereof, or of any Part thereof.

Turnpikes veſted in the Truſtees.

XX. And be it further enacted, That the Right and Property of the Turnpikes and Toll Houſes erected by virtue of the ſaid recited Acts or any

any of them, on the Roads directed to be amended, widened, or repaired, by virtue of this Act, and of all the Turnpikes and Toll Houſes, and other Buildings to be erected by virtue of this Act, with the Ground, Fences, and Appurtenances thereto reſpectively, and of all Mile Stones and Poſts erected and to be erected, and alſo of all Materials, Tools, and Implements, which are or ſhall be provided for making and repairing the ſaid Roads, by virtue of the ſaid recited Acts or any of them, or of this Act, ſhall be veſted in the ſaid Truſtees hereby appointed, and they are hereby empowered to cauſe any Action to be brought, and any Bill or Bills of Indictment to be preferred, againſt any Perſon or Perſons who ſhall ſteal, break down, take away, injure, or ſpoil any ſuch Turnpikes, Toll Houſes, or other Buildings, Fences, Mile Stones, Poſts, or any ſuch Materials, Tools, or Implements, as aforeſaid.

Tolls to be taken but Once a Day.

XXI. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to enable any Collector of the ſaid Tolls to demand or take any more than One Toll in any One Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) from any Perſon or Perſons, for or in reſpect of the ſame Horſe, or other Beaſt or Cattle, paſſing and repaſſing through the ſame, or any other Gate or Turnpike on the ſaid Roads, all and every ſuch Perſon and Perſons producing a Ticket, denoting that the ſaid Toll hath been paid in that Day for or in reſpect thereof reſpectively on the ſaid Roads, which Ticket the ſaid Collector is hereby required to deliver, *gratis*, on the Payment of ſuch Toll.

Collectors of Tolls to be competent Witneſſes.

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

Penalty on evading the Tolls.

XXIII. And, for preventing the evading of the Payment of the ſaid Tolls, be it further enacted, That if any Perſon or Perſons ſhall give, offer, or diſpoſe of to, or receive from any other Perſon or Perſons any ſuch Ticket as aforeſaid, or ſhall counterfeit or knowingly make uſe of any counterfeited Ticket in order to avoid Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons owning, renting, or occupying any Lands adjoining to the ſaid Roads near unto any Turnpike erected thereon, ſhall permit or ſuffer any Perſon or Perſons to paſs through or over any Part of his, her, or their ſaid Lands, with any Horſe, or other Beaſt or Cattle, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall ride or drive any Horſe, or other Beaſt, or Cattle, through or over any Way or Paſſage (not being a publick Way or Paſſage) or through or over any Lands adjoining to any Part of the ſaid Roads, or near to any of the ſaid Turnpikes, or ſhall take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls, or any Part thereof, is or ſhall be avoided, every ſuch Perſon

ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer; and the other Moiety ſhall be applied to the Purpoſes of this Act.

General Exemptions.

XXIV. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Cattle, or Beaſt, employed in carrying or conveying or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials, for repairing of the ſaid Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Roads doth lie, or Hay, Straw, or Corn in the Straw only, or Wool not ſold or diſpoſed of, but paſſing to be laid up, or placed in the Out-houſes or on the Lands of the Owners thereof; or for any Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manures employed in Huſbandry, for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horſes or Cattle going to or returning from Paſture or Watering Places, or going to be or returning from being ſhoed; or from any Perſon going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law on any *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Perſon that ſhall die, and be buried in any of the ſaid Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his parochial or miniſterial Duty on a *Sunday*, or on any other Day, on which Divine Service is ordered by Authority to be celebrated; or for any Horſes, Cattle, or Carriages, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for any Horſe, Beaſt, or Cattle, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horſe, Beaſt, or Cattle, employed in the Conveyance of Vagrants ſent by legal Paſſes, or returning therefrom; or for any Horſe, Cattle, or Beaſt, drawing any Coach, Landau, Berlin, Chariot, Calaſh, Chair, or Paſſenger on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Devon*, or of a Burgeſs or Burgeſſes to ſerve in Parliament for the ſaid Borough of *Plymouth*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

XXV. Provided

Truſtees may reduce the Tolls, &c. with the Conſent of the Creditors;

XXV. Provided always, and be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, at any Meeting to be holden for that Purpoſe, of which One Calendar Month's Notice ſhall be affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid Roads, from Time to Time, to leſſen or reduce all or any Part or Parts of the Tolls granted by this Act, and alſo any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in ſuch Manner as to them ſhall ſeem fit and convenient, for and during ſuch Time as they the ſaid Truſtees ſhall think proper; and afterwards, at any Meeting to be holden as aforeſaid, from Time to Time, if they ſhall ſee Occaſion, to advance all or any of the Tolls ſo leſſened or reduced, to any Sum or Sums of Money not exceeding the ſeveral Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in force and effect with reſpect to Overweights: Provided nevertheleſs, that when the whole Money charged and borrowed on the Credit of the ſaid recited Acts, (ſo far as the ſame releate to the ſeveral Roads to be amended, widened, or repaired by virtue of this Act,) and of this Act, or of any of them, ſhall not have been paid and diſcharged, the Tolls hereby granted ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Five-ſixths of the Money remaining due upon the Credit of the ſaid Acts, (ſo far as the ſame relate to the ſeveral Roads to be amended, widened, or repaired, by virtue of this Act,) and of this Act, or of any of them.

and afterwards advance them again.

Tolls may be let.

XXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered at any Meeting, upon Twenty-one Days Notice being affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid Roads, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Perſon or Perſons, at and for the largeſt Yearly Sum that can be reaſonably got for the ſame; provided that the Leaſes, Contracts, or Agreements, of or for the ſame, be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by any Seven or more of the ſaid Truſtees; but the ſame ſhall not be let for more than Three Years at any one Time, and the Rent which ſhall be agreed to be paid for the ſaid Tolls, ſhall be made payable and ſhall be paid to the Treaſurer to the ſaid Truſtees, ſo as that One Monthly Payment of ſuch Rent ſhall always be in Advance, or ſufficient Security ſhall be given for the Payment of ſuch Rent to the Satisfaction of the ſaid Truſtees; or in Default thereof every ſuch Leaſe, Contract, or Agreement, ſhall be null and void to all Intents and Purpoſes whatſoever.

Leſſees, or Perſons appointed by them, may collect the Tolls.

XXVII. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the like

like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to.

Truſtees may compound for Tolls.

XXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, from Time to Time, to compound with any Perſon or Perſons for any Period of Time, not exceeding One Year, for any Horſes, Beaſts, or Cattle, paſſing on the ſaid Roads, or on any Part or Parts thereof, for all or any of the Tolls to be paid in reſpect of ſuch Horſes, Beaſts, or other Cattle, and all ſuch Compoſition Money ſhall be paid in Advance Quarterly or otherwiſe, as the ſaid Truſtees ſhall appoint; and in Default thereof every ſuch Compoſition ſhall be null and void to all Intents and Purpoſes whatſoever.

Old Securities to be good.

XXIX. Provided always, and be it enacted, That all Bonds, Mortgages, Aſſignments, Grants, Conveyances, Leaſes, and other Securities, made or granted to or by any Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, or any others whomſoever, acting by or under the Authority of the ſaid Acts or any of them, ſo far as the ſame relate to the ſeveral Roads to be amended, widened, or repaired, by virtue of this Act, ſhall be as good, valid, binding, and effectual, for and during the Continuance of this Act, as if ſuch Part of the ſaid recited Acts as relates to ſuch Roads had not been repealed; any Thing herein contained to the contrary thereof notwithſtanding.

Truſtees may borrow Money.

XXX. And, for the more ſpeedy raiſing ſuch further Money as may be neceſſary for the Purpoſes of this Act, be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, from Time to Time, to borrow and take up at Intereſt ſuch Sum or Sums of Money, as they ſhall judge neceſſary for the Purpoſes of this Act, and by Writing under their Hands and Seals to aſſign over or mortgage the Tolls hereby granted, or any Part thereof, and the ſeveral Turnpikes and Toll Houſes erected or to be erected on the ſaid Roads (the Charges of ſuch Aſſignments and Mortgages to be paid out of the ſaid Tolls) for any Term during the Continuance of this Act, as a Security for the Repayment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend ſuch Money, his, her, or their Executors, Adminiſtrators, and Aſſigns, ſuch Intereſt to be paid and payable by equal Quarterly Payments, at the Dwelling Houſe of the Treaſurer to the ſaid Truſtees for the Time being; all which Mortgages or Aſſignments ſhall be in the Words or to the Effect following:

Form of *Mortgage.*

'BY virtue of an Act of Parliament, made in the Forty-fourth Year of 'the Reign of King *George* the Third, intituled, [*Set forth the Title 'of this Act*] We whoſe Names are hereunto ſubſcribed and Seals affixed, '(being Truſtees acting in Execution of the ſaid Act) in Conſideration of 'the Sum of to the Treaſurer of the ſaid Roads, in 'Hand paid by *A. B.* Do hereby grant, bargain, ſell, and demiſe unto 'the ſaid *A. B.* Executors, Adminiſtrators, and 'Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, 'and alſo of the Turnpikes and Toll Houſes, for collecting the ſame, as 'the ſaid Sum of doth or ſhall bear to the whole 'Sum charged and advanced or to be charged or advanced on the Credit 'of the ſaid Act, to be had and holden from this

'Day

‘ Day of in the Year of our Lord for
‘ and during the Continuance of the ſaid Act, unleſs the ſaid Sum of
‘ with Intereſt 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 of Mortgages to be entered.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Truſtees, and ſuch Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; and all Mortgages or Aſſignments which ſhall be made in the Manner and Form aforeſaid, and the Mortgages or Aſſignments which were made in the Manner and Form preſcribed by the ſaid recited Acts, ſo far as the ſame relate to the ſeveral Roads to be amended, widened, and repaired, by virtue of this Act, ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever; and all Perſons to whom any ſuch Mortgages or Aſſignments reſpectively, have been or ſhall be made as aforeſaid, or who are or ſhall be entitled to the Money thereby reſpectively ſecured, may from Time to Time aſſign and transfer the ſame Security or Securities reſpectively, and all Benefit and Advantage thereof, and all their Right, Title, and Intereſt, to the Principal and Intereſt Money thereby reſpectively ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

Transfer of Mortgages.

Form of Transfer.

‘ I *A. B.* being entitled to the Sum of ſecured to
‘ Executors, Adminiſtrators, and Aſſigns, by virtue of a
‘ Mortgage or Aſſignment, bearing Date the Day of
‘ under the Hands and Seals of of the Truſtees acting
‘ in Execution of an Act of Parliament, made in the Forty-fourth Year of
‘ the Reign of King *George* the Third, intituled, [*Set forth the Title of*
‘ *this Act*] or made in the Second, Twelfth, or Twenty-fourth Years of
‘ the Reign of King *George* the Third, intituled, [*Set forth the Title of*
‘ *the ſaid recited Acts, as the Caſe may be*] upon the Credit of the ſaid Act,
‘ Do hereby transfer all my Right and Title in and to the ſame, and all
‘ the Principal and Intereſt Money now due and owing thereon, unto
‘ *C. D.* Executors, Adminiſtrators, and Aſſigns. Dated this
‘ Day of in the Year of our Lord

Notice of Transfers to be given to the Clerk in Three Calendar Months.

XXXI. And every ſuch Transfer ſhall be produced and notified to the Clerk to the ſaid Truſtees, within Three Calendar Months next after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages or Aſſignments to be made by virtue of this Act, and for which Entry the Clerk who ſhall enter the ſame ſhall be paid Two Shillings and Sixpence and no more; and after ſuch Entry made, every ſuch Transfer ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and after ſuch Entry or Memorial made thereof as aforeſaid, it ſhall not be in the Power of any Perſon or Perſons making ſuch Transfer, to make void, releaſe, or diſcharge the ſame, or the Monies thereby due, or any Part thereof; and all

Perſons to whom ſuch Mortgages, Aſſignments, or Transfers, ſhall be made as aforeſaid (as well ſuch Mortgages or Aſſignments made by virtue of the ſaid recited Acts, ſo far as the ſame relate to the ſeveral Roads to be amended, widened, or repaired, by virtue of this Act, ſhall be, in proportion to the Sums therein reſpectively mentioned, Creditors on ſuch Tolls, Turnpikes, and Toll Houſes, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Monies, or of the Dates of ſuch Mortgages or Aſſignments: Provided nevertheleſs, that before any Sum or Sums of Money ſhall be taken up or borrowed, Twenty-one Days Notice at the leaſt ſhall be given of the Intention of borrowing ſuch Money, by affixing the ſame on all and every the Turnpike Gates erected on the ſaid Roads.

Truſtees to give Twenty-one Days Notice, previouſly to borrowing Money.

Truſtees may turn or alter the Courſe of any Part of the Roads,

XXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby fully empowered from Time to Time, as they ſhall think proper, to divert, widen, turn, ſhorten, vary, or alter, the Courſe or Path of any Part or Parts of the Roads comprized in this Act, and that any Variation of Road may be made of any Width not exceeding Sixty Feet through any Common or Waſte Ground, without making any Satisfaction for the ſame, and through any private or incloſed Lands, Grounds, or Hereditaments, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein, for the Damage they may ſuſtain thereby; and for that Purpoſe it ſhall and may be lawful to and for the ſaid Truſtees, or for their Clerk, or any other Perſon or Perſons by them duly authorized and deputed for that Purpoſe, by Order of a Meeting of the ſaid Truſtees, to treat, contract, and agree, with the Owners of and Perſons intereſted in any Lands, Tenements, or Hereditaments, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons intereſted may ſuſtain by the making, widening, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Roads through ſuch Lands, Tenements, and Hereditaments; and the ſaid Lands, Tenements, and Hereditaments ſo purchaſed, or any Part thereof, ſhall and may, by Order and Direction of the ſaid Truſtees, be laid into and made Part of the ſaid Roads, in ſuch Manner as the ſaid Truſtees ſhall think convenient, and ſhall, by ſuch Perſon or Perſons as they ſhall order and appoint, be ſufficiently drained, ditched, and fenced out for that Purpoſe; and after the ſaid Lands or Grounds ſhall be ſo drained, ditched, and fenced out, the ſame ſhall, to all Intents and Purpoſes whatſoever, become and be, and be deemed and taken to be a publick and common Highway, and to be Part of the Roads to be amended, widened, and kept in Repair, by virtue of this Act, and ſhall be repaired and kept in Repair, by ſuch Ways and Means, and in ſuch Manner, as the old Road was and ought to have been kept in Repair; and after any ſuch Lands ſhall be made Part of the ſaid Roads as aforeſaid, the Lands and Grounds comprized in or conſtituting the former Road, in lieu whereof ſuch Lands or Grounds ſhall be purchaſed as aforeſaid, ſhall be ſold by the ſaid Truſtees to ſuch Perſon or Perſons as ſhall be willing to become a Purchaſer or Purchaſers thereof, for the beſt Price that can be reaſonably had or gotten for the ſame; and the Conveyance thereof being executed by the ſaid Truſtees, and inrolled with the Clerk of the Peace for the ſaid County of *Devon*, or Town Clerk of the ſaid Borough of *Plymouth*, according to the Juriſdiction in which ſuch Lands or Grounds ſhall lie, ſhall be good and effectual to all Intents and Purpoſes whatſoever.

and may contract for the Purchaſe of Lands for that Purpoſe.

XXIII. And

Corporations, &c. empowered to treat.

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

In caſe of Perſons refuſing to treat, or not agreeing, a Jury to ſettle the Recompence.

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

Premiſes; and after the ſaid Jury ſhall have ſo aſcertained and ſettled ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine, the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Owners, Proprietors, or Occupiers of the ſaid Lands, Tenements, or Hereditaments, or other Perſons intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict, or Inquiſition and Judgement, Order or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe; and all and every ſuch Owners, Proprietors, Occupiers, and Perſons, anywiſe intereſted in ſuch Lands, Tenements, or Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property, of, in, to, or out of the ſame; and upon Payment of the Money ſo aſſeſſed to the reſpective Perſons entitled thereto, or their Agents or (in caſe of Refuſal to accept ſuch Money) upon paying the ſame into the Bank of *England*, in Manner by this Act directed, it ſhall and may be lawful to and for the ſaid Truſtees to cauſe the Premiſes, in reſpect whereof ſuch Money ſhall be aſſeſſed, to be diſpoſed of, and ſuch Acts to be done thereto as if the Purchaſe thereof had been agreed upon and completed, and the ſaid reſpective Premiſes were untenanted, and the Purchaſe or Conſideration Money had been received by the Perſon or Perſons entitled thereto; and for ſummoning and returning any ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue out their Warrant or Warrants, ſigned by any Three or more of them, to the Sheriff of the ſaid County of *Devon*, or Mayor or Recorder of the ſaid Borough of *Plymouth*, in their reſpective Juriſdictions, thereby commanding and requiring ſuch Sheriff, Mayor, or Recorder, to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff or his Deputy, Mayor, or Recorder, is hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy, Mayor, or Recorder, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve: Provided always, that all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter*, is or ſhall be by Law entitled to; and the ſaid Truſtees are hereby empowered to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy, Mayor or Recorder, who ſhall make Default in the Premiſes, and alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear, or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or having been ſworn ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein, and on any of the Perſons who being ſummoned or required to give Evidence before the ſaid Jury, touching the Premiſes, ſhall neglect or refuſe to appear, or refuſe to be ſworn or be examined, or

Verdict of the Jury to be final.

Jury may be challenged.

Sheriffs, *&c.* may be fined for Neglect of Duty.

or give Evidence touching the ſame; but no ſuch Fine ſhall exceed Ten Pounds upon any One Perſon for One Offence.

Owners of Land uſed in making a new Road, to have the firſt Offer of the old Road.

XXXV. Provided always, and be it enacted, That wherever the Courſe of any Part of the ſaid Roads ſhall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchaſe of ſuch old Road ſhall be firſt made to the Owner of ſuch adjoining Land which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer thereof, then and in ſuch Caſe the Value thereof ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as the Price for any Land to be taken in purſuance of this Act is directed to be ſettled and aſcertained in and by this Act, and ſuch Owner ſhall be deemed the Purchaſer thereof at the Sum to be aſcertained by a Jury to be the Value thereof; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money, upon Demand made thereof by the Treaſurer or Clerk to the ſaid Truſtees, and Tender of the Conveyance of ſuch old Road, the ſame ſhall and may be recovered by the ſaid Truſtees by Action of Debt in any of His Majeſty's Courts of Record; and in caſe any ſuch Owner ſhall not agree or ſhall refuſe to purchaſe any ſuch old Road, it ſhall and may be lawful to and for any Perſon or Perſons, not intereſted in the Premiſes, to make an Affidavit to be ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County, City, or Place, where ſuch old Road ſhall lie, ſtating that ſuch Offer has been made by or on Behalf of the ſaid Truſtees, and that ſuch Owner has not agreed or has refuſed to purchaſe ſuch old Road, as the Caſe may be, and ſuch Affidavit ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made, and not agreed to or refuſed by ſuch Owner: Provided nevertheleſs, that if the Lands of Two or more Perſons ſhall be taken for any ſuch new Road as aforeſaid, each and every ſuch Owner ſhall be entitled to the firſt Offer of ſo much of the old Road as is lying immediately adjoining to his, her, or their Land reſpectively, in Manner aforeſaid: Provided alſo, that if ſuch Owner or Owners reſpectively ſhall be willing, and conſent to take ſuch old Road in Exchange for ſuch new Road, it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby required to aſſure the ſame to ſuch Perſon or Perſons, by entering the ſame in their Books, and delivering to him or them a Copy of the Entry thereof, ſigned by any Three or more of the ſaid Truſtees, which Copy ſhall be a good and valid Title to the ſame, and be available in any Suit in Law or Equity.

By whom the Expences of the Jury to be paid.

XXXVI. And be it further enacted, That in caſe any ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money than ſhall by or on Behalf of the ſaid Truſtees have been offered, before the ſummoning and returning ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for leſs Money than ſhall have been offered to be accepted or taken by or on Behalf of the ſaid Truſtees, as the Purchaſe Money for any ſuch old Road as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the ſaid

ſaid Truſtees out of the Money ariſing by virtue of this Act; but if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall by or on Behalf of the ſaid Truſtees have been offered, before the ſummoning and returning ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for the ſame or any more Money than ſhall have been offered to be accepted or taken as the Purchaſe Money for any ſuch old Road as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and maintaining the ſaid Jury and Witneſſes, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute, which ſaid Coſts and Expences ſhall be aſcertained and ſettled by ſome Juſtice of the Peace, not intereſted in the Matter in queſtion, and within whoſe Juriſdiction ſuch Controverſy or Diſpute ſhall ariſe (who is hereby authorized and required to examine and ſettle the ſame) and ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes whatſoever, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the ſaid Truſtees, by ſuch Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

Truſtees to pay Expences, where Perſons, from Abſence, are prevented from treating.

Houſes, &c. not to be injured.

XXXVII. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable the ſaid Truſtees to take, uſe, injure, or damage any Dwelling Houſe or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, without the Conſent of the Owners or Proprietors thereof.

Application of Compenſation if amounting to 200*l.*

XXXVIII. And be it further enacted, That if any Money ſhall be paid, or agreed or awarded to be paid, for the Purchaſe of any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments, are limited in ſtrict or other Settlement; or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or

or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied; then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, 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 Lands, Tenements, or 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 said Court 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 by virtue of this Act, in case such Purchase or Settlement were made.

Application of Compensation if less than 200*l.*, and exceeding 20*l.*

XXXIX. Provided always, and be it enacted, That if any Money so agreed or awarded 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 any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, 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 any Three or more of the said 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 be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application of Compensation, if less than 20*l*

XL. Provided always, and be it enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty

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 Lands, Tenements, or Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid 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.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank,

subject to the Order of the Court of Chancery, on Motion or Petition.

XLI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, 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 such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered; then and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*]; subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, 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 of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid to the Person who shall be in Possession of the Land, &c. at the Time of such Purchase, he shall be deemed entitled thereto according to such Possession, unless, &c.

XLII. Provided always, and be it 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, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction

Satisfaction of the ſaid Court of Chancery; and the Dividends and 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.

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

XLIII. Provided alſo, and be it 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 Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For getting Materials to repair the Roads.

XLIV. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors of the ſaid Roads, and to and for all ſuch Perſons as he or they reſpectively ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Beach, Stones, Gravel, Sand, or other Materials, for making or repairing the ſaid Roads, out of or from any Common or Waſte Ground, River or Brook, in any Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, in which any Part of the Roads hereby directed to be made, amended, and repaired, ſhall lie, or in any neighbouring Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any Thing for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that ſuch Surveyor or other Perſons as aforeſaid, may, by Order of the ſaid Truſtees, (ſuch Order to be made at ſome Meeting of the ſaid Truſtees, to be holden in purſuance of this Act, and a Copy thereof to be given to ſuch Surveyor or Surveyors, atteſted and ſigned by the Clerk to the ſaid Truſtees,) ſearch for, cut, dig, get, gather, and take away any ſuch Materials as aforeſaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Perſon or Perſons, where the ſame may be had or found, (ſuch Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees,) making or tendering ſuch Satisfaction for the Damages done thereby to the Owners and Occupiers of ſuch Grounds, where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Roads ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Grounds, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference be-

tween the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning ſuch Damages, it ſhall and may be lawful to and for any Two or more Juſtices of the Peace of the County, City, or Place, where ſuch Materials ſhall be ſo cut, dug, gotten, gathered, taken, and carried away or over, on Fourteen 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.

Notice to be given to the Occupiers of incloſed Lands before Materials are to be taken.

XLV. Provided nevertheleſs, and be it enacted, That it ſhall not be lawful for any Surveyor, or other Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing ſuch Roads, out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or Two or more Juſtices of the Peace acting for the County, City, or Place where ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe the ſaid Truſtees or ſuch Juſtices ſhall and may authorize ſuch Surveyor or other Perſon or Perſons, to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Truſtees or Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, purſuant to ſuch Notice, the ſaid Truſtees or Juſtices ſhall and may make ſuch Order therein as they reſpectively ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Penalty on taking away Materials got by Order of the Surveyor.

XLVI. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall take away any Gravel or Materials which ſhall have been dug or gathered by or by the Order of the ſaid Surveyor or Surveyors, in any Lands, Fields, Waſte, or Grounds, River or Brook, for the Purpoſe of amending the ſaid Roads, or any Part or Parts thereof, or ſhall get or take away any Gravel or Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting ſuch Materials for amending the ſaid Roads, or any Part or Parts thereof, before the ſaid Surveyor or Surveyors, or his or their Workmen, ſhall have diſcontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his or her own private Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Ten Pounds.

Surveyor to make Drains, &c.

XLVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and to and for any Perſon or Perſons whom he or they ſhall appoint by Order of the ſaid Truſtees, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the ſaid Roads, in ſuch Manner as ſuch Surveyor or Surveyors ſhall deem and judge neceſſary

ceſſary and proper for amending or keeping in Repair any Part of the ſaid Roads, and alſo to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Roads (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any Houſe) to be made Uſe of as a publick Highway, whilſt the narrow or ruinous Parts of the ſaid Roads are widening or repairing, and until the ſame ſhall be convenient and ſafe for the Paſſage of Travellers and Carriages, making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Lands reſpectively, through and into which any ſuch Drain ſhall be cut, or on or over which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and ſuch Truſtees, touching ſuch Damage, then and in every ſuch Caſe the Juſtices of the Peace, at the Firſt General or Quarter Seſſions of the Peace to be holden for the ſaid County of *Devon*, or Borough of *Plymouth*, according to the Juriſdiction in which the Land ſhall lie, next after the Expiration of Thirty Days from the Time of doing ſuch Damage, ſhall and they are hereby authorized and required to hear, ſettle, and determine the ſame; and their Determination therein ſhall be final and concluſive.

Making reaſonable Satisfaction.

In caſe of Difference, Juſtices in Seſſions to determine the ſame.

XLVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (by Direction and under the Hands of any Three or more of the ſaid Truſtees) from Time to Time to remove and prevent all Annoyances on any Part or Parts of the ſaid Roads, by Rails, Steps, Sign Poſts or other Poſts, and alſo by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of any Part of the ſaid Roads to the Prejudice thereof, and to make the ſame as large and deep as he or they ſhall think proper, and to cleanſe any Ditch or Watercourſe next adjoining to any Part of the ſaid Roads, and to cut down, lop, or top any Trees or Buſhes growing in any Part of the ſaid Roads, or in the Hedges or Banks adjacent thereto, in caſe the Perſon or Perſons occaſioning ſuch Annoyances, or who ought to remove the ſame, or to cleanſe ſuch Ditch or Watercourſe, or to cut down, lop, or top ſuch Trees or Buſhes, ſhall refuſe or neglect to do ſo for the Space of Ten Days next after Notice in Writing given for that Purpoſe, ſigned by any Three or more of the ſaid Truſtees, or by their Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by the Perſon or Perſons refuſing or neglecting as aforeſaid; and in caſe any ſuch Perſon ſhall not, upon Demand, pay and reimburſe to ſuch Surveyor or Surveyors ſuch Charges as aforeſaid, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Manner, every Perſon ſo offending ſhall for every ſuch Offence, over and above ſuch Charges as aforeſaid, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Surveyor may remove Annoyances.

XLIX. And

Penalty on drawing Timber or Stone on the Roads, otherwise than on a Wheel Carriage.

XLIX. And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone, otherwiſe than upon a Wheel Carriage, or ſhall ſuffer any Part of any Tree or Piece of Timber, which ſhall be conveyed upon any Wheel Carriage, to drag upon any Part of ſuch Roads to the Prejudice thereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Roads to be meaſured, and Mileſtones to be ſet up.

L. And be it further enacted, That the ſaid Truſtees ſhall and may cauſe the ſaid Roads to be meaſured, and Mile Stones to be ſet up at or near the Sides thereof, at the Diſtance of One Mile from each other, and Poſts to be erected to denote the Diſtance of every ſuch Poſt from any Town or Place, as the ſaid Truſtees ſhall think fit, and alſo cauſe to be erected Guide Poſts upon ſuch Parts of the ſaid Roads where the ſame are croſſed or joined by other Roads, as they ſhall judge proper; and if any Perſon or Perſons ſhall wilfully break, throw down, injure, deſtroy, obliterate, or deface any of the Stones or Poſts erected or to be erected on any Part of the ſaid Roads, or any of the Letters, Figures, or Marks inſcribed thereon, or ſhall wilfully break, throw down, or injure, any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches on any Part of the ſaid Roads, every ſuch Perſon ſhall forfeit and pay any Sum not exceeding Five Pounds for each Stone, Poſt, or Parapet Wall, ſo broken, thrown down, injured, or deſtroyed, or on which any Letters, Figures, or Marks, ſhall be ſo obliterated or defaced, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Penalty on damaging Mileſtones.

For preventing Annoyances.

LI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or negligently injure, deſtroy, break down, or otherwiſe damage, or ſhall ride on, or drive, or lead any Horſe, Beaſt, Cattle, or Carriage, over or upon any Footpath or Cauſeway made or to be made on the Side or Sides of any Part of the ſaid Roads; or if any Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones which may be erected for the Security of the ſaid Footpaths or Cauſeways; or if any Perſon or Perſons ſhall plough over or drag any Plough upon any Part of the ſaid Roads, or in ploughing ſhall turn any Horſe or other Beaſt, drawing any Plough upon any Part of the ſaid Roads, to the Prejudice thereof; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing, which ſhall be or lie upon any Part of the ſaid Roads, with any Inſtrument, ſo as to damage the ſaid Roads, or any Part thereof; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Huſbandry, (without ſome reaſonable Cauſe, to be allowed by the Juſtice before whom the Perſon ſo offending ſhall be ſummoned or conveyed, in order to his Conviction, or except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near the Side of the ſaid Roads as conveniently may be,) in, upon, or on the Sides of the ſaid Roads, either with or without any Horſe or Beaſt harneſſed or yoked thereto; or ſhall lay any Timber, Wood, or Buſhes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Annoyance whatſoever, upon any Part of the ſaid Roads, or on the

the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Perſon or Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not leſs than Ten Shillings or more than Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Power to Collectors, &c. to detain unknown Perſons guilty of Offences.

LII. And whereas Perſons guilty of Offences againſt this Act, may be tranſient Perſons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it ſhall and may be lawful to and for any of the ſaid Collectors, Surveyors, or other Officers reſpectively, to ſeize and detain any ſuch unknown Perſon or Perſons guilty of any Offence againſt this Act, and forthwith to convey him, her, or them, before One or more Juſtice or Juſtices of the Peace for the County, City, or Place, where any ſuch Offence or Offences ſhall be committed, without any other Warrant or Authority than this Act for ſo doing.

Perſons chargeable to Statute Work to continue ſo.

LIII. Provided always, and be it enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the Roads hereby directed to be made, widened, and repaired, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Devon*, or Borough of *Plymouth*, in their reſpective Juriſdictions, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their Order, Yearly, to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads, by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads do lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them, paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be ſo paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may

Juſtices to determine Differences touching Statute Work.

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

Truſtees may compound for Statute Work.

LIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, to compound and agree with any Perſon or Perſons, Bodies Politick or Corporate, for the Repairs of Statute Work to be by them done on the ſaid Roads or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Pariſhes or Places in which the ſaid Roads ſhall

ſhall lie and be ſituate, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Roads, which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer of the ſaid Truſtees in Advance, on or before the Twenty-fifth Day of *March* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Application of Money.

LV. And be it further enacted, That all the Coſts, Charges, and Expences, incident to, and attending the obtaining and paſſing of this Act, ſhall in the firſt Place be paid and defrayed out of any Monies received or collected by virtue of the ſaid recited Acts, on the ſeveral Roads to be amended by virtue of this Act, or out of the firſt Monies borrowed, received, or collected, by virtue of or for the Purpoſes of this Act, and the Remainder thereof ſhall from Time to Time be applied in repaying the Monies borrowed by virtue of the ſaid recited Acts on the Credit of the Tolls collected on ſuch Roads, and to be borrowed on the Credit of this Act, and the Intereſt thereof reſpectively, and in carrying this Act into Execution.

Recovery and Application of Penalties.

LVI. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid County of *Devon* or Borough of *Plymouth*, where the Offence ſhall happen, (which Warrant ſuch Juſtice is hereby empowered to grant upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath); and the Overplus, if any, of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned, upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs, and ſuch Penalties and Forfeitures when recovered, (if not herein-before directed to be otherwiſe applied), ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County, City, or Place, where the Offence ſhall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months nor leſs than Fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner fully paid and ſatisfied.

LVII. And

Actions to be brought in the Names of the Treaſurer or Clerk, or One of the Truſtees;

but neither of them to be liable to the Payment of Coſts.

LVII. And be it further enacted, That whenever any Action ſhall be brought by the Order of the ſaid Truſtees, againſt any Perſon or Perſons by virtue or in purſuance of this Act, the ſame may be brought in the Name or Names of their Treaſurer or Clerk, or in the Name of any One of the ſaid Truſtees, on Behalf of the ſaid Truſtees, and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name the ſame ſhall be brought; but no ſuch Treaſurer, Clerk, or Truſtee, or any or either of them, ſhall be ſubject to the Payment of any Coſts or Expences on account thereof, but all ſuch Coſts and Expences ſhall be defrayed out of the Money ariſing by virtue of this Act.

Appeal.

LVIII. Provided always, and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General or Quarter Seſſions of the Peace to be holden for the County or Place, (within which the Matter of Appeal ſhall ariſe) next after the Expiration of One Calendar Month from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing having firſt given Ten Days Notice at leaſt, of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Treaſurer or Clerk to the ſaid Truſtees, and within Two Days after ſuch Notice entering into a Recognizance, before ſome Juſtice of the Peace for ſuch County, with ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order and Award of the ſaid Court thereon; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination therein, and to award ſuch Coſts to either of the Parties or otherwiſe, as they ſhall judge proper; and all ſuch Determinations ſhall be final, binding, and concluſive, to all Parties, to all Intents and Purpoſes whatſoever.

Diſtreſs not to be unlawful for want of Form.

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

Proceedings not to be quaſhed for want of Form, or removable by *Certiorari*.

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

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

Plaintiffs not to recover without Notice, or after Tender of Amends.

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

Limitation of Actions.

LXII. Provided always, and be it enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be brought and tried in the County of *Devon*, and not elſewhere; and if any ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Publick Act.

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

Commencement and Continuance of the Act.

LXIV. And be it further enacted, That this Act ſhall commence and take place on the *Wedneſday* Three Weeks after the paſſing thereof, and ſhall

shall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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