ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 75.

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts, passed in the Third and Twenty-fourth Years of His present Majesty, for amending the Roads leading from or near the North Side of the Town of *Totnes*, towards *Ashburton*, in the County of *Devon*, and for building a Bridge at or near a Place called *Emmett*, across the River *Dart*. [27th *June* 1805.]

WHEREAS an Act was passed in the Third Year of His present Majesty's Reign, intituled, *An Act for amending and widening several Roads leading from or near the North End of the Town and Borough of* Totnes, *in the County of* Devon: And whereas an Act was passed in the Twenty-fourth Year of His said Majesty's Reign, intituled, *An Act to enlarge the Term and Powers of an Act, passed in the Third Year of His present Majesty King* George *the Third, for amending and widening several Roads leading from or near the North End of the Town* 3 G. 3. c. 38. 24 G. 3. c. 64.

and Borough of Totnes, *in the County of* Devon: And whereas the Truſtees appointed in or by virtue of the ſaid Acts have proceeded to put the ſame in Execution, and have for that Purpoſe borrowed ſeveral conſiderable Sums of Money on the Credit of the Tolls thereby reſpectively granted, which are ſtill due and owing, and cannot be paid off, nor the ſaid Roads be effectually amended, widened, improved, and kept in Repair, unleſs the Term granted by the ſaid Acts is further continued, and ſome of the Powers and Proviſions thereof altered, amended, and enlarged; and it is neceſſary that the Tolls directed to be taken by the ſaid Act ſhould be increaſed: And whereas the Roads leading from *Aſhburton* to *Totnes* are very circuitous and hilly, and are in ſome Parts thereof very narrow, incommodious, and greatly out of Repair, and it would be of great publick Utility, and particularly advantageous to the Inhabitants of the Towns of *Aſhburton* and *Totnes*, and Places adjacent, if a more direct and convenient Communication between the ſaid Towns were made and maintained, by widening, repairing, and making Turnpike, under the Powers and Proviſions of the ſaid Acts and this Act, the preſent Road leading from and out of the Turnpike Road at or near to *Dart Bridge*, in the Pariſh of *Aſhburton*, unto or near *Auſtins Bridge*, otherwiſe *Kilbury Bridge*, in the Pariſh of *Staverton*, and by widening Part of the preſent Turnpike Road leading from the ſaid laſt mentioned Bridge to *Huxhams Croſs*, in the Pariſh of *Dartington*, and diverting and turning the Courſe of the ſame Road at or near *Weſton*, in the ſaid Pariſh of *Staverton*, round the Weſt Side of a certain Hill near the ſame, through certain Lands near the ſaid Hill, and building a new Bridge acroſs the River *Dart*, near *Emmetts*, in the ſame Pariſh, and making and maintaining a new Road from the ſaid laſt mentioned Road, at or near *Emmetts* aforeſaid, through certain adjoining and neighbouring Lands, down to and over the ſaid Bridge, and from thence through certain adjoining and neighbouring Lands into a Part of the ſame Road at or near *Huxhams Croſs* aforeſaid; and alſo by making and maintaining a new Turnpike Road, from the preſent Turnpike Road at or near *Shinners Bridge*, in the Pariſh of *Dartington*, into and through certain Fields in the ſame Pariſh, near the ſame Bridge, belonging to *Arthur Champernown* Eſquire, and from thence into and through an Orchard, now or lately belonging to —— *Somers*, and from thence into and through a certain Lane, called *Puddivans*, otherwiſe *Puddivans Lane*, and ſuch of the Lands adjoining thereto as ſhall be requiſite to widen the ſame, and from thence into and through a certain Field, called *Kellands*, belonging to the ſaid *Arthur Champernown*, and from thence into and through a certain Marſh belonging to the ſaid *Arthur Champernown*, and from thence into and through a certain Meadow or Piece of Land and Orchard, belonging to *John Wiſe* Eſquire, and from thence into and through a certain Garden and Houſe, belonging to *John Adams Bartlett* Eſquire, and from thence into the Street leading through the Town of *Totnes* aforeſaid, which ſaid laſt mentioned Lands are ſituate in the Pariſhes of *Dartington* and *Totnes*, or one of them, and by doing ſuch other Matters, Acts, and Things in and upon ſuch Parts of the ſaid Lands, where the ſame ſhall be neceſſary for the Purpoſes of the ſame new Road; and it would be convenient and proper, as ſoon as ſuch more direct and convenient Communication as aforeſaid ſhould be made, to diſcontinue ſome Parts of the ſeveral Roads which are now included in and ſubject to the Powers of the ſaid Acts, but will

will then be no longer neceſſary to be uſed as Turnpike Roads; but the ſeveral Purpoſes aforeſaid cannot be carried into Effect without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Acts, and all and every the Powers and Authorities, Proviſions, Regulations, Penalties, Forfeitures, Clauſes, Matters, and Things whatſoever therein reſpectively contained (except ſuch as are hereby varied, altered, or repealed, and except ſuch Parts thereof as relate to Exemptions from Stamp Duties) ſhall be and continue in full Force and Effect, for and during the Term herein after mentioned; and that all the Clauſes, Powers, Proviſions, Matters, and Things therein (except as aforeſaid) and in this Act contained, ſhall, immediately on the paſſing of this Act, extend to and be executed as well for the Intents and Purpoſes of the ſaid Acts, as for making, amending, widening, turning, altering, diverting, improving, and keeping in Repair the ſaid diverted, widened, new, and additional Roads and Bridges herein-before mentioned and deſcribed, and other the Purpoſes of this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſaid Roads and Bridges had been originally included in and made Part of the Roads included in the ſaid Acts and as if the ſame Clauſes, Powers, Proviſions, Matters and Things were repeated and re-enacted in the Body of this Act; and that all the primary or ordinary Tolls herein after granted, whether Single or Double, ſhall, after defraying the Expences of collecting the ſame and repairing the ſaid Roads, Bridges, Tollhouſes, and Gates, be and are hereby declared to be ſubject and liable, in the firſt place, to the Payment of all Expences of obtaining and paſſing this Act; and, in the next place, to the Payment of all Sums of Money, and the Intereſt thereof, now due and owing by virtue or on the Credit of the ſaid Acts, or either of them or of the Tolls thereby granted; and from and after the diſcharging and ſatisfying of the ſame, to the Payment of all other Sum and Sums of Money which ſhall or may hereafter be borrowed by virtue and for the Purpoſes of this Act, or any of them, and the Intereſt due and to grow due thereon reſpectively; and that all the additional Tolls herein-after granted for defraying the Expences of paſſing of this Act, and of erecting, widening, and diverting the ſaid Roads, and making the ſaid new Roads herein-before mentioned, and purchaſing the Houſes, Lands, and Ground, which ſhall be neceſſary for erecting, widening, diverting, and making the ſame reſpectively, ſhall, after, defraying the Expences of collecting the ſame, be excluſively applied, by virtue of this Act, in Payment of the Money to be borrowed for thoſe Purpoſes, and the Intereſt thereof, and ſhall be paid over Quarterly, as the ſame ſhall be collected, by the ſaid Truſtees or their Treaſurer, unto the Perſon or Perſons who ſhall be appointed to receive the ſame by the Contract or Contracts to be entered into as herein-after mentioned by the ſaid Truſtees, with the Perſons who ſhall lend ſuch Monies for the Purpoſes therein mentioned; and when all ſuch Monies and the Intereſt thereof ſhall be fully paid, then the ſaid additional Tolls ſhall ceaſe, and be no longer paid or payable.

Acts further continued.

II. And

Power to make use of Houses and Lands, &c. for making Roads and Bridges, &c.

II. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to make, amend, widen, divert, and improve the said Roads, and to erect and build the said Bridge as herein before mentioned, and to pull down, alter, convert, and make use of any House, Yard, Park, Paddock, planted Walk, or Avenue to any House, for the Purposes of this Act, any Thing in the said recited Acts, or either of them, to the contrary notwithstanding, the said Trustees making such Satisfaction and Compensation in such Manner, and under such Restrictions and Regulations as are in the said first recited Act mentioned, touching and concerning Lands and Grounds made use of for the Purposes of the said Act; but that nothing herein contained shall extend to give Power to the said Trustees, or any Five or more of them, to take down any such House, or make use of any such Yard, Park, Paddock, planted Walk, or Avenue to any House without the Consent in Writing of the Owners and Occupiers thereof respectively first had and obtained.

Trustees.

III. And be it further enacted, That Sir *John Lemon Rogers*, Sir *Henry Carew*, Sir *Martin Browne Folkes*, Sir *William Elford*, Baronets; *Robert Hurrell Froude*, *John Lane Kitson*, *William Kitson*, *Walter Kitson* the younger, *John Huxham*, *George Baker*, *Edward Addicott Kitson*, *William Eales*, *John Amyatt*, *William Flamank*, *Robert Braaford*, *Roger Mallock*, *Arthur Farewell* the younger, and *John Taylor*, Clerks; the Honourable *Thomas Parker*, *William Cholwich Lear*, *John Pollexfen Bastard*, *James Templer*, *William Vassall*, *James Samber*, *Robert Palk*, *Thomas Abraham*, *Thomas William Taylor*, *Lawrence Palk Vaughan*, *Robert Wills Mapowder*, *George Cary* the younger, *Henry Taylor*, *George Drake*, *Ashford Wise*, *Frederick Wise*, *Edmund Bastard* the younger, *John Bastard*, *Pownall Bastard*, *George Ley*, *John Ley*, *John Winsor*, *Andrew Griffin*, *Cord Tucker*, *John Eales*, *John White*, *Thomas Abraham* the younger, *Robert Abraham* the younger, *Samuel Lane* the younger, *Richard Holditch*, *Peter Cockey*, *John Huxham* the younger, *Peter Fabyan*, *Peter Fabyan Sparke*, *Philip Luscombe* the younger, *Thomas Maye Luscombe*, *John Michelmore Luscombe*, *Richard Luscombe*, *William Luscombe*, *Charles Wills*, *Charles Kendall* the younger, *John Searle* the younger, and *John Adams Bartlett*, shall be and they are hereby added to and joined with the now existing Trustees, heretofore appointed in or by virtue of the said Acts, or either of them; and the Trustees herein nominated, and the said Trustees heretofore appointed as aforesaid, and their Successors, being qualified according to the Directions of the said first recited Act, are hereby authorized and empowered to act in the Execution thereof and of this Act, as fully and effectually to all Intents and Purposes, as if they had been appointed by the said Acts, or either of them.

Certain Roads to be discontinued.

IV. And be it further enacted, That as soon after the passing of this Act as the Road shall be made passable for Carts and Carriages by way of or near *Austin's Bridge* and *Dart Bridge* from *Ashburton* to *Totnes*, the Road leading from the West End of the Town of *Ashburton* by *Gulwell Bridge* and *Pridhamsleigh* to or near to *Staverton Bridge*. excepting such Part or Parts thereof as the said Trustees at a publick Meeting to be held for that Purpose (in pursuance of Fourteen Days Notice to be given by the Clerk to the said Trustees for the Time being, by publishing such

ſuch Notice in ſome One or more of the publick Newſpapers printed, publiſhed, or circulated in the City of *Exeter* or County of *Devon*, and alſo by affixing the ſame in ſome conſpicuous Part of the ſeveral Turnpike Gates which ſhall for the Time being be kept up and maintained under and by virtue of this Act, ſhall, for the Purpoſe of preventing Fraud and Evaſion of the Tolls hereby granted, think fit to continue a Turnpike or Turnpikes within and ſubject to the Terms and Powers of the ſaid Acts and this Act) ſhall entirely ceaſe to be a Turnpike Road, and to be within or ſubject to the Operation of the ſaid Acts, or either of them, or this Act; and that when and as ſoon as the ſaid Road, ſo to be diverted and turned as aforeſaid round the Weſt Side of a certain Hill near *Weſton* aforeſaid, ſhall be ſo diverted, turned, and rendered paſſable for Carts and Carriages, that Part of the ſaid Road which now paſſes through or on the Eaſt Side of *Weſton* aforeſaid, ſhall entirely ceaſe to be a Turnpike Road, and to be within and ſubject to the Operation of the ſaid Acts, or either of them, or of this Act; and that as ſoon as the ſaid Bridge ſhall be built acroſs the River *Dart*, near *Emmetts* aforeſaid, and the ſame as well as the ſaid new Road from and out of the ſaid Road at or near *Emmetts* down to and over the ſame Bridge, and from thence into the ſaid Part of the ſaid Road, at or near to *Huxhams Croſs* aforeſaid, ſhall be paſſable for Carts and Carriages, and all ſuch Parts of the preſent Roads leading from *Stretchaford* to *Emmetts*, and from *Stretchaford* to *Staverton Bridge*, which ſhall be between the ſame new Road and *Emmetts*, or between the ſame new Road and *Staverton Bridge*; and alſo all ſuch Part of the preſent Road leading from *Emmetts* aforeſaid to *Huxhams Croſs* aforeſaid, as ſhall lie on the Eaſt of the ſame new Road, ſhall alſo entirely ceaſe to be Turnpike Roads, and not to be within or ſubject to the Operation of the ſaid Acts, or either of them, or this Act; and that from and immediately after the paſſing of this Act, the preſent Roads leading from the Barracks in the ſaid Pariſh of *Dartington* unto *Willing Croſs*, and from thence towards *Dean Prior* in the ſaid County, and from *Simons Tree Barn* in *Dartington* aforeſaid to the End of *Fork Green* in the Pariſh of *Harberton* in the ſaid County, and from *Cott* in *Dartington* aforeſaid to *Whitely Brook* in the ſaid County, ſhall alſo entirely ceaſe to be Turnpike Roads, and to be within or ſubject to the Operation of the ſaid Acts, or either of them, or this Act; any Thing contained in the ſaid Acts, or either of them, or in this Act, to the contrary notwithſtanding.

Certain Toll Gates not to be diſcontinued.

V. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to keep up and continue the preſent Turnpike Houſe and Gate, commonly called *Croſſing Lane Gate* in *Dartington* aforeſaid; and alſo to erect, keep up, and continue a Turnpike Gate and Tollhouſe acroſs or on the Side of the preſent Turnpike Road near *Pridhamſleigh*, for and during the Term granted by this Act, and to receive the Tolls hereby granted thereat, in the ſame Manner and with the ſame Powers as the ſame hath been done, and Tolls have been heretofore received by them, under and by virtue of the ſaid recited Acts, or either of them, and agreeably to the Regulations and Proviſions of this Act.

A certain other Road to be diſcontinued.

VI. And be it further enacted, That as ſoon as the ſaid new Road from the preſent Turnpike Road at or near *Shinners Bridge* aforeſaid into the ſaid Town of *Totnes*, ſhall be made paſſable for Horſes, Cattle, Carts, and Carriages as aforeſaid, the preſent Road leading from *Shinners Bridge* aforeſaid to the End of *Copland Lane*, on the Road leading towards *Totnes* aforeſaid, ſhall entirely ceaſe to be Turnpike, and to be within or ſubject to the Operation of the ſaid Acts, or either of them, or this Act.

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

VII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerk or Clerks, Treaſurer or Treaſurers reſpectively, or in the Name or Names of the ſaid Truſtees, or any Five or more of them; and that no Action to be brought or commenced by or againſt the ſaid Truſtees, by virtue or on account of the ſaid Acts, or of this Act, in the Name of their Clerk or Clerks, Treaſurer or Treaſurers, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Clerks, Treaſurer or Treaſurers, or by the Act of ſuch Clerk or Clerks, Treaſurer or Treaſurers, without the Conſent of the ſaid Truſtees; but the Clerk or Clerks, Treaſurer or Treaſurers for the Time being reſpectively to the ſaid Truſtees ſhall always be deemed the Plaintiff or Defendant, Plaintiffs or Defendants in ſuch Action, as the Caſe ſhall be: Provided always, that ſuch Truſtees, and every ſuch Clerk or Clerks, Treaſurer or Treaſurers, in whoſe Name or Names any Action or Suit ſhall be commenced, ſued, proſecuted, or defended, in purſuance of the ſaid Acts, or of this Act, ſhall always be reimburſed and paid out of the Money to ariſe by virtue of the ſaid Acts and this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event of any ſuch Proceedings they or he ſhall reſpectively be put unto or become chargeable with, by reaſon of their or his being ſo made Plaintiff or Defendant, Plaintiffs or Defendants therein.

Appointing a Quorum of Truſtees.

VIII. And be it further enacted, That all Acts, Matters, and Things authorized or required by the ſaid Acts, or either of them, or by this Act, to be done and executed by the ſaid Truſtees in carrying the ſame into Execution, ſhall and may be done and executed by any Five or more of them preſent at any Meeting, being the Majority of ſuch of them as ſhall be then preſent, and the ſame when ſo done ſhall be as good, valid, and effectual, and ſhall have the ſame Force and Effect as if ſuch Acts, Matters, and Things, had been done and executed by all or any greater Number than Five Truſtees (ſave and except as herein otherwiſe directed and provided); and if any Perſon or Perſons elected, nominated, or appointed a Truſtee or Truſtees by virtue of the ſaid Acts, or of this Act, ſhall die or refuſe or neglect to act for the Space of Twelve Calendar Months, in the Execution thereof, that then and in every ſuch Caſe it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, to elect, nominate, or appoint in Manner directed by the ſaid Acts, or either of them, another Perſon to act as a Truſtee in the room or ſtead of every ſuch Truſtee ſo dying, refuſing, or neglecting to act; and that every ſuch Perſon ſhall have the like Powers and Authorities as the Truſtee in whoſe room or ſtead he ſhall have been ſo elected, nominated, or appointed, was veſted with.

IX. And

Repealing former Tolls, and granting new Tolls.

IX. And whereas the Tolls by the ſaid recited Acts granted are inſufficient for the Purpoſe of maintaining and ſuporting the ſaid Roads and the other Expences attendant thereon, and to make the Alterations and Improvements herein-before propoſed and authorized to be made; be it therefore enacted, That, from and after the paſſing of this Act, and after the Expiration of the Time for which ſuch Tolls ſhall be then let to farm (if the ſame ſhall be then ſo let) the ſaid Tolls ſhall be and the ſame are hereby declared to be repealed, and that in lieu and inſtead thereof there ſhall be demanded and taken at each Gate or Turnpike erected or to be erected or continued by virtue of the ſaid Acts, or either of them, and of this Act, before any Carriage or Cattle whatſoever ſhall be permitted to paſs through the ſame, ſuch Tolls as the ſaid Truſtees ſhall from Time to Time appoint, not exceeding the ſeveral and reſpective Sums of Money herein-after mentioned; (that is to ſay),

Tolls.

For every Coach, Chariot, Landau, Berlin, Phaeton, Chaiſe, Chaiſe Marine, Car, Calaſh. Chair, Caravan, Hearſe, Litter, or other Carriage whatſoever (except Waggons, Carts, Wains, Tumbrils, or Drays) drawn by Six or more Horſes or other Beaſts of Draught, the Sum of Two Shillings:

For every Horſe or other Beaſt of Draught drawing the ſame, the Sum of Sixpence:

For every ſuch Carriage, drawn by Four Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence:

For every Horſe or other Beaſt of Draught drawing the ſame, the Sum of Sixpence:

For every ſuch Carriage, drawn by Three Horſes or other Beaſts of Draught, the Sum of One Shilling and Three-pence:

For every Horſe or other Beaſt of Draught drawing the ſame, the Sum of Four-pence:

For every ſuch Carriage drawn by Two Horſes or other Beaſts of Draught, the Sum of Nine-pence:

For every Horſe or other Beaſt of Draught drawing the ſame, the Sum of Three-pence:

For every ſuch Carriage drawn by One Horſe or other Beaſt of Draught drawing the ſame, the Sum of Nine-pence:

For every Waggon, Cart, Tumbril, or Dray, uſing Wheels with Fellies Nine Inches Broad at the leaſt, drawn by Eight Horſes or other Beaſts of Draught, the Sum of Six Shillings:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by Seven Horſes or other Beaſts of Draught, the Sum of Five Shillings and Sixpence:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by Six Horſes or other Beaſts of Draught, the Sum of Five Shillings:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by Five Horſes or other Beaſts of Draught, the Sum of Four Shillings and Sixpence:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by Four Horſes or other Beaſts of Draught, the Sum of Four Shillings:

For every such Waggon, Wain, Cart, Tumbril, or Dray, drawn by Three Horſes or other Beaſts of Draught, the Sum of Three Shillings:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by Two Horſes or other Beaſts of Draught, the Sum of Two Shillings:

For every ſuch Waggon, Wain, Cart, Tumbril, or Dray, drawn by One Horſe or other Beaſt of Draught, the Sum of One Shilling:

For every Ox drawing any Carriage whatſoever, the Sum of Three-pence:

For every Wheel Carriage, laden with Timber, Wood, or Trees, drawn by Five or more Horſes or other Beaſts of Draught, and uſing Wheels with Fellies Nine Inches Broad at the leaſt, the Sum of Seven Shillings and Sixpence:

For every ſuch Wheel Carriage, uſing Wheels of leſs Width than Nine Inches, the Sum of Ten Shillings:

For every ſuch Wheel Carriage, laden with Timber, Wood, or Trees, drawn by Four Horſes or other Beaſts of Draught, uſing Wheels with Fellies at leaſt Nine Inches in Width, the Sum of Five Shillings and Sixpence:

For every ſuch Carriage, with Wheels of leſs Width than Nine Inches, the Sum of Eight Shillings:

For every ſuch Wheel Carriage, laden with Timber, Wood, or Trees, drawn by Three Horſes or other Beaſts of Draught, uſing Wheels with Fellies at leaſt Nine Inches Wide, the Sum of Four Shillings and Six-pence:

For every ſuch Carriage, with Wheels of leſs Width than Nine Inches, the Sum of Six Shillings:

For every Horſe, Mule, Aſs, or other Beaſt of Burthen, laden or unladen, and not drawing, the Sum of One Penny:

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

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

Tolls to be paid but once a Day.

X. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be deemed, conſtrued, or taken to charge any Horſes, Cattle, Carts, or Carriages whatſoever, paſſing on any of the Roads ſubject to the Proviſions of the ſaid Acts and this Act, with the Payment of any of the Tolls hereby granted at more than One of the Gates, Turnpikes, or Tollhouſes already erected or to be erected or continued by virtue of this Act, in one and the ſame Day (except the additional Tolls to be taken at or upon or in reſpect of the ſaid Bridge to be erected acroſs the River *Dart*, and the other Purpoſes herein in that Behalf mentioned, when the ſame ſhall be begun as herein-after mentioned) but that every Perſon on Payment of the Toll at any or either of

of such Gates, Turnpikes, or Tollhouses, and producing a Ticket at the other or others of them, shall during the same Day be fully discharged from any other Payment at such other or others of them (except as to the Tolls to be collected in respect of the said Bridge); any Thing herein contained to the contrary notwithstanding.

Double Tolls to be taken for Waggons, &c. of certain Descriptions.

XI. And be it further enacted, That for every Waggon, Wain, Cart, Tumbril, or Dray, using Wheels with Fellies less than Nine Inches broad, or any Part thereof for the Space of Two Inches in Length, and for every Horse or other Beast of Draught drawing the same, there shall be demanded and taken in Manner aforesaid double the Tolls herein-before charged for the same respectively.

Double Toll on Sundays.

XII. And be it further enacted, That it shall be lawful for the said Trustees at any Meeting to be held in pursuance of Notice to be given on all the Turnpike Gates erected or to be erected or continued by virtue of this Act, Fourteen Days at least before such Meeting, to authorize the Toll Gatherers or Collectors at each of the said Gates 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, for and during so long Time as the said Trustees shall order and direct at such Meeting, but no longer) or otherwise to demand and take at each such Gate double the Tolls which shall for the Time being be ordered and authorized by the said Trustees to be collected at the same Gate on any other Day, under and by virtue of this Act, but so that such Double Toll shall not be demanded or received from any Person going to or returning from his, her, or their Parish Church.

Additional Tolls to be taken when Bridge shall have been begun to be built.

XIII. And be it further enacted, That in order to defray the Expence of obtaining and passing this Act, and of erecting the said Bridge, and of widening and diverting the Roads, and making the said new Roads herein-before mentioned, and purchasing the Houses, Lands, and Grounds necessary for those Purposes, it shall be lawful to and for the said Trustees, when and as soon as such Bridges and Roads, or any of them, shall have been begun to be built, to demand, have, receive, and take at each and every Gate and Gates erected or to be erected or continued by virtue of this Act, for and in respect of all and every such Horses, Beasts, Cattle, and Carriages as aforesaid, in addition to the other Tolls which the said Trustees shall from Time to Time appoint as aforesaid by virtue of this Act, additional Tolls, equal to but not to exceed One Half of such other Tolls so to be appointed from Time to Time by virtue of this Act, as shall for the Time being be payable, and which said additional Tolls shall be doubled at all Times and in all Cases when and where the primary or ordinary Tolls shall be doubled, but such additional Tolls shall be paid and payable for and during such and so long Time only, and until the Monies which shall be borrowed as herein-after mentioned to defray the Expences of obtaining and passing this Act, and erecting and building the said Bridges, and widening and diverting the said Roads, and making the said new Roads, and purchasing the Houses, Lands, and Grounds necessary for those Purposes, with the Interest thereof, shall be

fully paid and discharged; and that it shall be lawful for the said Trustees, at any Time after the said Bridges and new Roads, or any of them, shall be begun, also to erect any Gate or Gates, in, upon, or near to the said Bridge, for the Purpose of having, taking, and receiving thereat such additional Tolls: Provided always, that it shall not be lawful to demand, receive, or take any of the additional Tolls hereby granted or to become payable by virtue of this Act, at more than one of such Tollhouses or Turnpikes, for the same Horse, Cattle, or Carriage on the same Day, except only that when any such Horses, Cattle, or Carriages shall have passed over the said Bridge and returned, and shall afterwards pass over the same again in the same Day, with or in the Service or Employment of any other Person, then and in every such Case the said additional Tolls, as well as the other Tolls hereby granted, shall be paid for and in respect of such Horses, Cattle, and Carriages every Time they shall so pass over the said Bridge on the same Day in going but not in returning.

Tolls vested in the Trustees.

XIV. And be it further enacted, That the said several Tolls by this Act authorized to be taken, shall be and the same are hereby vested in the Trustees for putting the said recited Acts and this Act in Execution, and the same and every Part thereof shall be collected, recovered, levied paid, applied, assigned, varied, and disposed of in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, and Restrictions as are contained in the said recited Acts or either of them, with respect to the Tolls thereby authorized to be taken, but subject nevertheless to this Act, and the Provisions and Regulations herein contained.

Toll Collectors no incompetent Witnesses.

XV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls hereby granted, 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 by reason thereof be incompetent to give Evidence in any such Dispute, Suit, or Litigation.

Power to lease the Tolls.

XVI. And be it further enacted, That the said Trustees shall and may at any Time or Times (on Ten Days Notice in Writing, signed by any Five or more of them, or by their Clerk, and affixed on all the Turnpike Gates then erected on the said Roads) lease or let to farm by the Year or otherwise, for any Term not exceeding Three Years, all or any of the said Tolls, and all or any of the Turnpike and Tollhouses for collecting the same, to any Person or Persons for the largest Sum that shall be offered or bid for the same or for any larger Sum which they may (if not satisfied with the highest Sum bid for the same) offer the same for to the highest Bidder, and so in Succession to the other Bidders and other Persons present, till some Person or Persons shall accept of the same at the same or some succeeding Meeting, at or for some such larger Sum, as is usual and customary in other Cases of Sales or Lettings of Estates in the Neighbourhood, taking such Security as to them shall seem sufficient for

for the Payment thereof, ſuch Leaſes or Contracts to be in Writing, and to be ſigned by the ſaid Truſtees or by their Clerk and Treaſurer, and the Leſſee or Leſſees, who in Default of Payment of the Rent or Money therein reſerved or agreed to be paid, ſhall or may be proceeded againſt for the Recovery thereof in Manner by the ſaid firſt recited Act directed for proceeding againſt Collectors and Receivers of Tolls receiving Money and not paying the ſame as is thereby required; and in caſe any Default ſhall be made, that then it ſhall be lawful for the ſaid Truſtees (if they ſhall think fit) to declare ſuch Leaſe or Agreement void, and it is hereby declared, that the ſame ſhall thereupon be void accordingly, to all Intents and Purpoſes whatſoever (ſave and except only with regard to the Recovery of the Arrears then remaining due on ſuch Leaſe or Contract) and that for ſuch Purpoſe only the ſame ſhall remain and continue in force until Payment and Diſcharge thereof, and all Coſts and Charges relating to the Recovery thereof.

For Recovery of Arrears of Tolls from Toll Gatherers, &c.

XVII. Provided always, and be it further enacted, That in caſe any or either of the Leſſees or Toll Gatherers or Collectors of any of the ſaid Tolls hereafter to be appointed, ſhall at any Time neglect or fail, by the Space of One Week, to pay all the Arrears of ſuch Tolls, Rent, or other Profit of any ſuch Turnpike or Toll Houſe or Gate, which ſhall happen to be due from him or them, or ſhall neglect or deſert the ſame by the Space of Two Days, that then and in every ſuch Caſe, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Devon*, or for the ſaid Truſtees, upon Oath or Affidavit made thereof before him or them reſpectively by the Clerk and Treaſurer of the ſaid Truſtees for the Time being, or ſome other competent Perſon, by Warrant or Order under his or their Hand and Seal or Hands and Seals reſpectively, to authorize and direct any Perſon or Perſons to ſeize, take, and diſtrain for ſuch Arrears the Goods and Chattels of ſuch Leſſee or Leſſees, Toll Gatherer or Toll Gatherers, Collector or Collectors, wherever the ſame can or may be found, and to ſell and diſpoſe of the ſame for and towards Payment of ſuch Arrears, and all Coſts attending the taking, keeping, and ſelling of ſuch Diſtreſs, giving Five Days Notice of ſuch Sale to the Owner of ſuch Goods and Chattels, by leaving One Copy thereof for him at the Place where ſuch Diſtreſs ſhall be taken, and affixing another Copy of ſuch Notice upon the neareſt of the ſaid Turnpike Gates, rendering the Overplus (if any) to ſuch Owner on Demand; and alſo to authorize and direct ſuch Perſon or Perſons to enter into and upon ſuch Turnpike, Toll Houſe or Gate, and to take Poſſeſſion of the ſame, with the Appurtenances, and to deliver over the ſame to the ſaid Truſtees or any Perſon they ſhall appoint, and that from thenceforth the ſaid Truſtees ſhall be at liberty to let the ſame and the Tolls, for and in reſpect of which ſuch Arrears ſhall have been due as aforeſaid, or appoint any other Collector of ſuch Tolls thereat, in the ſame Manner as if the former Term had been regularly and duly expired; but that notwithſtanding ſuch Poſſeſſion being taken and delivered over, and ſuch letting as laſt aforeſaid, the ſaid Truſtees or their Clerk and Treaſurer ſhall at any Time after have the ſame Power and Authority to ſue for and recover the Arrears which ſhall then remain due, with the Coſts and Charges attending the ſame,

ſame, as fully as if no ſuch Poſſeſſion had been taken, deducting and allowing what ſhall have been received by the ſaid Truſtees for and in reſpect of ſuch Tolls in the mean Time.

Power to compound for Tolls.

XVIII. Provided always, and be it further enacted, That it ſhall be lawful for the Truſtees acting under the Authority of this Act, or any Five or more of them, and for the Truſtees acting under the Authority of the ſeveral Acts which relate to the Turnpike Roads leading from *Aſhburton* aforeſaid to *Brent Bridge* in the ſaid County, or any Five or more of them, at any Meeting or Meetings to be held in purſuance of Ten Days publick Notice given for that Purpoſe at the Chapel of *Saint Lawrence* within the Town of *Aſhburton* aforeſaid, to compound and agree either for a fixed and certain Sum, or for any rateable and proportionable Payment, either monthly, annual, or otherwiſe, to be paid by the Truſtees acting under this Act, or their Clerk or Treaſurer, for and in lieu of all the Tolls to be taken for Horſes, Cattle, Carts, and Carriages, paſſing and repaſſing to and from the Town of *Aſhburton*, in and along the Turnpike Road leading from thence to *Dart Bridge*, unto and into the ſaid Road, hereby intended to be widened and made Turnpike, leading from and out of the ſame unto or near *Auſtins Bridge*, or going or paſſing from the ſame Road unto or towards *Aſhburton*; and that every ſuch Compoſition or Agreement ſhall be made in Writing under the Hands of the ſaid reſpective Truſtees, or any Five or more of them, and ſhall be binding and concluſive upon the Truſtees and Creditors of the ſaid *Aſhburton* Turnpike and of this Turnpike reſpectively, for and during the Time therein ſpecified, but ſo as no ſuch Agreement ſhall be made at any Time for a longer Period than the Space of Three Years at any one Time, and that ſuch Compoſition ſhall not at any Time exceed the annual Sum of Twenty-one Pounds.

Power to vary ſuch Compoſition.

XIX. And be it further enacted, That every ſuch Compoſition or Agreement ſhall and may be varied or altered from Time to Time, after the Expiration of the Time therein ſpecified, in ſuch Manner as the ſaid reſpective Truſtees, or any Five or more of them reſpectively ſhall at any Meeting or Meetings to be held in purſuance of ſuch Notice as aforeſaid think fit to order and direct, but ſo as no ſuch Compoſition or Agreement ſhall at any Time be deemed, conſtrued, or taken in any reſpect to hinder or prevent the Truſtees or Creditors, or other Perſons acting under the Authority of the ſaid *Aſhburton* Act, from recovering any Penalties that may become due or be incurred by any Perſon or Perſons whomſoever, for any Offence againſt the laſt mentioned Act, but that the ſame Act, and all the Powers and Proviſions thereof, ſhall remain in full Force and Effect for that Purpoſe, in the ſame Manner as if no ſuch Agreement or Compoſition had been made; any Thing herein contained to the contrary notwithſtanding.

Penalty on Perſons haling Timber on the Roads,

XX. And be it further enacted, That if any Perſon ſhall hale, or cauſe to be haled or drawn, upon any Part or Parts of the ſaid Roads, any Tree or Piece of Timber, or any Stone or Stones or other dead

Goods

Goods whatsoever, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be conveyed by any Carriage to drag upon any Part of the said Roads to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings, to be recovered and applied in the same Manner as herein-after mentioned.

otherwise than upon Wheel Carriages.

XXI. And whereas the Exemptions from the Payment of Toll by the said recited Acts granted, or either of them, have been found prejudicial to the said Roads; be it therefore enacted, That from and after the passing of this Act the same shall be and are hereby declared to be repealed.

Repealing the Exemptions from Tolls granted by the said Acts.

XXII. And be it further enacted, That no Tolls shall be demanded or taken for any Carriages or Cattle solely employed in carrying of Materials for repairing Highways, or of Implements of Husbandry, or of Lime, Dung, Mould, Soil, or Compost for Manure only, or of Hay not sold and not for Sale, or of Corn in the Straw not sold and not for Sale, or of Wood not sold and not for Sale, nor for Carriages returning empty after having delivered any of such Articles; nor for Cattle going or returning from Water or Pasture, or in order to be shoed, in any of the Parishes through which the said Roads or any Part thereof shall pass, or carrying any Person employed in driving such Cattle going or returning for such Purposes.

Other Exemptions granted.

XXIII. And be it further enacted, That none of the Tolls aforesaid shall be demanded or taken of or from any Rector, Vicar, or Curate, or Person or Persons going to or returning from his, her, or their own Parish Church, or other Place of Divine Worship on *Sundays*, or on any other Days on which Divine Worship is ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Township, or Place wherein the said Roads do or shall lie; or from any Person going to or returning from the Election of Knights of the Shire to serve in Parliament for the County of *Devon*, or a Burgess or Burgesses to serve in Parliament for the Boroughs of *Totnes* or *Ashburton*; nor shall any Toll be demanded or taken for any Carriages of whatsoever Description employed or to be employed in conveying, fetching, or guarding Mails, of Letters and Expresses under the Authority of His Majesty's Postmaster General, or in returning back therefrom; nor for the Horses of any Soldiers passing, who are upon their March or on Duty, or for any Carts Carriages, or Waggons attending them or laden with their Arms or Baggages; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place of Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time

Further Exemptions.

of claiming the Exemption; or for Horſes, Carts, or Carriages travelling with Vagrants ſent by legal Paſſes; or from Perſons paſſing to or from one Part to another of the Lands occupied by him or them in any of the Pariſhes wherein the ſaid Roads lie, nor for his or their Horſes, Servants, Carriages, or Cattle uſed or employed in the ſame Way; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings; and in all Caſes the Proof of Exemption ſhall lie upon the Perſon claiming the ſame.

Power to borrow Money, &c.

XXIV. And be it further enacted, That for defraying the Expences of obtaining and paſſing this Act, and the more ſpeedy erecting the ſaid new Bridges, and widening and diverting the ſaid Roads, and making the ſaid new Roads herein-before mentioned, and purchaſing the Houſes, Lands, and Grounds neceſſary for thoſe Purpoſes, the ſaid Truſtees ſhall and may, and they are hereby authorized and empowered, upon the Credit of the Tolls hereby granted and made payable, to borrow and take up at Intereſt at ſuch Rate as ſhall be agreed upon, not exceeding Five Pounds *per Centum per Annum*, ſuch Sum and Sums of Money as they ſhall think needful, and ſhall and may enter into ſuch Contract or Contracts, in Writing, under their Hands and Seals, with the Perſon or Perſons lending or advancing the ſame, and with any other Perſon or Perſons in Truſt for them or any of them, their or any of their Executors, Adminiſtrators, and Aſſigns for the Payment thereof, and of the Intereſt thereof to ſuch Perſon and Perſons, and at ſuch Time and Times, and in ſuch Proportions, and under ſuch Regulations, Conditions, and Reſtrictions as ſhall be declared, limited, and appointed in and by ſuch Contract or Contracts, and ſhall and may, as a Security for the Performance of ſuch Contract or Contracts on their Parts and Behalfs, in and by the ſame Contract and Contracts, aſſign over the ſaid Tolls, or any Part or Parts thereof, for any Term or Number of Years, not exceeding the Term by this Act granted, unto the Perſon or Perſons ſo lending and advancing any ſuch Money, or unto any other Perſon or Perſons in Truſt for them, or any of them, their or any of their Executors, Adminiſtrators, and Aſſigns; and that all and every ſuch Contracts ſo to be made ſhall be copied and entered at length in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees, and ſuch Books ſhall and may be peruſed at all ſeaſonable Times by any Perſon or Perſons without Fee or Reward; which ſaid Money ſo to be borrowed ſhall be laid out excluſively for the Purpoſes aforeſaid, and for no other Uſe or Purpoſe whatſoever.

Limiting the Sums to be borrowed.

XXV. Provided always, and be it further enacted, That no more than the Sum of Three thouſand Pounds ſhall be borrowed on the Credit of the ſaid additional Tolls, unleſs the Perſon or Perſons entitled to Four Fifths of the Money which ſhall at that Time be due and owing

on the Credit thereof, ſhall conſent thereto, and ſhall ſignify ſuch Conſent under his, her, or their Hand or Hands, to the ſaid Truſtees, or any Five or more of them.

No Priority in reſpect of advancing Money.

XXVI. And be it further enacted, That no Preference ſhall be given to any Perſon or Perſons whatſoever, advancing any Part or Parts of the groſs Sums ſo to be borrowed, in reſpect of the Priority of advancing his, her, or their Part or Parts thereof, but that all and every Perſon and Perſons having any Part, Share, or Intereſt therein, ſhall, as far as ſuch Share, Part, or Intereſt ſhall extend, be and are hereby declared to be Creditors on the ſaid additional Tolls in equal Degree one with another.

Notice to be given of borrowing Money.

XXVII. Provided always, and be it further enacted and declared, That no Money ſhall be borrowed by the ſaid Truſtees on the Credit of the ſaid additional Tolls, unleſs Notice for that Purpoſe in Writing under the Hand or Hands of the Clerk or Clerks, or Treaſurer or Treaſurers to the ſaid Truſtees, be by Order of ſuch Truſtees affixed upon all the Turnpike Gates that ſhall be then erected upon the ſaid Roads, at leaſt Eight Days before borrowing the ſame.

Power to Perſons to aſſign or transfer Mortgages, &c.

XXVIII. And be it further enacted, That all and every Perſon and Perſons for the Time being having any Eſtate or Intereſt in any ſuch Contract or Contracts, Aſſignment or Aſſignments as aforeſaid, may and are hereby empowered from Time to Time, by proper Words of Aſſignment, to be indorſed on his, her, or their Security or Securities, or by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Preſence of Two credible Witneſſes, to aſſign and transfer all ſuch Eſtate and Intereſt, and all the Money that ſhall be then due thereon, to any Perſon or Perſons whomſoever; and that all and every ſuch Transfer or Aſſignment of any Security of the ſaid Tolls, ſhall from Time to Time be produced and notified to the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees for the Time being, within the Space of Three Calendar Months next after the Dates thereof reſpectively, who ſhall make or cauſe to be made a proper Memorial or Entry of all and every ſuch Aſſignments or Transfers, containing the Date thereof, and the Names, Additions, and Places of Abode of the ſeveral Parties thereto, and the Sum or Sums of Money, Term or Terms of Years therein mentioned and contained, and other the material Contents of the ſame, and the Names, Additions, and Places of Abode of the Witneſſes to the Execution thereof, in the Book or Books to be kept for entering the ſaid original Aſſignments made by the ſaid Truſtees as aforeſaid, for which the ſaid Clerk or Clerks Treaſurer or Treaſurers ſhall be paid the Sum of Five Shillings, and no more, by the reſpective Perſons to whom ſuch Aſſignment or Transfers ſhall be made, for each and every ſuch Entry; and after ſuch Entry made, but not otherwiſe, ſuch Aſſignment or Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors or Adminiſtrators to the Benefit thereof and Payment thereon, and it ſhall not be in the Power of the Perſon or Perſons making ſuch Aſſignment

Aſſignment or Transfer to make void, releaſe, or diſcharge the ſame, or the Money due thereon, or any Part thereof.

For increaſing Rate of Intereſt.

XXIX. And be it further enacted, That the ſaid Truſtees ſhall and may at any Time or Times hereafter, at the Requeſt of the Creditors of the ſaid Turnpike, or the major Part of them in Value, at any Meeting to be held in purſuance of Eight Days publick Notice for that Purpoſe, to be affixed on the ſaid Turnpike Gates, order the Intereſt of the Money already due on the Credit of the ſaid Tolls, granted by the ſaid recited Acts, to be raiſed and advanced to any Sum of Money not exceeding the Sum of Five Pounds *per Centum per Annum*, if they ſhall think fit ſo to do.

Application of Compenſation if amounting to or exceeding 200l.

XXX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments, to be purchaſed, taken, or uſed, by virtue of the Powers of the ſaid Acts and of this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid firſt recited Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to, or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid Acts and 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, Grounds, or other Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting other Lands, Grounds, or Hereditaments, ſtanding ſettled therewith, to the ſame or to the like Uſes, Truſts, Intents, and 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, Grounds, 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, Grounds, or other Hereditaments 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 of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be

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 Lands, Grounds, or other Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When leſs than 100l. and exceeding 20l.

XXXI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being, entitled to the Rents and Profits of the Lands, Grounds, or other Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, to be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid (at the like Option) to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

When leſs than 20l.

XXXII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then, and in 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, Grounds, or other Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In Caſes of not making out Titles, or if Perſons cannot be found, Purchaſe-Money to be paid into the Bank,

XXXIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded, for the Purchaſe of any Lands or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or in caſe ſuch Perſon or Perſons

ſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded, as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments, be not known or diſcovered, then, and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments, [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition, of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be, and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum and 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.

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

Upon any Queſtion of Title to the Money ſo to be paid, Perſons then in Poſſeſſion of the Lands to be deemed the Party entitled.

XXXIV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe, touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or 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 or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court may order reaſonable

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

Corporation, entitled to any Lands or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act; it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes, from Time to Time, to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Expences of Purchaſes to be paid.

XXXVI. 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 ſaid Truſtees, or any Five or more of them, 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 to their Treaſurer; and, in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the Publick 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 Hay-time or Harveſt) and in ſuch Parts of the ſaid Roads, as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay

Perſons chargeable to Statute Work to continue ſo.

Juſtices to determine Differences touching Statute Work.

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 last or 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 Publick 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 Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and, in that Case, every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Parts of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Road shall lie and be situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees or any Five or more of them shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer of the said Trustees in advance, on or before the Twenty-ninth Day of *September* 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.

Penalties how to be levied and applied.

XXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby or by the said recited Acts, or either of them, inflicted

or

or authorized to be impoſed (the Manner of levying and recovering whereof is not herein or thereby otherwiſe directed) ſhall, upon Proof of the Offences reſpectively before any Juſtice of the Peace for the County or Place wherein the ſame ſhall be committed, or wherein the Offenders ſhall be or reſide, either by the Confeſſion of the Party offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice, which Warrant ſuch Juſtice is hereby empowered and required to grant, and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods and Chattels; and the Money ariſing by ſuch Penalties, Forfeitures, and Fines when paid or levied, if not otherwiſe directed to be applied by the ſaid Acts or this Act, ſhall from Time to Time be paid to the Treaſurer or Treaſurers to the ſaid Truſtees, and applied for the Purpoſes of the ſaid Roads; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines, ſhall not be forthwith paid, it ſhall be lawful for any Juſtice of the Peace, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months nor leſs than Seven Days, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges ſhall be ſooner paid and ſatisfied.

For paying the Expences of the Act.

XXXIX. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid and diſcharged by the ſaid Truſtees for putting the ſaid Acts and this Act into Execution, out of any Money which hath ariſen by virtue of the ſaid Acts, or out of the firſt Money which ſhall ariſe by virtue thereof, and of this Act, in Preference to all other Payments whatſoever.

Compelling Subſcribers to pay their Subſcription Money.

XL. And be it further enacted, That the ſeveral and reſpective Perſons who have ſubſcribed, or who ſhall or may ſubſcribe Money for and towards the making, amending, widening, diverting, inproving, and keeping in Repair the Roads and Bridges hereby directed to be made, amended, widened, diverted, improved, and kept in Repair, or for and towards any of thoſe Purpoſes, ſhall and are hereby required to pay the Sum or Sums ſo by them reſpectively ſubſcribed, in ſuch Parts and Proportions, within ſuch Time and Times, and to ſuch Perſon or Perſons as the ſaid Truſtees ſhall by any Writing under their Hands authorize to receive the ſame; and if any Perſon or Perſons ſhall neglect or refuſe to pay the ſame in Manner aforeſaid, it ſhall be lawful for the ſaid Truſtees to ſue for and recover the ſame with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, Wager of Law, or any more than One Imparlance ſhall be allowed.

Publick Act.

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

Term and Continuance of this Act.

XLII. And be it further enacted, That the Term granted and continued by the ſaid Acts, ſhall, upon the paſſing hereof, ceaſe and determine; and that the ſaid Acts (ſubject to the Alterations, Additions, and Amendments herein contained) and alſo this Act, ſhall from thenceforth continue and be in force, and be executed for and during the Term of Twenty One Years, and from thence to the End of the then next Seſſion of Parliament.

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