ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 21.

An Act for enlarging the Term and Powers of ſeveral Acts of His late and preſent Majeſty, for repairing certain Roads leading from *Southmolton*, in the County of *Devon*. [4th *May* 1814.]

WHEREAS an Act was paſſed in the Thirty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for repairing, widening, and rendering ſafe and commodious ſeveral Roads leading from the Town of* Southmolton, *in the County of* Devon: And whereas another Act was paſſed in the Nineteenth Year of the Reign of His preſent Majeſty, intituled *An Act for continuing the Term and altering the Powers of an Act, made in the Thirty-ſecond Year of the Reign of His late Majeſty, for repairing, widening, and rendering ſafe and commodious, ſeveral Roads leading from the Town of* Southmolton, *in the County of* Devon: And whereas another Act was paſſed in the Forty-ſecond Year of His preſent Majeſty, intituled *An Act for continuing the Term and enlarging the Powers of Two Acts, paſſed in the Thirty-ſecond Year of the Reign of His late Majeſty King* George *the Second, and the Nineteenth Year of the Reign of His preſent Majeſty, for repairing, widening, and rendering ſafe and commodious, ſeveral Roads leading from the Town of* Southmolton, *in the County of* Devon: And whereas the Truſtees appointed by or in purſuance of the ſaid Acts have, in the Exerciſe of the Powers veſted in them, borrowed ſeveral Sums of Money upon the Credit of the Tolls authorized to be collected upon the ſaid Roads; which Monies ſo borrowed have, together

32 G. 2. c. 45.

19 G. 3. c. 81.

42 G. 3. c. 1.

together with the Tolls, been duly applied for the Purpoſes of the ſaid Acts, a conſiderable Part of which now remains due, and cannot be repaid, nor the ſaid Roads effectually amended, improved, and kept in Repair, unleſs the Term of the ſaid Acts be continued, and the Powers and Proviſions thereof altered, amended, and enlarged, and the preſent Tolls varied and increaſed; but, as the above Purpoſes cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts, and all and every the Clauſes, Powers, Penalties, Forfeitures, Privileges, Proviſions, Matters and Things therein contained, (except ſuch Parts thereof as are varied, altered or repealed,) ſhall be and continue in full Force and Effect, and be executed for and during the Term herein-after mentioned, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Alterations and Amendments herein contained; and the Term, Tolls, and Powers hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on account of the ſaid Roads, or which ſhall or may hereafter be borrowed or become due on the Credit or on account of the ſame, by virtue of the ſaid recited Acts and this Act, and of all Intereſt due and to grow due thereon reſpectively.

Acts further continued.

Appointing additional Truſtees.

II. And be it further enacted, That from and after the Twenty-fourth Day of *June* One thouſand eight hundred and fourteen, the Honourable *George Matthew Forteſcue*, the Honourable *John Forteſcue*, Sir *Thomas Dyke Acland* Baronet, *Henry Arthur Wallop Fellowes*, *John Buller*, *Richard Incledon Bury*, the officiating Clergymen for the Time being of every Pariſh through which the Roads paſs, Reverend *Richard Bawden*, *Richard Bawden* junior, *Joſhua Bawden*, *Humphry John Norris Bawden*, *William Binford* junior, *Joſhua Willoughby Bryan*, *Richard Syndercombe Bryan*, *William Palmer Stawell* junior, *Joſeph George Stawell*, *Henry Karſlake*, *William Heberden Karſlake*, *William Henry Tanner*, *Benjamin Clay* junior, *John Sherard Clay*, *Pelham Fellowes Clay*, *Richard Preſton*, *William Preſton*, *Francis Shath Corniſh*, *Henry Byne*, *Charles Byne*, Reverend *John Toſſel Johnſon*, Reverend *Peter Toſſel Johnſon*, *John Toſſel Johnſon*, Reverend *William Hole*, *Henry Hole*, *John Hole*, Reverend *John Southcomb* junior, *Edmund Southcomb*, and the Reverend *William Toms* junior, together with Ten other Perſons to be named as Truſtees, at the Firſt or any other Meeting to be held under this Act, ſhall be added to and joined with the Truſtees appointed by or in purſuance of the ſaid recited Acts for putting the ſaid recited Acts and this Act into Execution; and the Truſtees hereby nominated, and their Succeſſors, (being qualified according to the Directions of the ſaid firſt recited Act,) are hereby empowered to act in the Execution of the ſaid recited Acts, as fully and effectually to all Intents and Purpoſes, as if they had been appointed Truſtees in or by virtue of the ſaid recited Acts.

Meetings on Emergencies.

III. And be it further enacted, That if it ſhall at any Time be thought neceſſary, for the better Execution of the ſaid recited Acts and this Act, that the Truſtees ſhould meet before the Time to which any Meeting ſhall

be adjourned, or in caſe no Adjournment ſhall have been made as directed by the ſaid recited Acts or this Act, the Perſon acting as Clerk to the ſaid Truſtees, upon an Order in Writing, ſigned by any Five or more of them, (although not aſſembled at a Meeting,) mentioning the Time and Place of ſuch Meeting, ſhall, as ſoon as may be, give Notice thereof by advertiſing the ſame in ſome Newſpaper uſually circulated in the Neighbourhood, and affixed on all the Turnpike Gates erected upon the ſaid Roads in that Part of the County, and in ſuch Notice appoint a Meeting of the Truſtees, to be held at ſuch Time and Place as ſhall be directed by ſuch Order, ſuch Time not being leſs than Ten Days after Publication of the ſaid Notice; and all the Acts, Orders, and Proceedings of the Truſtees at ſuch Meetings, ſhall be as valid and effectual as if ſuch Meetings had been held in purſuance of Adjournment; provided that no Order made at a former Meeting ſhall be annulled or revoked by any Order at ſuch Special Meeting.

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

IV. And be it further enacted, That no Order, Appointment or Proceeding, made at any Meeting of the Truſtees holden in purſuance of this or the ſaid recited Acts, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe only; nor unleſs Notice, ſpecifying the Revocation or Alteration intended to be made, ſigned by the Clerk to the ſaid Truſtees, be advertiſed as aforeſaid, and affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid Roads, at leaſt Ten Days before ſuch ſubſequent Meeting; nor unleſs a Majority of Nine Truſtees at the leaſt, preſent at ſuch ſubſequent Meeting, ſhall decide in favour of ſuch Revocation or Alteration.

Truſtees may ſue and be ſued in the Name of the Clerk or Treaſurer, who is to be reimburſed his Expences.

V. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for and concerning any Thing to be done againſt or by virtue or in purſuance of the ſaid recited Acts or this Act, in the Name either of their Clerk or Treaſurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Treaſurer, or by any Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, or any Five or more of them, at any Meeting to be held in purſuance of this Act, but that the Clerk or Treaſurer for the Time being ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action or Suit; and every ſuch Clerk or Treaſurer, in whoſe Name any Action or Suit ſhall be commenced, proſecuted or defended, in purſuance of the ſaid recited Acts or this Act, ſhall be fully reimburſed out of the firſt Money to ariſe by virtue of the ſaid recited Acts and this Act, all ſuch Coſts, Charges, Damages and Expences, as by the Event, or in conſequence of any ſuch Action or Suit, or any Proceeding paſt thereon, he ſhall bear, pay, expend or be put unto, or become chargeable with or liable to, by reaſon of his ſo being made Plaintiff or Defendant as aforeſaid.

For diſcontinuing the preſent Tolls, and granting new ones.

VI. And be it further enacted, That the ſeveral Tolls now payable upon the ſaid Roads by virtue of the ſaid recited Acts, ſhall, upon the Twenty-fourth Day of *June* One thouſand eight hundred and fourteen, ceaſe, determine, and be no longer payable; and that inſtead thereof, the following Tolls ſhall be demanded and taken at each and every of the Toll Gates

Gates erected under the Authority of the said Acts and this Act; (that is to say,)

Tolls. For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, drawn by Six or more Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Two Shillings:

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, drawn by Five or Four Horses, Mares, Geldings, Mules, or other Cattle, the Sum of One Shilling and Sixpence:

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, drawn by Three Horses, Mares, Geldings, Mules, or other Cattle, the Sum of One Shilling and Three-pence:

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Taxed Cart, Hearse or Litter, drawn by Two Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Nine-pence:

For every Chaise, Car, Chair, Caravan, or Taxed Cart, drawn by One Horse, Mare, Gelding, Mule, or other Cattle, the Sum of Six-pence:

For every Waggon, Wain, Cart, Tumbrel or Dray, having the Fellies of the Wheels of the Breadth of Seven Inches or more, with a plain and even Surface, drawn by Eight Horses, or other Beasts, the Sum of Three Shillings; and having the Fellies of a less Breadth than Seven Inches, drawn by the like Number of Horses, or other Beasts, the Sum of Five Shillings:

For every Waggon, Wain, Cart, Tumbrel or Dray, having the Fellies of the Wheels of the Breadth of Seven Inches or more, with a plain and even Surface, drawn by Seven Horses, or other Beasts, the Sum of Two Shillings and Nine-pence; and having the Fellies of a less Breadth than Seven Inches, drawn by the like Number of Horses, or other Beasts, the Sum of Five Shillings:

For every Waggon, Wain, Cart, Tumbrel or Dray, having the Fellies of the Wheels of the Breadth of Seven Inches or more, with a plain and even Surface, drawn by Six Horses, or other Beasts, the Sum of Two Shillings and Sixpence; and having the Fellies of a less Breadth than Seven Inches, drawn by the like Number of Horses, or other Beasts, the Sum of Four Shillings:

For every Waggon, Wain, Cart, Tumbrel or Dray, having the Fellies of the Wheels of the Breadth of Seven Inches or more, with a plain and even Surface, drawn by Five Horses, or other Beasts, the Sum of Two Shillings and Three-pence; and having the Fellies of a less Breadth than Seven Inches, drawn by the like Number of Horses, or other Beasts, the Sum of Four Shillings:

For every Waggon, Wain, Cart, Tumbrel or Dray, having the Fellies of the Wheels of the Breadth of Seven Inches or more, with a plain and even Surface, drawn by Four Horses, or other Beasts, the Sum of Two Shillings; and having the Fellies of a less Breadth than Seven Inches, drawn by the like Number of Horses, or other Beasts, the Sum of Three Shillings:

For every Waggon, Wain, Cart, Tumbrel or Dray, having the Fellies of the Wheels of the Breadth of Seven Inches or more, with a plain and even

even Surface, drawn by Three Horſes, or other Beaſts, the Sum of One Shilling; and having the Fellies of a leſs Breadth than Seven Inches, drawn by the like Number of Horſes, or other Beaſts, the Sum of One Shilling and Sixpence:

For every Waggon, Wain, Cart, Tumbrel or Dray, having the Fellies of the Wheels of the Breadth of Seven Inches or more, with a plain and even Surface, drawn by Two Horſes, or other Beaſts, the Sum of Six-pence; and having the Fellies of a leſs Breadth than Seven Inches, drawn by the like Number of Horſes, or other Beaſts, the Sum of Eight-pence:

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

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

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

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

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

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

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

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

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

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Three Horſes, or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a plain and even

Surface, the Sum of One Shilling and Sixpence; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes, or other Beaſts, the Sum of Five Shillings:

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

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by One Horſe, or other Beaſt, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a plain and even Surface, the Sum of Eight-pence; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, the Sum of One Shilling and Six-pence:

And that Double the ſaid reſpective Tolls ſhall and may be demanded and taken on every *Sunday* during the Continuance of this Act, in caſe the ſaid Truſtees, or any Seven or more of them, ſhall at any Meeting to be holden in purſuance of this Act, by Writing under their Hands, ſo order and direct:

Which ſaid reſpective Tolls ſhall be and are hereby declared to be veſted in the Truſtees appointed or to be appointed for the Purpoſe of the ſaid recited Acts or this preſent Act; and that it ſhall and may be lawful for the ſaid Truſtees to demand and take, or cauſe to be demanded and taken, the ſaid Tolls at the reſpective Gates erected or to be erected acroſs or near the ſaid Roads; and that they the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall authorize and appoint for that Purpoſe, ſhall have ſuch and the ſame Powers, Authorities, and Remedies for collecting, demanding, recovering, levying, aſſigning, transferring, leaſing, and compounding for the Tolls hereby granted and made payable, as are in and by the ſaid recited Acts given and expreſſed with reſpect to the Tolls thereby granted and made payable; and that the ſaid Tolls hereby granted and made payable, ſhall be paid, applied, and diſpoſed of to and for ſuch Uſes, Intents and Purpoſes, as are in the ſaid recited Acts and this Act directed and appointed in that Behalf.

Power to leſſen the Tolls.

VII. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, are hereby authorized and empowered from Time to Time, in caſe it ſhall appear requiſite and expedient to leſſen or reduce the ſeveral Tolls hereby granted and made payable, or to order and direct ſuch Tolls, or any of them, to be leſſened or reduced upon all or any of the ſaid reſpective Roads, ſo as ſuch Reduction be with the Conſent of Five-ſixth Parts in Value of the Creditors of the ſaid Tolls, or who at the Time of ſuch Reduction ſhall have any Money ſecured thereon; but ſuch Reduction ſhall not be made unleſs Notice in Writing be given for that Purpoſe, by affixing the ſame upon all and every the Turnpike Gates to be erected or continued by virtue of this Act, and in ſome public Newſpaper, at leaſt Twenty-one Days before making ſuch Reduction.

Reſpecting the Surface of Wheels.

VIII. And be it further enacted, That all Wheels of Waggons, Wains, Carts, Tumbrels, Drays, or other Carriages, the Tire of the Fellies of which ſhall not deviate more than Half of One Inch from a flat Surface, ſhall

ſhall be taken to be as near a plain and even Surface as may be, and be deemed a plain and even Surface within the true Intent and Meaning of this Act.

Tolls to be payable but once a Day.

IX. And it is hereby further enacted and declared, That if any Perſon or Perſons ſhall pay the reſpective Tolls by this Act granted and made payable, for the paſſing of any Carriage, Horſe, or Cattle whatſoever, at any Gate or Turnpike erected or to be erected upon the ſaid Roads, upon a Note or Ticket of the Day being produced denoting ſuch Payment, ſuch Carriage, Horſe or Cattle, ſhall be permitted to paſs, return, and repaſs at any Time or Times during that Day, to be computed and reckoned from Twelve of the Clock in one Night to Twelve of the Clock in the ſucceeding Night, through all the ſaid Gates or Turnpikes without paying a freſh Toll, provided ſuch Carriage be drawn by the ſame Horſe or Horſes; which ſaid Notes or Tickets the ſaid Collectors or Receivers of the Tolls at the ſaid ſeveral Gates or Turnpikes erected or to be erected on the ſaid Roads are hereby directed to give *gratis*.

In caſe of neglect or refuſal to pay the Tolls, Juſtices may enquire in a ſummary Way.

X. And be it further enacted, That if any Perſon ſhall neglect or refuſe to pay any of the Tolls hereby granted, and where no Diſtreſs ſhall have been made for the ſame purſuant to the Powers of the ſaid recited Acts, it ſhall be lawful for any One Juſtice of the County, Liberty, Diviſion or Place, where the Toll Gate through which ſuch Perſon ſhall have paſſed is ſituate, upon Complaint to him made, to make Enquiry concerning ſuch Neglect or Refuſal, and by Warrant under his Hand and Seal to cauſe ſuch Tolls or Money as ſhall appear to be due and unpaid to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, rendering the Overplus (if any) after the Money remaining due and the Charges of the ſaid Diſtreſs ſhall have been firſt deducted.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XI. Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Quantity of Toll due, or the Charge of keeping any Diſtreſs or Diſtreſſes, it ſhall be lawful for the Collector or Perſon diſtraining to retain the ſame, or the Money ariſing by the Sale thereof (as the Caſe may happen) until the Quantity of Toll due, and the Charges of ſeizing, diſtraining, keeping and ſelling ſuch Diſtreſs or Diſtreſſes, ſhall be aſcertained by ſome Juſtice of the Peace for the County, Liberty, Diviſion or Place, where ſuch Diſtreſs ſhall have been made, who, upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties, or any credible Witneſs or Witneſſes, and determine the Quantity of the Toll due, and aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping, and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice; all which Sums ſo determined or aſſeſſed ſhall be paid to the ſaid Collector, or other Perſon, before he ſhall be obliged to return any Diſtreſs or the Overplus Money, after the Sale thereof, or of any Part thereof.

Collectors of Tolls not to be deemed incompetent Witneſſes.

XII. 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, or the Recovery of any of the Penalties by the ſaid recited Acts or this Act to be laid, or to the Execution of any of the Powers of the ſaid recited Acts or this Act, no Perſon or Perſons appointed to collect the ſaid Tolls, or any other Perſon or Perſons acting by

or under the Authority of the ſaid Truſtees, ſhall be deemed to be incompetent to give Evidence in any ſuch Diſpute, Suit or Litigation, by reaſon of his or their being appointed to collect the ſaid Tolls.

For vacating the preſent Leaſes of the Tolls.

XIII. And be it further enacted, That, from and after the Twenty-fourth Day of *June* One thouſand eight hundred and fourteen, the preſent Leaſes granted, or Agreements made for Leaſes by the ſaid Truſtees, to or with *Richard Curdle*, *William Dunn*, *Andrew Paſſmore*, and *William Marſh*, for the Tolls ariſing or payable on the ſaid Roads, ſhall ceaſe, determine, and be null and void, as to the Reſidue of the Terms for which the Tolls were leaſed or agreed to be let to them; and the ſaid Leaſes or Agreements ſhall thenceforth be releaſed, diſcharged, and determined (except ſo far as reſpects the Payment and Recovery of any Rent or Sum or Sums of Money which ſhall on the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and fourteen, be due and payable from the ſaid *Richard Curdle*, *William Dunn*, *Andrew Paſſmore*, and *William Marſh*, upon or by virtue of the ſaid Leaſes or Agreements, and Performance of any Covenant or Agreement therein contained, which ought to have been performed previous to the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and fourteen); and it ſhall be lawful for the ſaid Truſtees to make ſuch Compenſation to each of them the ſaid *Richard Curdle*, *William Dunn*, *Andrew Paſſmore*, and *William Marſh*, either by Allowance or Abatement out of the reſpective Rents payable by them, or otherwiſe, as they the ſaid Truſtees, or any Five or more of them, ſhall deem reaſonable and proper for ſuch Determination of their ſaid reſpective Leaſes or Agreements, or any Loſs or Damage which they the ſaid *Richard Curdle*, *William Dunn*, *Andrew Paſſmore*, and *William Marſh*, ſhall or may ſuſtain during the Continuance of their ſaid ſeveral Leaſes or Agreements; and in caſe the ſaid Leſſees ſhall be diſſatisfied therewith, it ſhall be lawful for them to ſue for and recover ſuch reaſonable Damages as they may be entitled to by reaſon of the Determination of their Leaſes or Agreements.

Exemptions from Tolls.

XIV. And be it further enacted, That, from and after the paſſing of this Act, all and every the Exemptions from Payment of Tolls granted and allowed by the ſaid recited Acts, or any of them, ſhall be and the ſame are hereby repealed, and that during the Continuance of this Act no Toll ſhall be demanded or taken for any Cattle or Carriages employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying on the ſame Day, any Stone, Brick, Gravel, or other Materials for repairing the ſaid Roads, or for repairing the Highways in any Pariſh or Place through which any Part of the ſaid Roads paſs; nor for any Cattle drawing or going with, or going empty or returning empty after being laden only, with any Ploughs, Harrows, or other Implements of Huſbandry, belonging to any Inhabitant or Occupier of Land within the ſaid reſpective Pariſhes or Places; nor for any Horſe or Horſes, or other Cattle, going to or from Water, Paſture or Plough, or other Work in Huſbandry, upon or in any of the Lands within any of the ſaid ſeveral Pariſhes or Places, or going to be or returning from being ſhoed or farried; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar or Curate, going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners, or of or from any Perſon or Perſons in any of the ſaid Pariſhes

Pariſhes or Places, for paſſing through any of the ſaid Toll Gates or Turnpikes on *Sundays*, or on any other Day on which Divine Worſhip is ordered by Authority to be celebrated, to or from his, her, or their reſpective Pariſh Churches, or other uſual Place of Religious Worſhip, licenſed according to Law, for the Purpoſe of attending or after having attended Divine Service thereat; or for any Cattle or Carriage conveying the Corpſe, or attending the Funeral of any Perſon who ſhall have died in and is to be interred in any of the ſaid Pariſhes or Places; or of any Horſes or Carriages employed or to be employed in conveying, fetching, or guarding the Mails of Letters and Expreſſes, under the Authority of His Majeſty's Poſtmaſter General, or in returning back from conveying or guarding the ſame; or for the Horſes of Soldiers upon their March or upon Duty, or for Horſes, Cattle, or Carriages attending them, or laden only with their Arms or Baggage, or employed in conveying any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for Horſes or Carriages travelling with Vagrants ſent by legal Paſſes; or for any Coaches, Berlins or Landaus, Sociables, Chariots, Curricles, Calaſhes, Chaiſes, Phaetons, Whiſkies, Chairs, or other Carriages, or Paſſengers on Horſeback, going to or returning from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the County of *Devon* during ſuch Election, or on the Day before or after ſuch Election ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe, Mare or Gelding, furniſhed by or for any Perſon or Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have the Arms, Furniture and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption as aforeſaid; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim or 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, and ſhall be recoverable in the Manner directed by the ſaid recited Acts.

Carriages conveying Military Stores, not to be ſubject to Penalties for Overweight, &c.

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

to Highways or Turnpike Roads, or in this or the ſaid recited Acts, contained to the contrary notwithſtanding.

One Toll only for one Load of Lime, though paſſing Gates two different Days.

XVI. Provided always, and be it enacted, That every Waggon, Wain, Cart, Carriage, Horſe, or other Cattle, employed in drawing, fetching, or carrying any one Load of Lime, in reſpect of which Load of Lime the Tolls or Duties impoſed by this Act ſhall have been paid at either of the Gates erected or to be erected by virtue of the ſaid recited Acts and this Act, ſhall be exempt from ſuch Toll at all the other Gates, for and in reſpect of the ſame Load of Lime paſſing through the ſame, or any other Gate on the ſaid Roads, on the ſame Day or the Day after ſuch Toll or Duty in reſpect thereof ſhall have been paid as aforeſaid.

For borrowing a further Sum of Money.

XVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, at a General Meeting aſſembled, and they are hereby authorized and empowered to borrow, according to the Rules and Directions laid down and preſcribed in the ſaid firſt recited Act, upon the Credit of the Tolls by this Act granted, any Sum or Sums of Money not exceeding Two thouſand Pounds, over and above and in addition to the Sum of Four thouſand Pounds authorized to be borrowed by the ſaid recited Act; and it ſhall and may be lawful for the ſaid Truſtees, at a General Meeting aſſembled, to aſſign over the Tolls by this Act granted, to any Perſon or Perſons from whom the Money ſhall be borrowed, in the Manner directed by the ſaid firſt recited Act.

Application of Compenſation Money when amounting to 200l.

XVIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid recited Acts particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid recited Acts or this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements and Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements and Hereditaments, or affecting other Lands, Tenements or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, 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

of them as at the Time of making such Conveyance or 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 of Chancery upon Application thereunto, 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 or Hereditaments, by the said recited Acts or this Act directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and amounting to 20*l.*

XIX. Provided always, and be it further 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified by Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in Manner 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 Five or more of the said Trustees for executing the said recited Acts and 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 Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less than 20*l.*

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

Directions in Cases of not making out Titles.

XXI. 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 the

the ſaid recited Acts or 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 Five 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 ſaid 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 ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons, as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Reſpecting diſputed Titles.

XXII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of the ſaid recited Acts or 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 the ſaid recited Acts or this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, 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 of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court of Chancery may order

XXIII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled

entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid recited Acts or 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 the ſaid recited Acts or this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct. Truſtees to pay Expences.

XXIV. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, 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 County, Liberty, Diviſion or Place, through which any Part of the ſaid Roads paſs, and they are hereby empowered and required, (upon Application made to them for that Purpoſe 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 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 to their Treaſurer; 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 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 Repair of the Public Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do 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 Haytime or Harveſt,) and upon 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 Reſpecting Statute Work.

proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct, and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts 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 laſt or uſual Place or Places of Abode, for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees,) ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Roads, 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 as aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards 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 Five Pounds.

For compounding for Statute Work.

XXV. 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 Politic or Corporate, for the 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 the Pariſhes or Places in which the ſaid Roads are 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 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 to the ſaid Truſtees in Advance on or before the Firſt Day of *May* 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.

Regulations as to cutting Hedges and removing Annoyances.

XXVI. And whereas by an Act paſſed in the Thirteenth Year of His preſent Majeſty's Reign, intituled *An Act to explain, amend, and reduce into one Act of Parliament, the Statutes now in being for the Amendment and Preſervation of the Public Highways within that Part of* Great Britain *called* England, *and for other Purpoſes*, Power is given to Surveyors to cauſe the Hedges, Buſhes and Trees, to be cut, pruned, plaſhed and lopped,

lopped, at any Time between the laſt Day of *September* and the laſt Day of *March*; and great Injury is ſuſtained by the ſaid Roads for want of a preciſe Time being fixed, as well for the Completion of the ſaid cutting, pruning, plaſhing and lopping, as for the clearing, ſcouring, and cleanſing of the Ditches, Drains, and Watercourſes adjoining to the ſaid Roads, and for carrying off the Soil ariſing from the ſaid clearing, ſcouring, and cleanſing; be it therefore further enacted, That the cutting, pruning, plaſhing and lopping of all Hedges, Buſhes and Trees, as directed by the aforeſaid Act for the Amendment of the Highways, ſhall be perfected and completed on or before the Firſt Day of *November* in each and every Year, and the clearing, ſcouring, and cleanſing of all Drains, Ditches and Watercourſes, and the Removal of the Soil ariſing from ſuch clearing, ſcouring and cleanſing, ſhall take place Twice in the Year at leaſt, Once in the Month of *October*, to be completed before the Firſt Day of *November*, and Once in the Month of *April*, to be completed before the Firſt Day of *May*, on General Notice; and as much oftener as to ſuch Surveyor ſhall appear neceſſary, on particular Notice, to the Occupiers of Lands, according to the Proviſions of the above-mentioned Act: Provided always, that General Notice to be given by the ſaid Surveyor to the Occupiers of Land, and affixed ſometime in the Months of *March* and *September*, or either of them, as the Caſe may require, on the Doors of the Church of each Pariſh through which ſuch Roads ſhall paſs, ſhall be deemed ſufficient Notice to compel the Performance of ſuch periodical Duties to be completed in the Months of *April* and *October* reſpectively; and the Penalties enacted by the before-mentioned Act for Non-performance of ſuch Duties ſhall immediately attach to the Occupiers of Lands adjoining to thoſe Roads, if the ſaid Duties of cutting, pruning and lopping, and of clearing, ſcouring, and cleanſing the Ditches, Drains and Watercourſes, and of carrying off the Soil and other Matters ariſing therefrom, are not completed within the Periods hereby preſcribed; and if any Perſon or Perſons to whom any Hedge or Trees ſtanding, or that ſhall ſtand in or by the Side of the ſaid Roads, to the Prejudice or Annoyance of the ſame ſhall belong, or who of right ought to ſcour or cleanſe any Ditch, Drain or Watercourſe lying, or which ſhall lie in or lead into or out of any of the ſaid Roads, or any Part or Parts thereof, or who ought to remove any other Annoyance or Obſtruction, or any Filth, Dung, Aſhes, Rubbiſh, Straw or other Matter, ſhall not in a proper and effectual Manner cut down ſuch Hedges, and lop ſuch Trees, ſo that the Sun and Air may have free Acceſs to the ſaid Roads, and ſhall not ſufficiently ſcour and cleanſe ſuch Ditches, Drains and Watercourſes, and carry off the Soil and other Matter ariſing from the ſame, and remove ſuch Annoyances and Obſtructions as aforeſaid, within the Space of Ten Days next after Notice ſhall for that Purpoſe be given unto him, her, or them reſpectively, or left at his, her, or their reſpective Places of Abode, or with the reſpective Tenant or Tenants, Occupier or Occupiers of the Land upon which ſuch Hedges or Trees ſhall grow, or to which ſuch Ditch, Drain, or Watercourſe ſhall belong, or on which ſuch Annoyances or Obſtructions ſhall have been occaſioned, (ſuch Notice to be given either under a General or Special Order of the ſaid Truſtees, or any Five or more of them,) then and in either of ſuch Caſes the ſaid Surveyor or Surveyors may and he is hereby authorized and required to cauſe ſuch Hedges and Trees to be properly and effectually cut and lopped; and

ſuch

such Ditches, Drains and Watercourses, to be scoured and cleansed, and such Annoyances and Obstructions to be removed, and to pay for the cutting, lopping, scouring, and cleansing the same, and carrying away the Soil and other Matters arising therefrom, over and above the Amount of all Penalties enacted by the before-mentioned Act; and if the Person or Persons, whether the Owner, Tenant or Occupier, shall not repay the Money so paid upon Demand thereof to him, her, or them respectively made, either in Person or in Writing, to be left at his, her, or their respective Place or Places of Abode, together with the Amount of the said Penalties, the same shall be levied and recovered in such Manner as all other the Penalties and Forfeitures are by the said first recited Act directed to be levied and recovered.

To enable Trustees to take Possession of Tollhouses, &c. in the Hands of Lessees, Farmers or Collectors.

XXVII. And be it further enacted, That in case the Tolls arising from all or any of the Turnpikes or Toll Gates erected or to be erected on the said Roads shall at any Time or Times be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers, to whom the said Tolls shall respectively be demised or let, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear and unpaid by the Space of Five Days next after the Days on which the same ought to be paid, pursuant to the Contract or Agreement for letting the same; or if any Collector or Receiver of the Tolls who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver, who shall die, abscond, absent himself or be discharged, or any other Person or Persons who shall refuse to deliver up the Possession of any Tollhouse or Tollhouses, with the Buildings and Appurtenances thereto belonging, for the Space of Five Days next after Demand made thereof in Writing, signed by any Five of the Trustees, or by their Clerk or Treasurer, with their Authority, and left in such Tollhouse, or in any Tollhouse erected or to be erected, then and in any of the said Cases it shall be lawful for the said Trustees, or any Two or more of them, or the Clerk or Treasurer, or other Person authorized by Writing under the Hands of any Five or more of the said Trustees, with such Assistance as shall be thought necessary, to enter into and upon the Possession of such Tollhouse or Tollhouses, Weighing Engine or Weighing Engines, and other Buildings and Premises in the Day-time, and remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and from the Collection of the Tolls there payable, and to put the said Trustees, or any of their Officers, or any other Person or Persons appointed by the said Trustees, or any Five or more of them, in Possession thereof; and on such Lessee or Lessees, Farmer or Farmers, or any Person or Persons employed by or in Possession under them, being so put out of Possession as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, if they shall think fit, to vacate and determine the Contract or Agreement for leasing and letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void, to all Intents and Purposes, as if such Demise, Contract or Agreement, had never been made (save as to the Covenants or Agreements for Payment of the Rent or

Rents

Rents thereby reſerved or made payable); and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe to demiſe, let or farm, the ſaid Tolls again to any other Perſon or Perſons, in the ſame Manner as if no former Demiſe, Contract or Agreement, had been made or entered into relative to the ſame.

Power to make Footpaths, and impoſing Penalty on Perſons injuring them.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to cauſe Footpaths or Cauſeways to be made on the Sides of the ſaid Roads, or any Part or Parts thereof; and if any Perſon or Perſons ſhall ride upon any Footpath or Cauſeway, when made by the ſaid Truſtees, or any Surveyor or Surveyors of the Highways, or any other Perſon or Perſons within any of the ſaid Pariſhes, Hamlets or Places, through which the ſaid Roads paſs, or ſhall drive any Horſe, Mule, Aſs, Cattle, Beaſt, Pig or Swine, Cart or other Carriage, or wheel any Wheelbarrow or Hand Cart thereon, or ſhall wilfully cauſe any Damage whatſoever to be done thereto, or ſhall lay any Timber, Hay, Straw, Dung, Compoſt, Aſhes, Rubbiſh, or any other Matter or Thing whatſoever, upon the ſaid Footpaths or Cauſeways, or any Part thereof, or ſhall obſtruct or impede the Paſſage upon the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Shillings, to be recovered, levied, and applied in ſuch Manner as other Penalties and Forfeitures are by the ſaid recited Acts and this Act, or either of them, directed to be recovered, levied, and applied.

To prevent Encroachments and Annoyances.

XXIX. And for the better preventing and removing Encroachments, Nuiſances and Annoyances, in and upon the ſaid Roads, be it further enacted, That if any Owner or Occupier of any Lands or Tenements near to the ſaid Roads ſhall refuſe and neglect, by the Space of Ten Days after Notice in Writing given to him or her, or left at his or her uſual Place of Abode, under the Hand of any Surveyor appointed or to be appointed by virtue of the ſaid recited Acts or this Act, to ſcour and cleanſe any Ditch, Drain or Watercourſe, contiguous to or leading out of or from the ſaid Roads, or to make, build or erect, acroſs ſuch Ditch, Drain or Watercourſe, any Arch or Arches ſufficient for the free Courſe of Water under his or her Gateway or Paſſage leading from the ſaid Roads into any Field, Ground, or other Premiſes, or to pull down, take away, or remove any Encroachments, Poſts or Rails, or any other Nuiſance whatſoever, to or upon the ſaid Roads, or any Part thereof, or if any Perſon ſhall ſuffer his or her Sink or Drain to run into or upon the ſaid Roads, or any Part thereof, or the Footpaths belonging thereto, or any of them, or ſhall throw, caſt or lay, or permit or ſuffer to be thrown, caſt or laid, any Duſt, Dirt, Aſhes, Rubbiſh, Compoſt, Dung, or other Filth or Annoyance, into and upon the ſaid Roads and Footpaths, or any Part thereof reſpectively, or into or upon any of the Ditches, Drains, or Watercourſes thereto belonging, it ſhall and may be lawful for the Surveyor or Surveyors of the ſaid Turnpike Roads, or for any Perſon or Perſons by him or them employed to ſcour and cleanſe any ſuch Ditch, Drain or Watercourſe, and to make, build or erect, ſuch Arch or Arches as aforeſaid, and effectually to turn, prevent, or ſtop up ſuch Sink or Drain ſo running into or upon any Part of the ſaid Roads and Footpaths, or any of them, and to abate or pull down, and take away ſuch Nuiſance or Encroachment, and to remove ſuch Duſt, Dirt, Aſhes, Rubbiſh, Com-

poſt, Dung, or orher Filth or Annoyance, from the ſaid Roads and Foot-paths, or from the ſaid Ditches, Drains or Watercourſes, or any of them, and in any of the ſaid Caſes, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County, Liberty, Diviſion, or Place wherein ſuch Offence ſhall be committed, to levy the Charge thereof (the ſame being firſt ſettled and aſcertained by ſuch Juſtice) by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Occupier, rendering upon Demand, to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, the Overplus (if any be), after deducting the Charges of ſuch Diſtreſs and Sale; and every Perſon who ſhall have permitted or ſuffered his or her Sink or Drain to run into the ſaid Roads, or on the ſaid Footpaths, or any Part thereof, or who, after the Abatement or Removal of any Nuiſance, Encroachment, or Annoyance by him or her made, cauſed or permitted, ſhall again offend in the like Manner, he or ſhe ſhall forfeit and pay the Sum of Twenty Shillings over and above the Charges of removing every ſuch Nuiſance, Encroachment or Annoyance, (to be ſettled and aſcertained as aforeſaid,) to be recovered as any Penalty can or may by the ſaid recited Acts be recovered.

Penalty on Perſons interrupting Collectors or Surveyors.

XXX. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt or hinder, or attempt ſo to do, or cauſe or procure to be aſſaulted, interrupted or hindered, any Collector or Collectors of the Tolls, or any of the Turnpike Surveyors, or any other Perſon or Perſons by them, or any of them, or by the ſaid Truſtees, or any Two or more of them, employed in the Execution of the Powers by the ſaid recited Acts of this Act given, or any of them, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to detain Perſons guilty of Offences.

XXXI. And whereas Perſons guilty of Offences againſt the ſaid recited Acts or this Act may be tranſient Perſons, unknown to the Collectors, Surveyors, or other Officers under this Act, be it therefore further enacted, That it ſhall be lawful for the Surveyors or other Officers duly authorized by the Truſtees to ſeize any unknown Perſon or Perſons guilty of any Offence as aforeſaid, and to convey him, her or them, before any One or more Juſtices of the Peace for the County, Liberty, Diviſion or Place, where any ſuch Offence or Offences ſhall be committed, without any other Warrant or Authority than this Act for ſo doing.

For paying the Expences of this Act.

XXXII. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the paſſing of this Act, ſhall be paid by the ſaid Truſtees, or any Five or more of them, as ſoon as may be, out of the Monies received or to be received or borrowed by virtue of the ſaid recited Acts or this Act, in preference to all other Payments whatſoever; and in caſe any Perſon or Perſons ſhall advance and pay any Money for the Expences of obtaining and paſſing this Act, ſuch Perſon or Perſons ſhall be repaid the ſame, together with lawful Intereſt thereon, from the Time of advancing ſuch Money.

Public Act.

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

XXXIV. And be it further enacted, That the Term granted by the said recited Acts shall, upon the Twenty-fourth Day of *June* One thousand eight hundred and fourteen, cease and determine, and the said recited Acts (subject to the Alterations, Variations, and Additions herein-before contained) and this Act shall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Term of the Act.

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