ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 76.

An Act for amending and repairing several Roads leading from the Guildhall and Market-House in *Tavistock*, to *New Bridge*, to *Grestom Bridge*, to *Downtown Gate*, to *Riccard's House*, to *Cherry-brook* and *Dunnabridge Pound*, and to *Morwellham* and *New Quay*, all in the County of *Devon*.

[3d *July* 1804.]

WHEREAS by an Act made in the Second Year of the Reign of His present Majesty, intituled, *An Act for repairing, widening, and altering, several Roads leading from* Tavistock *to* Plymouth, *and other Places in the County of* Devon:" and whereas by one other Act made in the Twelfth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Terms and Powers of an Act passed in the Second Year of His present Majesty's Reign, 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* Morwellham *and* New Quay, *in the said County*: and whereas by one other Act made in the Twenty-fourth Year of the Reign of His present Majesty, intituled, *An Act to amend and render more 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,

2 G. 3.

12 G. 3.

24 G. 3.

Taviſtock *aforeſaid, through* Matthew Street *and* Lower Brook-Street, *to* Cherrybrook *and to* Dunnabridge Pound, *and from the* Callington *Turnpike Road to* Morwellham *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 Road from *Taviſtock*, in the County of *Devon*, to the Eaſt End of *Lumborn Bridge*, and from the Weſt End of the ſaid Bridge by *Gulworthy*, to the Eaſt End of *New Bridge* in the Road from *Taviſtock* to *Callington*, and alſo the Road from *Taviſtock* aforeſaid through *Milemead Lane*, *Lamerton Green*, *Tooldown*, *Milton Abbot*, *Church Town* and *Felldown Head*, to the Eaſt End of *Greſton Bridge* in the Road to *Launceſton*; and alſo the Road from *Taviſtock* aforeſaid, by *Wringworthy-Lane-Head* and *Beardon*, to a Place called *Downtown Gate*, in the Pariſh of *Lidford*; and alſo the Road from *Taviſtock* aforeſaid, by *Hurdwick*, and over *Heathfield Down* to a Public Houſe, called *Riccard's Houſe*, in the Pariſh of *Lamerton*; and alſo the Road leading from the Guildhall of the ſaid Borough of *Taviſtock*, through certain Streets in the ſaid Borough, called *Matthew Street* and *Lower Brook Street*, over the River *Tavy* by *Tavyton*, over *Little Down* to the North-Weſt End of *Merreville Bridge*, and from the South-Eaſt End of the ſaid Bridge, to the South-Weſt End of a certain other Bridge or Bridges called *Two Bridges* in the Foreſt of *Dartmoor*, and from the North-Eaſt End of the ſame Bridge or Bridges, to a certain Place called *Cherrybrook* in the ſaid Foreſt, and from the North-Eaſt End of the ſaid Bridge or Bridges called *Two Bridges*, to a certain other Place called *Dunnabridge Pound* in the ſame Foreſt; and alſo the Road branching off from the Turnpike Road (which leads from *Taviſtock* towards *Callington*), and leading from the ſaid Turnpike Road through *Morwellham Lane*, by *Hurlditch Horn*, over *Morwellham Down*, to certain Quays on the navigable River *Tamer*, called *Morwellham* and *New Quay*; 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 *Taviſtock* in the County of *Devon* to the Eaſt End of *Lumborn Bridge*, and from the Weſt End of the ſaid Bridge, by *Gulworthy*, to the Eaſt End of *New Bridge*, in the Road from *Taviſtock* to *Callington*, and alſo the Road from *Taviſtock* aforeſaid, through *Milemead Lane*, *Lamerton Green*, *Tooldown*, *Milton Abbot*, *Church Town* and *Felldown Head*, to the Eaſt End of *Greſton Bridge*, in the Road to *Launceſton*; and alſo the Road from *Taviſtock* aforeſaid, by

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

by *Wringworthy-Lane Head* and *Beardon*, to a Place called *Downtown Gate* in the Parish of *Lidford*; and also the Road from *Tavistock* aforesaid, by *Hurdwick* and over *Heathfield Down* to a Public House, called *Riccard's House*, in the Parish of *Lamerton*; and also the Road leading from the Guildhall of the said Borough of *Tavistock*, through certain Streets in the said Borough called *Matthew Street* and *Lower Brook Street*, over the River *Tavy* by *Tavyton*, over *Little Down* to the North-West End of *Merreville Bridge*, and from the South-East End of the said Bridge, to the South-West End of a certain other Bridge or Bridges called *Two Bridges*, in the Forest of *Dartmoor*, and from the North East End of the same Bridge or Bridges, to a certain Place called *Cherrybrook* in the said Forest, and from the North-East End of the said Bridge or Bridges called *Two Bridges*, to a certain other Place called *Dunnabridge Pound* in the same Forest; and also the Road branching off from the Turnpike Road, (which leads from *Tavistock* towards *Callington*,) and leading from the said Turnpike Road through *Morwellham Lane* by *Hurlditch Horn*, over *Morwellham Down*, to certain Quays on the navigable River *Tamer*, called *Morwellham* and *New Quay*, 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.

Trustees.

II. And be it further enacted, That Lord *William Russell*, Lord *Robert Spencer*, *William Adam*, *Isaac Abraham*, *John Abraham*, *Richard Abbott*, *Jonathan Arthur*, *Richard Arthur*, *Richard Arthur* Son of *Jonathan Arthur*, *Edward Bray*, *Edward Atkyns Bray*, *Henry Brandreth*, *William Bray*, *Edmund Bray*, *John Bray*, *Bidlake Bray*, *Daniel Beaumont*, *Thomas Pearce Brown*, *Samuel Brown*, *Joseph Hankins Burge*, *William Bredall*, *William John Knighton Bredall*, *John Burgh*, *Henry Beauford*, *Henry Walter Beauford* Clerk, *John Bennett*, *John Bennett* junior, *George Burrington*, *William Bedford* Clerk, *Francis Bedford* Clerk, *William Bedford*, *William Blanchard*, *James Blanchard*, *George Bloye*, *George Bloye* junior, *Thomas Bate*, *Andrew Bray*, *John Phillipps Carpenter*, *John Carpenter*, *Jonathan Phillipps Carpenter*, *John Bidlake Herring Clobery*, *John Commins*, *John Carkett*, *Ralph Carter Cudlipp*, *William Bunney Cudlipp*, *Samuel Chubb*, *Charles Crapp*, *John Carter*, *John Carter* junior, *George Cudlipp*, *Samuel Carter*, *William Croker*, *William Hugh Croker*, *John Carpenter Croker*, *William Cornish*, *Thomas Cornish*, *Thomas Cornish* Son of *William Cornish*, *Thomas Cole*, *John Cole* of *Sexton Town*, *Walter Cox*, *James Crossing*, *James Parson Crossing*, *Roger Chubb*, *John Cundy*, *Richard Curtis*, *Abraham Freeman Denis*, *Maurice Doidge*, *John Doidge*, *John Doidge* junior, *Maurice Doidge* Son of *John Doidge*, *John Davy*, *William Elford* Clerk, *William Evans* Clerk, *Edward Edgcumbe*, *John Edgcumbe*, *Theophilus Edwards* Clerk, *Richard Edgcumbe*, *John Edgcumbe*, *Gabriel Edgcumbe*, *John Robinson Edgcumbe*, *Richard Eales*, Right Honourable *Richard Fitzpatrick*, *John Pierson Foot*, *John Jefford Ford*, *William Friend*, *Daniel Friend*, *Thomas Getobed*, *William Gill*, *John Gill*, *John Gill* junior, *Thomas Gill*, *William Gill* Son of *John Gill*, *Roger Gilmoille*, *William Gill* of *Colecharton*, *William Gill* junior, *John Gill* Son of *William Gill* of *Colecharton*, *John Gill* of *Beardon*, *Charles Hall* M.D. *Julius Hall*, *John Herbert*, *John Hornbrook*, *William Harris Harness*, *Thomas Harness*, *Jacob Hornbrook*, *Saunders Hornbrook*, *Saunders Hornbrook*

brook junior, *William Hawke*, *Charles Hawke*, *William T. Hawke*, *Francis Anneſley Hughes*, *John Herring*, *Philip Herring*, *Thomas Harris*, *Samuel Harneſs* Clerk, *John Jago* D. D., *John Jago*, *Robert Jago*, *Nathaniel Jago*, *Darell Jago*, *George Jago*, *William Jago*, *Thomas Jope*, *Stephen Knighton*, *John Lloyd*, *William Lemon*, *Samuel Lang*, *Thomas Lang*, *Samuel Lang* Son of *Thomas Lang*, *John Lang*, *Thomas Lang* junior, *James Lethbridge*, *Richard Lethbridge*, *James Holman Maſon* Clerk, *John Martineau*, *Joſeph Murray*, *John Maſon*, *Iſaac Maſon*, *John Hart Maſon*, *Thomas Oliver*, *William Oliver*, *Henry Pengelly* Clerk, *Simon Pleace*, *John Pleace*, *Samuel Pearce Tregeare Parſon*, *Edgcumbe Parſon*, *Thomas Parſon*, *Jonathan Pike*, *Rees Price* Clerk, *Richard Parſon*, *Edmund Powell*, *John Perry*, *John Radcliffe*, *Coppleſtone Radcliffe* Clerk, *Walter Radcliffe* Clerk, *Joſeph Rowe*, *William Rundle*, *John Rundle*, *Nicholas Rundle*, *William Radford*, *William Radford* junior, *William Rocker* Clerk, *John Rice*, *John Ridout*, *Jonas Ridout*, *John Roſkilly*, *John Roſkilly* junior, *Thomas Roſkilly*, *Thomas Roſkilly* junior, *Richard Rundle*, *Edward Rundle*, *John Ryall*, *Daniel Rundle*, *Richard Sleeman* Clerk, *Peter Sleeman* Clerk, *Richard Sleeman*, *Herbert Sawyer*, *Henry Skinner*, *John Harriſon Stapleton*, *John Budge Strong*, *William Sleman*, *John Teaſdale Spry* Clerk, *Thomas Tyrwhitt*, *Arthur Tremayne*, *Edmund Tyrwhitt*, *John Taylor* junior, *Henry Terrell*, *Philip Thorne*, *William Tooker*, *Francis Tozer*, *George Veare*, *Oliver Vawdon*, *Oliver Vawdon* junior, *Richard Vyvyan Willesford* Clerk, *Richard Vyvyan Willesford Willesford*, *Thomas Windeatt*, *Thomas Windeatt* junior, *Thomas Windeatt* Son of *Thomas Windeatt* junior, *Francis Willesford*, *William Windeatt*, *John Davy Williams*, *Walter Weekes* junior, *George Waldron*, *John Watkins* Clerk, *Walter Weekes*, *John Weekes*, *Daniel Ward*, *John Ward*, *Daniel Ward* of *Leigh*, *John Ward* of *Edgcumbe*, *John Ward* Son of *Daniel Ward* of *Leigh*, *John Ward* Son of *John Ward* of *Edgcumbe*, and their Succeſſors, to be elected in Manner hereinafter directed, ſhall be and they are hereby declared to be Truſtees for amending, repairing, altering, widening, and improving the Road leading from *Taviſtock*, in the County of *Devon*, to the Eaſt End of *Lumborn Bridge*, and from the Weſt End of the ſaid Bridge by *Gulworthy*, to the Eaſt End of *New Bridge*, in the Road from *Taviſtock* to *Callington*, and alſo the Road from *Taviſtock* aforeſaid, through *Milkmead Lane*, *Lamerton Green*, *Tooldown*, *Milton Abbot*, *Church Town* and *Felldown Head*, to the Eaſt End of *Greſton Bridge*, in the Road to *Launceſton*; and alſo the Road from *Taviſtock* aforeſaid, by *Wringworthy Lane Head* and *Bearden*, to a Place called *Downtown Gate*, in the Pariſh of *Lidford*; and alſo the Road from *Taviſtock* aforeſaid, by *Hardwick*, and over *Heathfield Down* to a Public Houſe, called *Ricard's Houſe*, in the Pariſh of *Lamerton*; and alſo the Road leading from the Guildhall of the ſaid Borough of *Taviſtock*, through certain Streets in the ſaid Borough, called *Matthew Street* and *Lower Brook Street*, over the River *Tavy* by *Tavyton*, over *Littleſtone* to the North-Weſt End of *Morwell Bridge*, and from the South-Eaſt End of the ſaid Bridge, to the South-Weſt End of a certain other Bridge or Bridges called *Two Bridges*, in the Foreſt of *Dartmoor*, and from the North-Eaſt End of the ſame Bridge or Bridges, to a certain Place called *Cherrybrook* in the ſaid Foreſt, and from the North-Eaſt End of the ſaid Bridge or Bridges called *Two Bridges*, to a certain other Place called *Dunnabridge Pound* in the ſame Foreſt, and alſo the Road branching off from the Turnpike Road, (which leads from *Taviſtock* towards *Callington*,) and leading from the ſaid Turnpike Road through

through *Morwellham Lane*, by *Hurlditch Horn*, over *Morwellham Down*, to certain Quays on the navigable River *Tamer*, called *Morwellham* and *New Quay*, and for otherwise carrying this present Act into Execution.

No Act valid unless at a Meeting.

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

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.

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 hereinafter 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

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.

VI. Provided always, and be it enacted, That no Person or Persons who shall keep any Victualling House, Alehouse, or other House of public 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 public 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.

Victuallers, &c. incapable of acting, &c.

VII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and may, 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.

Trustees may act as Justices, except where personally interested.

VIII. And be it further enacted, That the said Trustees shall meet at the Guildhall at *Tavistock* 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 as a Trustee in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act.

First Meeting of the Trustees.

Trustees to defray their own Expences.

IX. And

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 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 the said recited Acts or any of them) shall be and be deemed to be good

good and ſufficient Evidence of ſuch Proceedings in any Court whatſoever; any Thing herein contained to the contrary thereof notwithſtanding.

Truſtees to appoint Officers;

and remove them;

and allow them Salaries.

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 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 Confeſſion of the Party, or by the Teſtimony of any credible Witneſs

Truſtees to take Security from the Treaſurer.

Officers to account.

Treaſurer to account Yearly, on Oath.

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 to 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

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

Appoint-

Appointment to that Office, within Two Days after the 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,) For every Coach, Chariot, Landau, Berlin, Phaeton, 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 Three Shillings: For every Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Four Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Two Shillings: For every Coach, Chariot, Landau, Berlin, Phaeton, 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 Sixpence: For every Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Two Horses, Mares, Geldings, Mules, or other Cattle, the Sum of Nine Pence: For every Chaise, Car, or Chair, drawn by One Horse, Mare, Gelding, Mule, or other Cattle, the Sum of Four-Pence Halfpenny: For every Waggon, Wain, Cart, or Dray, drawn by Four or more Horses,

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

Oxen, or other Beaſts, the Sum of Nine-Pence for each Horſe, Gelding, Mare, or Ox, or other Beaſt ſo drawing therein: For every Waggon, Wain, Cart, or Dray, drawn by Three Horſes, Oxen, or other Beaſts, the Sum of One Shilling and Sixpence; and by Two Horſes, Oxen, or other Beaſts, the Sum of One Shilling; and by One Horſe or other Beaſt the Sum of Sixpence: And for every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Burden, laden or unladen, and not drawing, the Sum of One Penny Halfpenny: And 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 greater or leſs Number: And for every Drove of Calves, Hogs, Swine, Sheep, or Lambs, the Sum of Ten-Pence *per* Score, and ſo in Proportion for any greater or leſs Number.

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 (other than Horſes, Mares, Geldings, or Aſſes, laden or unladen, and not drawing), double the Toll or Sum which may be demanded and taken for the ſame reſpectively on any other Day, by virtue of this Act; and for every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Burden, laden or unladen, and not drawing, the Sum of Two-Pence, 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.

In caſe of Diſpute concerning Tolls

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, keep-

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.

and Charges, the Matter to be ſettled by a Juſtice.

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 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.

Turnpikes veſted in the Truſtees.

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.

Tolls to be taken but Once a Day.

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.

Collectors of Tolls to be competent Witneſſes.

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

Penalty on evading the Tolls.

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 public 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.

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 with Turf, Peat, Coppice Wood, Faggots, or other Wood, Furze, or Coals for Fuel only, 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 Outhouſes, 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 Lime, Sea Sand, Culm for burning Lime, Muck, 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, or other Beaſt or Cattle, which ſhall be employed in the Carriage of Wool, Serges, Cloth, or

or other Woollen Goods, Raw Hides, Skins, and Leather to or from the Houſe of any Inhabitant of any of the ſaid Pariſhes, Tythings or Places in which the ſaid Roads lie, to or from any Ground, Fulling Mill, Tenter or Rack, Tanyard, Limepits, or Drying Houſes in the ſame Pariſh, belonging to or occupied by ſuch Inhabitant where the ſame ſhall be manufactured or dried; or for any Horſe or other Beaſt or Cattle going to or returning from any Mill or Mills, loaden with, or returning, having been only loaden with any Corn, Grain, Malt or Griſt, belonging to any Inhabitant of the Pariſh, Tything or Place wherein ſuch Mill or Mills ſhall reſpectively lie; 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*, 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.

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 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, 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 Act, (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 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 Politic, 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,

powered, 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 Mortgages.

" 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 of in the Year of our Lord " for and during the Continuance of the ſaid Act, un- " leſs 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.

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;

XXXI. 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

and may contract for the Purchase of

them

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 public 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*, ſhall be good and effectual to all Intents and Purpoſes whatſoever.

Lands for that Purpoſe.

XXXII. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Idiots and Lunatics, and Huſbands, and all other Truſtees whomſoever, for and on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, Idiots, Lunatics, or 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 Politic, 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.

Corporations, &c. empowered to treat.

XXXIII. 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 Politic, Corporate, or Collegiate, Corporations Aggregate

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

gregate or Sole, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Place of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the 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 enquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Devon*, (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; 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 Judgment, 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

Verdict of the Jury to be final.

the Sheriff of the said County of *Devon*, thereby commanding and requiring such Sheriff to impannel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed; and such Sheriff, or his Deputy, is hereby required thereupon to impannel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy, shall return other honest and indifferent Men of the Standers by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve: 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, 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 give Evidence touching the same; but no such Fine shall exceed Ten Pounds upon any One Person for One Offence.

Jury may be challenged.

Sheriff, &c. may be fined for Neglect of Duty.

XXXIV. Provided always, and be it enacted, That wherever the Course or 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 of *Devon*, stating that such Offer has

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

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.

XXXV. 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 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.

XXXVI. Pro-

Houſes, &c. not to be injured.

XXXVI. 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.*

XXXVII. 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 Politic, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments, are limited in ſtrict or other Settlement; or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money, ſhall, in caſe the ſame ſhall amount to the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, 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.

XXXVIII. Pro-

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

XXXVIII. 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 hereinbefore 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 hereinbefore 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 20l.*

XXXIX. 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 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 the paid into the Bank;

XL. 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

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

any

any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is or 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, shall be deemed entitled thereto according to such Possession, unless, &c.

XLI. 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 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 order reasonable Expences of Purchases to be paid by the Trustees.

XLII. 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.

XLIII. 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

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 between 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 Judgment 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.

XLIV. 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,

terials, 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.

XLV. 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.

XLVI. 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 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 public 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*, 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.

Surveyor may remove Annoyances.

XLVII. 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

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.

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

XLVIII. 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.

XLIX. 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,

Penalty on damaging Mileſtones.

gures, 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.

For preventing Annoyances, &c.

L. 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 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 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.

LI. 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.

Justices to determine Differences touching Statute Work.

LII. 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*, and they are hereby required and empowered, upon Application made to them by the

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 public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order, ſuch and ſo many of the Perſons, who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid 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 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

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 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.

LIII. 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 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 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.

LIV. 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.

LV. 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* 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 hereinbefore 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

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.

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.

LVI. 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.

LVII. 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.

LVIII. 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 Irregu-

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.

LIX. 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 Form only, or be removed or removable by *Certiorari*, or by 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.

LX. 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.

LXI. 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.

Public Act.

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

Commencement and Continuance of the Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1804.