



ANNO PRIMO

GEORGIIV. REGIS.

Cap. xxi.

An Act to improve certain Parts of the Line of Road between the Borough of *Plymouth* and the City of *Exeter*, through *Ashburton* and *Chudleigh*, in the County of *Devon*. [22d June 1820.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for consolidating and uniting the Powers of several Acts passed for amending several Roads near the Borough of Ashburton, and the Town of Newton Bushel, and from or near the North Side of the Town of Totness towards Ashburton aforesaid; for building a Bridge across the River Dart, at or near a Place called Emmett, in the County of Devon; and for amending and improving the said several Roads*: And whereas an Act was passed in the Fifty-fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act for altering and enlarging the Term and Powers of Three Acts, made for repairing the High Road leading from Brent Bridge in the County of Devon to Gasking Gate in or near the Borough of Plymouth, in the said County of Devon*: And whereas another Act was passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and improving the Roads leading to and from the City of Exeter, and for keeping in repair Exe Bridge and Countess Wear Bridge*: And whereas the Line of the present Road from the Borough of *Plymouth* towards the City of *Exeter*, through *Ashburton* and *Chudleigh*, in the County of *Devon*, is in many Parts steep and mountainous, and in other Parts narrow and inconvenient, and it

[Local.]

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would

would be a great Accommodation to the Public if new Lines of Road were made on the several Parts of the Road included in the Three following Districts; (that is to say), District Number One, being that Part of the Road situated between a certain Place called *Smithhaleigh*, in the Parish of *Plympton Saint Mary* and *Brent Bridge* aforesaid, the present Road within that District being under the Jurisdiction of the Trustees appointed by the said recited Act of the Fifty-fourth Year of the Reign of His said late Majesty; District Number Two, being that Part of the Road situated between *Brent Bridge* and *Chudleigh Bridge*, the present Road in that District being under the Jurisdiction of the Trustees appointed by the said recited Act of the Forty-ninth Year of the Reign of His said late Majesty; District Number Three, being that Part of the Road situated between *Chudleigh Bridge* and the Five Mile Stone on the Turnpike Road leading from the City of *Exeter* to *Newton Bushell* aforesaid, the present Road in that District being under the Jurisdiction of the Trustees appointed by the said recited Act of the Fifty-fifth Year of the Reign of His said late Majesty: But as the same cannot be effected under the Provisions of the said recited Acts, nor can the Sums necessary to defray the Expence of the same be raised, unless Powers are given, and new Tolls are authorized to be collected; and as the several Purposes aforesaid cannot be effected 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 all the Magistrates acting in and for the County of *Devon*, together with the Honourable *Hugh Fortescue* commonly called Lord Viscount *Ebrington*, the Right Honourable *Thomas North Graves* commonly called Lord *Graves*, the Right Honourable *Reginald Pole Carew*, the Honourable *Pownall Bastard Pellew*, the Honourable *Hugh Clifford*, Sir *Thomas Dyke Acland*, Sir *Henry Carew*, Sir *Lawrence Vaughan Palk*, Sir *William Congreve*, Sir *William Elford*, Sir *Masseh Manasseh Lopez*, Sir *John Perring*, Sir *John Leman Rogers*, and Sir *Bouchier Wrey*, Baronets; Sir *Thomas Byam Martin* K. C. B., Sir *Herbert Sawyer* K. C. B., *John Arthur*, *Robert Abraham*, *Edmund Pollexfen Bastard*, *John Bastard*, *John Crocker Bulteel*, *John Yard Buller*, *Gilbert Burrington Clerk*, *William Bowden*, *John Bovey*, *Richard Bayly*, *George Baker Clerk*, *William Frederick Baylay Clerk*, *William Courtenay*, *John Carpenter*, *John Collier*, *William Coppard Clerk*, *William Cuming*, *John Counter*, *Jonathan Elford junior*, *William Eastlake*, *Robert Fuge*, *Henry Gervis*, *Henry Gervis junior*, *Robert Hurrell Froude Clerk*, *Joseph Gribble*, *Treby-Helē Hayes*, *Arthur Howe Holdsworth*, *John Harris*, *John Nicholls Hawker*, *Thomas Harris*, *Christopher Hellier*, *John Higgins*, *Richard Holdsditch*, *Samuel Kekewich*, *John Lane Kitson Clerk*, *William Kitson Clerk*, *Thomas Kitson*, *William Kitson the younger*, *Edmund Pusey Lyon*, *Henry Ley*, *John Henry Ley*, *Richard Lane Clerk*, *William Langmead*, *Edmund Lockyer*, *William Longmore Clerk*, *Thomas Michaelmore*, *Thomas May*, *James Moggridge*, *Joseph Moore*, *Robert William Newman*, *Montague Edmund Parker*, *John Spurrell Pote*, *Robert John Palk*, *Wilmot Henry Palk Clerk*, *Robert Palk*, *Samuel Pym*, *John Pridham*, *James Pitman*, *William Hales Symons*, *George Strode*, *George Templer*, *John Lynē Templer*, *Pierce Joseph Taylor*, *Thomas William Taylor*, *Paul Treby Treby*, *John Templer Clerk*, *Henry Taylor Clerk*, *John Tingcombe*, *Andrew Griffin Coard Tucker*, *George Woolcombe*, *Robert Palk Welland Clerk*,

Trustees appointed.

Joseph Whiteford, and Thomas Whiteway, and their Successors, to be elected in manner herein-after mentioned, shall be and are hereby appointed Trustees for making, amending, diverting, altering, straightening and improving the said Turnpike Road, by this Act intended to be made, amended, diverted, altered, straightened, and improved, and for otherwise carrying this Act into Execution.

II. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their first Meeting hereinafter directed, or at any subsequent Meeting to be held for that Purpose (of which subsequent Meeting, and of the Purpose thereof, Twenty Days Notice shall be given as herein-after is directed), to elect and appoint any Number of Persons, not exceeding Ten in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed; and such Trustees so to be elected and appointed, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed by this Act.

Power to appoint additional Trustees.

III. And be it further enacted, That when and as often as any of the Trustees hereby appointed or to be appointed by virtue hereof shall die, or by Bankruptcy, Insolvency, or otherwise become disqualified to act, or refuse to act, it shall be lawful for the surviving or continuing Trustees, or any Five or more of them, at any Meeting (of which and of the Purpose whereof Twenty Days Notice shall be given as herein-after is directed), to elect and appoint one or more Person or Persons to be a Trustee or Trustees in the Room of the Trustee or Trustees so dying, becoming disqualified, or refusing to act as aforesaid; and every Person so elected and appointed shall be invested with the same Powers and Authorities for executing this Act, as if he had been hereby named and appointed a Trustee.

For electing new Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath or Affirmation following) unless he shall at the Time of his acting be, in his own Right or in the Right of his Wife, in the actual Possession or Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so possessed or receiving the Rents and Profits of a like Real Estate of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or be possessed of a Personal Estate alone, or Real and Personal Estate together, of the Value of Four thousand Pounds, nor before he shall have taken and also subscribed, in a Book to be kept for that Purpose, the Oath or Affirmation herein-after mentioned, before any Three or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say),

Qualifications of Trustees.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*], That I am truly and *bonâ fide* in my own Right [*or, in the Right of my Wife*] in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments in the County of *Devon*, of the clear yearly Value of One hundred Pounds above Reprizes, or of a Personal Estate alone, or Real and Personal

Personal Estate together, of the Amount or Value of Four thousand Pounds; [*and in the Case of an Heir Apparent*] I A. B. do swear, [*or, being one of the People called Quakers, do solemnly affirm*], That I am Heir Apparent of C. D. who to the best of my Knowledge and Belief is truly and *bonâ fide* in the actual Possession or Receipt of Freehold or Copyhold Lands, Tenements, or Hereditaments, in the County of *Devon*, of the clear yearly Value of One hundred and fifty Pounds above Reprizes. So help me GOD.

Trustees interested or holding Places of Profit, or keeping Victualling Houses, &c. not to act.

V. Provided always, and be it further enacted, That no Person appointed or to be appointed a Trustee for putting this Act into Execution, shall be capable of acting as such during the Time he shall hold any Place or Employment of Profit, or be concerned or interested in any Contract or Contracts under this Act, or under the Trustees acting in Execution thereof; and that no Person shall be capable of being appointed a Trustee, or of acting as such, during the Time he shall keep a Victualling House or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, or who shall be interested or concerned in any Contract under this Act, or who shall be a Lessee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Person or Persons, not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless 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, to be recovered in any of His Majesty's Courts of Record at *Westminster*, with full Costs of Suit, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and it shall be incumbent on the Person so sued or prosecuted to prove that he is qualified and not disqualified by any of the Causes aforesaid, or otherwise to pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings touching the Execution of this Act, which shall be done or performed by any such Person, previous to his being convicted of the Offence before mentioned, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls hereby granted, or receiving Interest thereout for the same, shall on that Account be deemed disqualified to act as a Trustee in the Execution of this Act: Provided also, that any Trustee appointed or to be appointed by or under this Act, who is or shall be a Justice of the Peace, may act as such in the Execution of this Act, except only in Cases in which he shall be personally interested otherwise than as a Mortgagee of the Tolls granted by this Act.

Trustees may act as Justices.

General Meeting

VI. And be it further enacted, That the said Trustees shall meet at the *Royal Hotel* at *Plymouth*, on *Monday* the *Twenty-sixth* Day of *June* next after the passing of this Act, between the Hours of Ten and Two of the Clock, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and the said Trustees shall then and from Time to Time afterwards adjourn themselves, and meet at the same Place,

Place, or at such other Place either in the City of *Exeter* or in the Boroughs of *Plymouth* or *Ashburton*, or in some one of the Parishes in which the said Roads or any Part thereof lies, and at such Times, as the said Trustees shall from Time to Time order and direct; provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and a General Meeting of the said Trustees shall yearly and every Year during the Continuance of this Act be held at the *Castle* of *Exeter*, or within the County of the City of *Exeter*, on some Day in the Lammas Week, which Meetings are hereby declared to be General Meetings of the said Trustees for the Purposes directed to be carried into Execution at General Meetings; and the said Trustees, or the major Part of them then present, shall and may adjourn such General Meeting from Time to Time as they shall think proper, for the Purposes aforesaid; and if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk to the said Trustees shall from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed on all the Toll Gates (if any) then standing in, upon, or across the said new Lines of Road, and to be inserted in One or more of the Newspapers published within the said County of *Devon*, appoint the said Trustees to meet at some one of the Places aforesaid on some convenient Day, at least Seven Days after the Publication of such Notice in Manner aforesaid.

General
Annual
Meeting.

VII. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case it shall and may be lawful to and for any Two or more of the said Trustees, or to and for the Clerk to the said Trustees, upon an Order in Writing signed by any Three or more of the said Trustees, to appoint the Time and Place, and to state the Purpose of such Meeting; to give Notice thereof in the Manner before directed, (such Meeting not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments; and the said Trustees, or the Majority of them, at all Meetings to be held in pursuance of this Act, are hereby empowered to make all necessary Orders, Agreements, and Determinations in the Execution of this Act, and no such Order, Agreement, or Determination shall be made, unless the Majority of the Trustees present at such Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order, Agreement, or Determination; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meetings, unless special Notice shall be given at least Seven Days before, in the Manner herein-before directed, nor unless a greater Number of the Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of any such Order, Agreement, or Determination; and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall 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 every such Case, it shall and may be

General
Meetings on
Emergencies.

Chairman to
have a cast-
ing Vote.

[Local.]

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lawful

lawful to and for the Chairman to give the decisive or casting Vote ; and at all their Meetings the said Trustees shall and do pay their own Expences.

Orders and Proceedings may be made by Five Trustees.

VIII. And be it further enacted, That all Acts, Proceedings, Matters, and Things, in or relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees appointed or to be appointed by or under this Act, except only in Cases herein particularly directed to be done and executed by any greater or less Number of them.

For appointing Clerk, Treasurers, and other Officers, &c.

IX. And be it further enacted, That the said Trustees may and are hereby empowered from Time to Time, by Writing under their respective Hands, to appoint one or more Collector or Collectors of the said Tolls, and Clerk, Treasurer or Treasurers, Surveyor or Surveyors of the said new Lines of Road, and such other Officers as they the said Trustees shall think necessary ; and from Time to Time to remove such Collectors, Clerk, Treasurers, Surveyors and other Officers, or any of them ; and on the Removal, Death, or Resignation of any such Collectors, Clerk, Treasurers, Surveyors or other Officers, to appoint others in their Stead ; and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerk, Treasurers, Surveyors and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the said Trustees shall deem reasonable ; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise ; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Account in the Manner aforesaid ; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Three Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, then and in every or any of the said Cases, it shall be lawful for any Two or more Justices of the Peace for the County, Town, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the said Trustees, and such Justices are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons to be brought before them, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced ;
and

Proceedings against Officers neglecting to account.

and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath or Oaths such Justices are hereby empowered and required to administer) or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may (and they are hereby authorized and required) upon Non-payment thereof by Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Persons shall not appear before the same Justices, unless for some sufficient Excuse alleged at the Time and Place by them appointed for that Purpose, or if appearing shall refuse and neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers and Writings in his, her, or their Custody or Power relating to the Execution of this Act, or to the said new Lines of Road, then and in either of the Cases aforesaid, such Justices may and they are hereby authorized and required, by Warrant and Warrants under their Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize, until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint, (which Composition the said Trustees are hereby empowered to make); or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for want of sufficient Distress, shall be detained in Prison by virtue of this Act, for a longer Space of Time than Six Calendar Months.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and in case any Person shall act in both Capacities as Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of this Act, every Person so offending shall for every Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance shall be allowed.

Clerk not to
be Treasurer,
and vice
versa.

XI. And

Treasurers,
&c. to give
Security.

XI. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices; and no such Treasurer, Receiver, Collector, or other Officer, shall be permitted to enter upon his Office until he shall have given such Security.

Trustees may
appoint tem-
porary Col-
lectors.

XII. And be it further enacted, That upon the Death, Incapacity, absconding, misbehaving, or Absence of any Collector or Receiver of Tolls, it shall and may be lawful for any Two or more of the Trustees, though not assembled at any Meeting of the said Trustees to be held in pursuance of this Act, by Writing under their Hands, to discharge such Collector or Receiver who shall abscond, misbehave, or become incapable, or absent himself as aforesaid, and to nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue in the Stead of such Collector or Receiver so dying or being discharged; and the Person so appointed shall have the like Power and Authority, and be answerable and accountable in the like Manner in all Respects, as the Person who shall so die or be discharged would have had, or been subject to, until the said Trustees or any Three or more of them shall, at a Meeting to be holden by virtue of this Act, appoint a Collector of the said Tolls; and if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person or Persons having the Possession of any Toll House or Building to be erected or continued by virtue of this Act, shall neglect or refuse to deliver up such Possession for the Space of Three Days after Demand thereof made, and a Notice in Writing given for that Purpose by the said Trustees, or by their Clerk or Treasurer; then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the said County of *Devon*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter into such House or Building in the Daytime, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any Person appointed by any Two or more of them, in Possession thereof.

Orders and
Proceedings
to be entered
in a Book.

XIII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books, to be kept by the Clerk to the said Trustees for that Purpose, and be signed by the Trustees present at the Meeting or Meetings at which such Orders and Proceedings shall be from Time to Time made or had, or the major Part of such Trustees, or by their Chairman, and that such Book or Books shall be open at all seasonable Times to the Inspection of any of the Trustees appointed or to be appointed by or under this Act, without Fee or Reward; and such Orders and Proceedings so entered and signed by such Number of the said Trustees as are empowered by this Act to make such Orders or carry on such Proceedings, or by the Chairman at any Meeting at which a sufficient Number of the said Trustees attended

to make such Orders or carry on such Proceedings, shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, as well as the Book or Books in which the Oath or Affirmation hereinbefore directed to be taken by the said Trustees shall be entered, and also the Book or Books directed to be kept for registering the Mortgages and Assignments herein-after mentioned, and all Entries in such Books, respectively, shall and may be read in Evidence in all Courts whatsoever, in all Cases of Appeal, and in all Prosecutions, Suits, and Actions touching any thing done or to be done by virtue or in pursuance of this Act.

XIV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct such separate and distinct Books as herein-after are mentioned, to be provided and kept by their Treasurer or Treasurers for the Time being, in which Book or Books such Treasurer or Treasurers shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of the said new Lines of Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees or any of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward, and shall be copied from thence into one general Book, which shall be produced at all General Meetings, with the Accounts duly made up, having been previously audited and inspected with Vouchers, by any Three of the said Trustees nominated and appointed for the Purpose; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of Trustees and Creditors.

XV. And be it further enacted, That the Trustees appointed or to be appointed by or under this Act, may sue and be sued in the Name of their Clerk for the Time being; and that no Action which shall be brought or commenced by the Direction of or against the said Trustees or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death, Incapacity, or Removal of any such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees or any Five of them at the least, at a public Meeting to be held for that Purpose; but the Clerk to the said Trustees for the Time being shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action: Provided also, that in case there shall be any Action or Suit between the Clerk and Trustees, the Action or Suit may be brought in the Name of One of the said Trustees: Provided always, that every such Clerk or any such Trustee, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall respectively be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceeding he or they shall be put unto or become chargeable with by reason of his or their being made Plaintiff or Defendant therein as aforesaid.

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

Power to enter Lands and make Roads.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through or adjoining to which or whereupon the said new Lines of Road hereby authorized to be made are intended to pass, and to stake out ; and after Payment of such Satisfaction as herein-after is mentioned, to make the same of such Width, not exceeding Thirty-five Feet, and in such Manner as the Trustees shall think necessary and proper, without being deemed a Trespasser or Trespassers, or without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damage that shall be done to the Lands or Grounds on the Sides of the said Road, whilst the same shall be making, as herein-after is mentioned ; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Trustees may widen and divert the old Road.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make, widen, divert, shorten, vary and alter the Course or Path of any Part or Parts of the said present Road, through any Waste Grounds, Common, or uncultivated Lands, without making Satisfaction for the same ; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damages they shall sustain thereby : Provided always, that it shall not be lawful for the said Trustees to deviate more than One hundred Yards from the present Road, save and except with regard to the said intended new Lines of Road, without the Consent of the Owner or Owners of such Grounds.

New Road to be made according to Plan.

XVIII. And whereas Two Maps or Plans, describing the said intended new Lines of Road, and the Lands through which the same are to be carried, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Devon* ; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to peruse and inspect the same, and take Copies or Extracts therefrom at their Will and Pleasure, paying to the Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies of or Extracts from the said Maps or Plans, and Books of Reference ; and the said Trustees, in making the said new Lines of Road, shall not deviate more than One hundred Yards, of Three Feet each, from either Side of all or any Part or Parts of the Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be made, unless otherwise directed by this Act.

Trustees not to deviate more than 100 Yards.

XIX. Pro-

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Turnpike Road into, through, across, or over the Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Lands or Grounds over which the same is or are set or described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Devon*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Lands marked in the Plan may be used notwithstanding Errors in the Books of Reference.

XX. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend, or be construed to extend, to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, except a Linhay, Courtilage, and Outhouses at *Smithaleigh* aforesaid, in the Parish of *Plympton Saint Mary*, in the said County of *Devon*, now in the Occupation of *Grant Widow*, and *John Grant*; a Homestead and Orchard in the Parish of *Ermington*, in the said County of *Devon*, in the Occupation of *Richard Barons*; a Homestead in the said Parish of *Ermington*, in the Occupation of *James Ford*; a Garden in the Parish of *Ugborough*, in the said County of *Devon*, in the Occupation of *Thomas Ryder*; a Linhay near *Bideford Bridge*, in the said Parish of *Ugborough*, in the Occupation of *Francis Hodder*; Two Orchards in the Parish of *South Brent*, in the said County of *Devon*, in the Occupation of *William Skelton Hosking*; a Dwelling House and Garden at the West End of *Brent Bridge* aforesaid, in the said Parish of *South Brent*, in the Occupation of *John Newman* and *Thomas Patey*; a Barn, Courtilage, and Orchard on the East Side of *Brent Bridge* aforesaid, in the Occupation of the said *William Skelton Hosking*; a Blacksmith's Shed in the Town of *South Brent* aforesaid, in the Occupation of *John Prettyjohns*; a Dwelling House and Garden in the said Town of *South Brent*, in the Possession or Occupation of *Robert Cuming*; a Dwelling House, Outhouses, Courtilage, Garden, and Two Orchards in the said Parish of *South Brent*, in the Occupation of *Henry Goodman*; Two Gardens and Three Orchards in the said Parish of *South Brent*, in the Occupation of *Jeffery Hosking*; a Dwelling House, Garden, and Orchard in the said Parish of *South Brent*, in the Occupation of *John Wakeham*; a Barn, Courtilage, and Orchard in the said Parish of *South Brent*, in the Occupation of *Henry Hoare*; a Dwelling House and Garden in the said Parish of *South Brent*, in the Occupation of *John Prettyjohns*; a Dwelling House, Courtilage, Barn, and Orchard, in the said Parish of *South Brent*, in the Occupation of *William Bradbridge*; a Dwelling House and Garden in the said Parish of *South Brent*, in the Occupation of *Thomas Connybeare* and *Bremicombe*; a Dwelling House, Outhouses, Courtilage, Garden and Orchard in the said Parish of *South Brent*, in the Occupation of *William Bradbridge*; a Dwelling House, Orchard, Courtilage and Garden in the said Parish of *South Brent*, in the Occupation of *John Wakeham*;

Trustees restrained from pulling down Dwelling-houses, &c.

Two

Two Orchards and a Garden in the Parish of *Dean Prior*, in the said County of *Devon*, in the Occupation of *James Bowerman*; a Garden in the said Parish of *Dean Prior* in the Occupation of *John Hamling*; an Orchard in the Parish of *Ashburton*, in the said County of *Devon*, in the Occupation of *Richard Wills*; Two Orchards in the Parish of *Bickington*, in the said County of *Devon*, in the Occupation of *John Browning*; a Garden in the said Parish of *Bickington*, in the Occupation of *John Caunter*; a Homestead and Orchard in the said Parish of *Bickington*, in the Occupation of *William Collings*; a Dwelling House in *Culver-street*, in the Town and Parish of *Chudleigh*, in the said County of *Devon*, in the Occupation of *Elizabeth Moxberry*; a Dwelling House in the said Street called *Culver-street*, in the Occupation of *Mary Martin*; a Dwelling House in the said Street in the Occupation of *Thomas Plimsall*; the Site of a Dwelling House adjoining the said Street, in the Occupation of *Thomas Ball*; Two Houses in the said Street, in the several Occupations of the said *Thomas Ball* and *John Wotton*; Five Dwelling Houses in the said Street, in the several Occupations of *George Bailey*, *Matthew Causely*, *Samuel Hill*, and *James Gale*; a Dwelling House in the said Street, in the Occupation of *Mary Barnes* and *Jane Hansford*; Two Dwelling Houses in the said Street in the Occupation of *Hugh Glass* and *Joseph Wingyett*; a Homestead and Garden in the Town of *Chudleigh* aforesaid, in the Occupation of *Clark Spinster*; an Orchard and Garden in the Town of *Chudleigh* aforesaid, in the Occupation of *Edward Langallen* and *James Tucker*; an Orchard in the Town of *Chudleigh* aforesaid, in the Occupation of *William Todbill*; an Orchard in the Parish of *Kenn*, in the said County of *Devon*, in the Occupation of *Elizabeth Well Spinster*.

Trustees may purchase Lands for the Purposes of the Act.

XXI. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time assembled at any Meeting or Meetings to be holden under this Act, to contract and agree with the Owners of and Persons interested in any such private Lands or Grounds for the Purchase or Exchange thereof, or for the Loss or Damage which such Owners and Persons interested, or any of them, shall or may in anywise sustain, by making, turning, or altering the Course of any Part or Parts of the said Turnpike Road by this Act directed to be made or amended; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Guardians and other Trustees whatever, for or on Behalf of any Infants, Females Covert, Cestuique Trust, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Grounds, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them all or any such Lands or Grounds, as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made, shall, without any Fine or Fines, common Recovery or common Recoveries, be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees

in Trust, Executors, Administrators, Guardians and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or Trustees, or any other Person or Persons interested in any such Lands or Grounds, upon Notice to him, her, or them given in Writing, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Head Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so to be used or taken for the Purpose of making or improving the said Road, or any Part or Parts of such Road, shall, by the Space of Forty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be hindered from treating, then and in every such Case the said Trustees shall cause it to be enquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County of *Devon* (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors, Occupiers or other Person or Persons interested, for, upon, or on account of the using and taking such Lands or Grounds for the Purposes of this Act; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching and concerning the Premises (which Oaths any Two or more of the said Trustees are hereby empowered to administer); and they shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as the Jury's better Information in the Premises, as the said Trustees shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, the said Trustees shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands or Grounds, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, and Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming in Possession, in Fee, or in Tail General or Special, Reversion or Remainder or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate and Sole, as well as all Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person or Persons anyways interested in such Lands or Grounds, shall upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, or upon depositing the same in the Bank of *England* in the Manner directed by this Act, as the Case may require, thereby be thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest and Property

Where Persons interested neglect or refuse to treat;

Damage and Recompence to be ascertained by a Jury.

Witnesses to be examined on Oath.

For impan-
nelling a
Jury.

of, into, or out of the same ; and for the summoning and returning such Jury or Juries the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Devon*, thereby commanding and requiring the said Sheriff to impanel, 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 the said Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear on such Summons, the said Trustees shall swear or cause to be sworn Twelve who shall be the Jury for the Purposes aforesaid ; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve ; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array ; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear without sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give their Verdict, or in any other Manner shall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act ; and if any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, or appearing, shall refuse to be sworn and give Evidence ; and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are hereinafter directed to be levied and applied, so that such Fines shall not exceed the Sum of Ten Pounds on any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid, for any one Offence.

Jurors may
be chal-
lenged.

How Ex-
pences of
Jury are to
be paid, &c.

XXII. And be it further enacted, That in case any Jury shall give and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property, of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers of the said Trustees, out of any Money arising or to arise by virtue of this Act ; but if such Jury shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of such Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference,

ference, 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, having been ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same), 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, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the Sums be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Treasurer to the said Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided, that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

XXIII. And be it further enacted, That every Sum of Money or Re-compence to be agreed for or assessed as aforesaid, shall be paid by the said Trustees to the Parties or Persons respectively entitled thereto, or his or their Agent or Agents, and on Payment thereof in Manner aforesaid, or (in case of Refusal to accept the same, or the Parties not being to be met with), upon depositing the same in the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed, and after Fourteen Days Notice given to such Parties or Persons, or to his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so to be agreed for or purchased as aforesaid, such Lands and Hereditaments shall be used and taken for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched and fenced off from the Lands adjoining thereto, and shall, to all Intents and Purposes, become and be deemed a common Highway, and shall thenceforth for ever be deemed a Part of the Road by this Act directed to be made, and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

XXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, 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 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

Money agreed upon or assessed for Lands, how to be charged and tendered.

Application of Compensation Money if amounting to 200l.

been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements and Hereditaments, standing settled therewith, to the same or the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements and Hereditaments which shall be purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing, undetermined, and capable of taking effect; and in the meantime, 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 meantime, 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 to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

Application
of Com-
pensation
Money
where less
than 200l.
and exceed-
ing 20l.

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

Application
of Com-
pensation
Money
where no
more than
20l.

XXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last-before mentioned, shall not exceed 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
or

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.

XXVII. And be it further enacted, That in case any Person or Persons, to whom any Sum or Sums of Money shall be awarded or assessed for 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 the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the 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 High 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 High 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

In case of
disputed
Titles, &c.

XXVIII. Provided always, and be it further enacted, That where any Question shall arise, touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High 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 to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the High 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, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that

Persons in
Possession to
be deemed
presump-
tively entitled.

[Local.]

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some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Trustees.

XXIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporations 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 High 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 be lawful for the said High 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 received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the Court shall direct.

Trustees empowered to sell Ground, &c. not wanted for the Purposes of this Act.

XXX. And whereas the Trustees for executing this Act may be seized of some Piece or Pieces of Ground, over and above what may be necessary for effectuating the Purposes of this Act; be it therefore enacted, That it shall and may be lawful for the said Trustees from Time to Time to sell and dispose of such Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract (as they shall find most advantageous and convenient), to such Person or Persons as shall be willing to contract for and purchase the same.

Owners of the adjoining Lands to have the first Offer.

XXXI. Provided always, and be it further enacted, That in case the said Trustees shall think proper, or shall by virtue of this Act be required to sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, or of any Toll House, or any Erection, Building, or Garden attached thereto, and which is not by this Act directed to be otherwise disposed of, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been first purchased; or in case such Ground shall be a Piece or Pieces of old Road, to the Person or Persons whose Land shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree, except with respect to or on account of the Price thereof, to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Devon*, who are hereby respectively empowered to take such Affidavit, by some Person or Persons no way interested in the said Piece or Pieces of Ground, Toll House, or any Erection, Building, or Garden attached thereto, stating that such Offer was made by or on the Behalf of the said Trustees; and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, Toll House, or any Erection, Building, or Garden attached thereto, and he, she, or they and the said Trustees shall differ, or not agree with re-

spect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner by this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication, or Nonapplication of such Money, or compelled or compellable to see to the Application thereof.

XXXII. And be it further enacted, That in all Cases where the said Trustees shall make or turn, or alter any Part or Parts of the said Roads, or make a new Road over and through any private Lands or Grounds, the said Trustees shall make or cause to be made on both Sides of such new made Road, a good and sufficient Fence of Posts and double Rails, or good and sufficient Hedges or Fences, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, and Arches where necessary, out of the said Road into the Lands adjoining: Provided always, that all new Fences to be erected on any Part of the said Roads for the Purpose of fencing the same, shall be limited to the Height of Six Feet, to be measured from the Foot of the said Fences, if built of Stone alone; and if made of any other Materials, and planted, the Banks on which the Plants shall be set shall in no Case exceed the Height of Five Feet and Six Inches.

Trustees to fence the new Road.

Height of Fences.

XXXIII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize or appoint, shall be and are hereby empowered from Time to Time to contract and agree with any Person or Persons for the making, amending, diverting, altering, straightening, and improving the said Roads, or any Part thereof, or for erecting Mile or Direction Posts or Stones thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees or any Five or more of them shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties or Persons as shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees, or any Five or more of them, or by their Clerk, Treasurer or Treasurers, and in his, her, or their Name or Names respectively, and Damages or Costs recovered against the Party or Person, Parties or Persons failing in the Performance of such Contracts or Agreements respectively, and such Sum or Sums of Money as shall or may be requisite for making the said new Lines of Road, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damage to be recovered in any such Action or Suit, against any such Party or Person,

Trustees may contract for making Roads.

Person, Parties or Persons so as aforesaid making default, in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Notice to be given when Roads are prepared for being travelled over.

XXXIV. And be it further enacted, That when and as soon as any of the new Lines of Road hereby intended to be made and constructed shall be completed and finished, and be certified by any Two or more Justices of the said County of *Devon*, by Writing under their Hands, to be fit to be travelled over, Notice in Writing of such Part of the Road being so made and completed, and of such Certificate having been made, shall be given by the Clerk of the Trustees acting under this Act, to the Clerk of the Trustees within whose District such new Line of Road shall be.

After Notice, the new Road to be repaired as the old Road.

XXXV. And be it further enacted, That from and after the Delivery of the said Notice, the Trustees to whose Clerk the said Notice shall have been given, shall from thenceforth be and be deemed liable to the Repair, Maintenance, and Support of the said Road, so newly made and constructed, and shall be discharged from the future Repairs of the Parts of the old Road, in lieu whereof such new Road shall be made; (except as to such Part of the present Road as is situated between the Village of *Alphington* and *Clapham Brook*, near the Four Mile Stone from *Exeter*, on the same Road, which is still to remain Part of the said Turnpike); and the said recited Act for amending, repairing, and improving the old Road, and all Trusts, Clauses, Provisions, Penalties, Forfeitures, Matters and Things therein contained, shall extend and be applied, and are hereby extended and applied, to such new Line of Road respectively, in the same Manner to all Intents and Purposes as if such new Line of Road had been Part of the old Road, by such Act authorized to be amended, repaired, or improved.

Power to stop up certain parallel Roads.

XXXVI. And whereas by the making of the new Lines of Road, several considerable Parts of the present Turnpike Roads and other Highways thereunto adjoining will become useless, and may, if not stopped up, be the Means of enabling Persons to evade the Tolls hereby granted; be it further enacted, That immediately after any Part of the new Line of Road shall be opened for the passing of Horses and other Cattle, Coaches and other Carriages thereon, and shall be certified so to be by any Two Justices of the Peace for the said County of *Devon*, any Part of the said present Turnpike Road, or any other Highways which shall appear to such Two Justices to be unnecessary, shall (after due Notice being given and Survey made of such Roads by the said Two Justices) pursuant to an Act passed in the Fifty-fifth Year of His late Majesty, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a Public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads*, be forthwith stopped up or discontinued as a Turnpike Road as aforesaid; and the Ground and Soil of every Road which shall be so stopped up, shall be and is hereby vested in the Trustees appointed by or by virtue of this Act, and may be sold and disposed of by them as herein-before is mentioned.

XXXVII. Pro-

XXXVII. Provided always, and be it further enacted, That in all Cases where there shall be Two parallel Lines of Turnpike Road, the old Part of which cannot be stopped up and discontinued, on account of its being used by any Owners or Occupiers of any Messuages or Dwelling Houses, or Fields or Closes of Land adjoining thereto, that then and in such Cases all Roads now forming Part of the said Turnpike Roads, but which, being discontinued as such, shall nevertheless be kept open for the Accommodation of Persons resident on the Sides thereof, shall not from thenceforth be repaired by the Trustees acting in Execution of any of the said recited Acts.

Proviso for Repair of Roads which cannot be stopped up.

XXXVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors employed by the said Trustees, and such Person and Persons as he or they shall appoint, to search for, dig, take, and carry away any Materials proper for making, amending, diverting, altering, straightening, or improving the said Roads, or for the other Purposes of this Act, out of any Waste or Common Ground, or out of any Common River or Brook, (not being within the Distance of One hundred Yards of any Bridge, Dam, Weir, or Jetty), in any Parish in which any Part of the said Roads lie, or any adjoining Parish, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers; and the said Surveyor or Surveyors, or other Person or Persons filling up, fencing, and levelling all such Hole or Holes as shall be made or occasioned by digging for or taking away such Materials, and making such Allowance or Satisfaction to the Person through whose Lands or private Ways such Materials shall be brought or carried, for the Damage done and occasioned thereby, as the said Trustees shall judge fit and reasonable; and in case sufficient Materials cannot be conveniently gotten in such Waste or Common Grounds, Rivers or Brooks as aforesaid, it shall be lawful for such Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of any Two or more Justices of the Peace for the County of *Devon*, to search for, dig, take, and carry away any such Materials out of the Lands of any Person or Persons, not being a Garden, Orchard, Yard, Paddock, Park, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Plantation or Nursery for Trees, in any Parish in which any Part of the said Road lies, or in any adjoining Parish, Township, or Place, making or tendering such Satisfaction for such Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and also to land on or carry through or over any inclosed Lands or Grounds, not being a Garden, Orchard, Yard, Paddock, Park, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery or Plantation for Trees, or on, through, or over any Open Land or Common, any Stone or other Materials for making the said Roads, or for building any Toll House or Toll Houses, or Bridges on or by the Side thereof, from any Rivers, Streams, or Canal in any Parish through which any Part of the said Roads lie, or in any adjoining Parish, paying or tendering for the Damage done in landing on, or going through, or over any inclosed Lands or Grounds for or with such Materials, such Sum or Sums as the said Trustees, or any Five or more of them shall judge reasonable;

Power to get Materials.

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and

and in case of any Difference between such Trustees, Surveyors, or other Person appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County of *Devon*, after Ten Days Notice in Writing given by either Party to the other, shall hear, settle, and finally determine the Matter of such Payments and Damages, and award such Costs to be paid by either Party as they shall think proper.

Notice to be given before Materials taken.

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

Penalty on taking away Materials got by the Surveyor.

XL. And be it further enacted, That if any Person whatsoever shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act, or shall get or take away any Materials out of, or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials or making the said Roads, before the said Surveyors or other Workmen shall have discontinued working therein for the Space of Twenty-one Days, (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, to get Materials therein for his own private Use only, and not for Sale), every Person so offending, shall for every such Offence, forfeit any Sum not exceeding Forty Shillings.

Power to make Causeways, Bridges, Drains, &c.

XLI. And be it further enacted, That it shall and may be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Footways, Footpaths, and Causeways in or along the Sides of the said Roads, in such Manner as they shall think proper, and to cut or make Drains or Watercourses in and upon the said Roads, and also through any Ground lying contiguous or near thereto, and to erect and build Bridges, Culverts, and Arches thereupon, and also to make Ditches, and Trenches, in such Places and in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, shall judge necessary, and to make sufficient Fences,

Barriers, and other Erections on any Part or Parts of the said Roads, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary.

XLII. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence, of any Field, Ground, Yard, or other Place, adjoining to any Part of the said Road, save and except such Gate or Gates, the Hanging Post or Posts whereof shall be so far distant from the Centre of the said Road, so that no Part of such Gate or Gates shall when opened swing or hang over any Part of the said Road, shall be so made, hung, and constructed as to open inward towards such Field or Ground, and not outward towards the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward toward such Field, again alter the same so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; and that it shall be lawful for the said Trustees, or any Three or more of them, to cause all or any of such Gates as are now erected and open outward towards the said Road, to be altered and made to open inward towards such Field or Ground, Yard, or other Place, as they the said Trustees shall think proper.

Gates to
Fields to
open inwards.

XLIII. And be it further enacted, That for the Purpose of collecting and receiving the Tolls hereby granted, the Trustees appointed, or to be appointed in or by virtue of this Act, shall and may and they are hereby authorized and required to erect, or cause to be erected, Toll Gates in, upon, or across, or on the Side of any Part of the new Lines of Road, when the same is made and completed, provided the same do not extend to a Double Charge of Toll on the same District of the said new Lines of Road; and also in, upon, or across any Lane or Highway that does or shall lead into or out of the same respectively, as they the said Trustees shall think proper and expedient, (subject nevertheless to such Restriction and Directions as are herein-after mentioned or contained concerning the same), and also shall and may erect and provide a Toll House, with suitable Buildings, a Garden and other Conveniences, not exceeding Ten Perches of Land, at or near each of the said Toll Gates.

Toll Gates to
be erected.

XLIV. And be it further enacted, That the Right and Property of and in all and every the Toll Gates, Toll Houses, and Buildings erected by virtue of this Act, and of and in all Materials for building the same, and also of and in all Rails, Posts, and Fences which shall be provided or used for the Purposes of this Act, and also of and in all Tools, Implements, Stones, Gravel, and other Materials purchased, gotten, or had, or to be purchased, gotten, or had, for making or repairing the said Roads, shall be and the same are hereby vested in the said Trustees, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit for the Benefit of the said Roads, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Information or Informations, Bill or Bills of Indictment against any Person or Persons who shall steal, take, carry away, or injure the same, or shall interrupt them the said Trustees, or any of their Officers, in the Possession thereof, in all which

Toll Gates to
be vested in
Trustees.

said

said Proceedings it shall be sufficient to state generally such Toll Gates, Toll Houses, Buildings, Rails, Posts, Fences, Materials, Tools, Implements, and other Matters and Things as aforesaid, to be the Property of the Clerk or Clerks for the Time being to the said Trustees.

Power to remove Toll Gates.

XLV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates erected by virtue of this Act, in, upon, or across, or on the Side of the new Lines of Road, or any other Toll Gates which shall be erected by virtue of this Act in, upon, or across the same Roads, or on the Side or Sides of any Part thereof, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Roads as the said Trustees, or any Five or more of them shall from Time to Time order and direct; provided that none of the said Toll Gates shall be removed as aforesaid, unless Notice in Writing of the Intention to remove the same shall have been fixed upon all the Toll Gates then standing upon the said new Lines of Road, nor unless such Notice shall have been advertised in some Newspaper published in the said County of *Devon*, Twenty Days at least previous to such Order being made.

Power to take Tolls.

XLVI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act, Collector or Collectors as aforesaid, and they are hereby authorized and required to demand and take (subject to the Restriction herein mentioned) at each and every of the respective Toll Gates and Side Gates which shall be erected by virtue of this Act, in, upon, or across the said Roads, or any Lane or Highway leading into the same, before any Horse, Beast, or other Cattle, or any Coach, Chaise, Waggon, Cart, or other Carriage shall be permitted to pass through the same, the several Tolls and Duties following; (that is to say),

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

For every Stage Coach drawn by Six or more Horses, Mules, or other Cattle, the Sum of Three Shillings:

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

For every Stage Coach drawn by Four or more Horses, Mules or other Cattle, the Sum of Two Shillings:

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

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

For every Stage Coach drawn by Three Horses, Mules or other Cattle, the Sum of One Shilling and Nine-pence:

For every Stage Coach, drawn by Two Horses, Mules or other Cattle, the Sum of One Shilling and Sixpence:

For

For every Chaise, Car, or Chair, having Two Wheels only, drawn by Two Horses, Mules, or other Beasts, the Sum of Nine-pence :

For every Chaise, Car or Chair, drawn by one Horse, Mule, or other Beast, the Sum of Sixpence :

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

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

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

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

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by Four Horses or other Beasts, the Sum of One Shilling and Sixpence :

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by Three Horses or other Beasts, the Sum of One Shilling :

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by Two Horses or other Beasts, the Sum of Eight-pence :

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by one Horse or other Beast, the Sum of Sixpence :

For every Carriage (without Horses) of any Description, which shall be fastened or tied, or in any Manner affixed to another Carriage, the Sum of Sixpence :

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

XLVII. And be it further enacted, That all and every the Tolls by this Act authorized to be taken, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls, shall after Demand thereof made by the Person or Persons so authorized to receive the same, neglect or refuse the Payment thereof, or of any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize and distrain any Horse or other Cattle, together with their Bridles, Saddles, Harness or Accoutrements, or any Carriage, together with its Lading, upon which any Toll is by this Act imposed, (but no such Bridle, Saddle, Harness or Accoutrements, shall be so seized without detaining and seizing the Horse or other Beast bearing the same), or any of the Goods or Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress and keeping the same shall not be paid within the Space of Five Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, Goods, and Chattels so distrained, and out of the Money which shall arise by such Sale, pay such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any) upon Demand to the Owner or Owners thereof.

Tolls vested
in Trustees.

XLVIII. And be it further enacted, That all Waggons, Carts, and other such like Carriages, having the Wheels and Axletrees of the Widths and

[Local.]

5 X

Descriptions

No Toll additional for
Overweight

on Carriages
with Cylindrical
Wheels.

Descriptions directed by an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty, intituled *An Act to enable Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying Extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Toll to be
paid only at
One Gate to
each District.

XLIX. And be it further enacted, That no Toll shall be demanded for or in respect of any Horse, Beast, or other Cattle, or any Coach, Chaise, Waggon, Cart, or other Carriage, in respect of which Toll shall have been paid at any Toll Gate in any of the said Districts, for passing on the same Day through any other Toll Gate or Toll Gates within the same District, a Note or Ticket being produced, denoting that the Toll had been paid for or in respect of any Horse, Beast, or other Cattle, or any Coach, Chaise, Waggon, Cart, or other Carriage, on the same Day at such other Toll Gate (which Notes or Tickets the Collectors of the Tolls are hereby required to deliver *gratis*) on the Receipt of such Tolls, and which Ticket shall name and specify the Gates freed by Payment of such Toll.

Stages
Coaches to
pay on pass-
ing or repass-
ing each Dis-
trict.

L. Provided nevertheless, and be it further enacted, That Toll shall be paid in respect of every Stage Coach, at one Gate to be erected as aforesaid on each of the said Districts, every Time of passing and repassing.

Penalties on
Toll Collec-
tors not put-
ting up their
Names or
misbehaving.

LI. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected under or by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming upon Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground; and if any Collector of the said Tolls shall not place such Board, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim and satisfactorily make out such Exemption, or shall refuse to permit and suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the Gates so freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay for every such Offence, any Sum not exceeding Five Pounds.

LII. And be it enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages attending His Majesty, or any of the Royal Family. Exempting
Royal Family
from Toll.

LIII. And be it further enacted, That no Tolls shall be demanded or taken by virtue of this Act, for any Waggon, Cart or other Carriage, nor for any Horse or other Cattle drawing the same, which shall be employed only in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be used for making the said Roads, or making or building any Bridges, Drains or Fences thereon; or any Hay not having been stacked, or any Corn in the Straw only, not sold or disposed of, but intended to be laid up in Houses, Outhouses, Barns or Yards of the Owners thereof, in any of the Parishes in which any Parts of the said Roads lie; or any Ploughs, Harrows, or other Implements of Husbandry to be used in any of the same Parishes only, or to any Place for the Purpose of Repair, or from any Place after such Repair; nor for any Waggon, Cart, or other Carriage which shall be employed only in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying on the same Day any Materials for repairing any Highways in any of the Parishes in which any Parts of the said Roads lie; and that no Toll shall be demanded or taken by virtue of this Act, from any Rector, Vicar, or Curate, residing in any of the Parishes in which any Part of the said Roads lie, going to or returning from his own Parish Church or Chapel, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their proper parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated; or to attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes; nor for any Horses, Mules, Asses or Oxen kept within such respective Parishes, going to or returning from Water or Pasture, or going to or returning from being shod; nor for any Horses 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 the same, or when returning back from conveying the same; nor for any Horses of Officers or Soldiers on their March or on Duty, nor for Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry; and rode by him in going to or returning from the Place appointed for and on the Days of Exercise; provided that all and every such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption, and not otherwise; nor for any Waggon, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Exemptions
from Toll.
Ordnance,

Ordnance, or Barrack, or other Public or Commissariat Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes, or returning after having been so employed; nor for any Horse or Carriage going to or returning from any Election of any Knight or Knights of the Shire to serve in Parliament for the County of *Devon* on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid (not being entitled thereto) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of the Exemption shall lie on the Person claiming the same.

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

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

Power to compound for Tolls.

LV. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding Three Years, at any one Time, with any of the Inhabitants of the several Parishes in which any Part of the said Roads lie, for the passing of all or any Description of their Horses, Cattle, or Carriages, through all or any of the Toll Gates to be erected by virtue of this Act; which Composition shall be paid yearly in advance; and in default thereof, the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied; but no such Composition or Agreement shall be made by less than Five Trustees, nor otherwise than at a public Meeting.

For settling Disputes concerning Tolls.

LVI. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to retain such Distress, or the Money arising from the Sale thereof, till the Amount of the Tolls and Charges of such Distress shall be ascertained by some Justice of the Peace for the County of *Devon*, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as he the said Justice shall think proper; all which Costs and Charges shall and may be forthwith levied and recovered, in case of

Non-payment

Non-payment thereof, on the Goods and Chattels of the Person or Persons from whom the same shall be due, by Warrant under the Hand and Seal of such Justice; rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

LVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise relative to the said Tolls, no Person or Persons collecting and managing the same under the Authority of the said Trustees, or of any Lessee or Lessees of the said Tolls, shall be deemed incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason or on account of his, her, or their renting, collecting or managing the same as aforesaid.

Toll Gate
Keepers not
incompetent
Witnesses.

LVIII. And be it further enacted, That no Inhabitant of any Parish, Township, or Place in which any Offence may be committed against this Act, shall be deemed and adjudged to be an incompetent Witness, by reason or on account of his, her or their being an Inhabitant of such Parish, Township, or Place.

Inhabitants
competent
Witnesses,

LIX. And be it further enacted, That if any Person shall with any Horse, Cattle, Beast or Carriage, go or pass into the said Roads through or over any Land or Ground adjoining thereto, not being a public Highway, and such Person not being the Owner or Occupier, or Servant, or one of the Family of the Owner or Occupier of such Land or Ground, with an Intent to evade the Payment of any of the Tolls by this Act granted; or if any Owner or Occupier of any such Land or Ground shall knowingly or willingly permit or suffer any Person (except as aforesaid) with any Horse, Cattle, Beast or Carriage whatsoever, to go or pass through or over such Land or Ground with Intent to evade any of the said Tolls; or if any Person shall give to or receive from any Person other than the Collector of the said Tolls, or forge, counterfeit or alter any Note or Ticket by this Act directed to be given, with Intent to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall forcibly pass through any such Toll Gate with any Horse, Cattle, Beast or Carriage, or shall unload or cause to be unloaded any Goods, Wares, or Merchandize, or take off or cause to be taken off any Horse or other Beast or Cattle from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through the said Toll Gate, whereby the Payment of all or any of the said Tolls shall or may be evaded; every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
evading Tolls.

LX. And be it further enacted, That the said Trustees shall be and they are hereby empowered, after giving Twenty Days Notice thereof in one of the Public Newspapers of the said County of *Devon*, and also in Writing to be affixed on the Toll Gate or respective Toll Gates, the Tolls whereof shall be intended to be leased, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts of such Tolls,

Power to
lease Tolls.

[*Local.*]

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by

by public Auction, for any Term not exceeding Three Years at a Time, for the best Price that can be had or gotten for the same, and to put up and offer the said Tolls to be let at such annual Sum or Sums of Money, and under such Conditions, Covenants, Reservations and Agreements as they the said Trustees shall think fit, taking such Security for the Payment of such Rents and Performance of the Covenants to be comprised in such Lease or Leases, as the said Trustees shall think fit, and the Money arising thereby shall be applied in such Manner as the Tolls so leased are by this Act directed to be applied; and at all such Lettings the Trustees shall have or be entitled to bid for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized, any Law or Statute to the contrary notwithstanding.

Enabling Trustees to take Possession of Toll-houses, &c. when let to farm or held by Collectors for Trustees.

LXI. And be it further enacted, That in case all or any of the said Tolls granted by this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Seven Days next after any of the Days on which the same ought to have been paid, pursuant to the Lease or Agreement for demising or leasing thereof; or in case such Lease or Agreement shall in any other Manner become void; or in case any Toll House or Toll Houses shall be in Possession of any Collector or Collectors, who shall be removed or discharged from his, her, or their Office of Collector; or in case of the Death of any Collector who was at the Time of his or her Death in Possession of any Toll House or Toll Houses then and in any of those Cases, it shall and may be lawful for any Justice of the Peace for the County of *Devon*, upon Application made to him by the said Trustees, or by their Clerk or Treasurer, by Warrant under his Hand and Seal to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, and the Buildings, Gates and Appurtenances thereunto belonging; and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, or such Collector or Collectors, or other Person or Persons having Possession of the said Toll House or Toll Houses, from the Possession thereof, and from the Collection of Tolls; and thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Lease and Agreement (if any) for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall from that Time be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment up to that Time, of the Rent or Rents thereby reserved, or other Covenants or Agreements on the Lessee's Part, which shall have been broken or not performed) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected, as if no former Demise, Contract or Agreement had been made relative thereto.

Penalty on Lessees compounding for overweighted Carriages.

LXII. And be it further enacted, That if the Lessee or Farmer for the Time being of any of the Tolls hereby granted, or any Person acting under him, or any Person having the Care of any Weighing Machine which shall

shall be erected on or adjoining to the said Roads, shall, without the Concurrence of the Trustees acting in the Execution of this Act, compound for, or agree to permit, or shall suffer any overweighted Waggon or other Carriage, subject to any Increase of Toll, or to any Forfeiture or Penalty by Reason of the Weight thereof, to pass or repass through any of the Toll Gates to be erected or continued by virtue hereof, without demanding, taking and keeping the full Increase of Toll, Fine or Penalty by Law due, in respect of or inflicted upon such overweighted Waggon or other Carriage, such Lessee, Farmer, or other Person shall for every such Offence forfeit the Sum of Five Pounds, whereof One Moiety shall go to the Informer, and the other Moiety shall be applied in such Manner as other Penalties are herein-after directed to be applied.

LXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, at the First Meeting to be held for carrying this Act into Execution, or at any subsequent Meeting or Meetings, whereof Twenty Days Notice shall be given in Writing, to be affixed on the respective Toll Gates standing on the said Roads, and in one of the public Newspapers to be published for the said County of *Devon*, to borrow and take up at Interest, upon the Credit and Security of the Tolls hereby granted, any Sum or Sums of Money not exceeding in the Whole the Sum of Thirty thousand Pounds; and for securing the Payment of the same, with Interest, to mortgage and assign the said Tolls, and also the said Toll Gates and Toll Houses, with the Appurtenances thereto belonging, to the Lender or respective Lenders of such Sum or Sums of Money, or his, her, or their Nominee or respective Nominees; which Money so to be borrowed shall be applied and disposed of in such Manner as herein-after directed, and not otherwise; and which Mortgage or Mortgages, Assignment or Assignments (the Charges whereof are to be paid by the said Trustees), may be in the Form following, or in such other Form as the said Trustees shall think proper; (that is to say),

Power to borrow Money on the Mortgage of the Tolls.

BY virtue of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], we whose Hands and Seals are hereunto subscribed and set, being of the Trustees for putting the said Act into Execution, in consideration of the Sum of advanced and paid by *A. B.* of to the Treasurer of the said Trustees, do hereby grant and assign unto the said *A. B.* and his Executors, Administrators, and Assigns, such Proportion of the Tolls arising and to arise on the said Roads, and the Toll Houses and Toll Gates erected or to be erected for collecting the same, as the said Sum of doth or shall bear to the whole Sum now or hereafter to become due and owing on the Security thereof; to have, hold, receive, and take the said Proportion of the said Tolls, Toll Gates, Toll Houses, and Premises, with the Appurtenances, unto the said *A. B.* and his Executors, Administrators, and Assigns, for and during the Residue of the said Term for which the said Tolls are granted by the said Act: Provided always, that if the said Sum of shall be repaid to the said *A. B.* or his Executors, Administrators, or Assigns, together with Interest for the same after the Rate of *per Centum per Annum*, without any Deduction whatsoever, on or before the

‘ the Day of now next ensuing, then this Assignment
 ‘ shall be void, or else shall remain in full Force. In Witness whereof,
 ‘ we have hereunto set our Hands and Seals the Day of .’

Mortgages to
 be entered in
 a Book or
 Books, and
 may be
 assigned.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected by the said Trustees, or by any Creditor or Creditors of the said Trust, without Fee or Reward; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign and transfer his, her, or their Right, Title, Interest, or Benefit in and to the said Mortgage, and the Principal Money and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument to be annexed to, or by indorsing on the Back of such Security, before One credible Witness, the following Form or Words to the like Effect; (that is to say),

Form of
 Transfer.

‘ I the within named *A. B.* or *I, C. D.* Assignee, Executor, or Administrator of the within named *A. B.* [*as the Case may happen*], do transfer the within Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and to all Interest now due and hereafter to accrue thereon, unto *E. F.* his or her Executors, Administrators, and Assigns. Dated this

‘ Witness, *G. H.*’

Transfer to
 be entered by
 the Clerk.

Which Transfer shall be produced and notified to the said Clerk within Thirty Days next after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Dates, Names of the Parties, and Sums of Money thereby transferred, for which Entry the said Clerk shall be paid the Sum of Five Shillings, and no more; and such Transfer shall then entitle such Assignee, his or her Executors, Administrators, and Assigns, to the Benefit of the Mortgage, Security, and Payment of the Principal and Interest thereby secured; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators), to make void, release, or discharge the original Security, or the Money due thereon, or any Part thereof; and all Persons to whom any such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in Proportion to the principal Sum or Sums of Money thereby respectively secured, Creditors on the said Tolls and other the Premises aforesaid, in equal and proportionate Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies or the Dates of such Mortgages, Assignments, or Transfers.

No Priority
 of Mort-
 gages.

Allowing an
 Action of
 Ejectment
 to be sup-
 ported by
 One Mort-
 gagee.

LXIV. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls granted by this Act, shall seek to obtain Possession of the Toll Gates, Toll Houses, and Buildings erected on the said Road, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without reciting in such Demise the

the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in Proportion to the several Sums which may be due to them as such Mortgagees.

LXV. And be it further enacted, That whenever the Trustees acting under and by virtue of either of the herein-before several recited Acts of Parliament of the Fifty-fourth and Fifty-fifth Years of the Reign of His late Majesty King *George* the Third, shall and may offer and propose to advance and pay annually to the Treasurer of the Trustees acting under this Act, any Sum or Sums of Money not being less than One hundred Pounds at a Time, such Sum or Sums to be then paid by Four equal Quarterly Payments, each Quarter to commence on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December* in every Year, and which annual Sum or Sums such Trustees respectively are hereby authorized and empowered to pay accordingly, out of any Monies to be raised or recovered by virtue of the said recited Acts respectively; the said Trustees acting under this Act, or any Five or more of them, may and they are hereby authorized and empowered from Time to Time to lessen or reduce all or any of the several Tolls hereby granted, at all or any of the said Gates to be erected under or by virtue of this Act, on the new Lines of Road within the Jurisdiction of the Trustees acting by virtue of such recited Act respectively, in such Degree as such Trustees acting under this Act may in their Discretion think proportionate to the annual Sum or Sums of Money to be advanced and paid; and upon Failure or Discontinuance of the Payment of such annual Sum or Sums respectively, for the Space of One Calendar Month after any of the Days herein-before mentioned, then to raise again the said Toll or Tolls so lessened or reduced, to any Sum not exceeding the Tolls respectively hereby granted: Provided always, that such Reduction of the Tolls shall always take place at the Toll Gate or Toll Gates within that Part of the Road which shall be within the District of the Trustees who may pay such Sum or Sums of Money, and not on any other Part or Parts of the said Road; and that in case the Tolls so reduced shall be let, the Lessee or Lessees, his or their Heirs, Executors, Administrators, or Assigns, shall receive and be entitled to the annual Sum or Sums of Money so to be paid, in lieu of full Payment of the said Tolls.

LXVI. And be it further enacted, That whenever the new Lines of Road within any one of the Three Districts aforesaid shall be completed, and the Monies raised by the Tolls hereby granted on the new Lines of Road within such District shall be equal and amount to the Monies expended by the said Trustees acting under this Act on the new Lines of Road within such District, then and in such case the Tolls authorized to be collected upon the new Lines of Road included in such District by virtue of this Act, shall be reduced to the Amount of One Half of such Tolls, and the Tolls when so reduced in such District shall be collected and applied from thenceforth to the general Purposes of this Act; but such Reduction shall not extend or be construed to extend to alter or

[Local.]

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impair

Power to
lessen Tolls.

When the
Monies re-
ceived by the
Tolls shall
be equal to
the Monies
expended in
making the
new Lines,
the Tolls
shall be re-
duced in that
particular
District.

impair any of the Powers of this Act, as far as the same relates to the Collection of Tolls on the new Lines of Road within the other Districts.

Application
of Tolls.

LXVII. And be it further enacted, That the Monies which shall arise or be produced by or from the Tolls by this Act granted, and also the Monies to be borrowed or raised by virtue of this Act, and the Monies to arise by all or any Land or Ground hereby authorized to be sold by the said Trustees, shall be applied to and for the several Purposes, and in the Order and Manner following; (that is to say), in the First Place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for and obtaining and passing this Act; in the Second Place, in defraying the Expences of purchasing the Lands which may be necessary for the making and completing the said new Lines of Road, and for the making and Erection of Toll Houses and Gardens, and also the Expences of making and erecting the Fences hereby required to be made adjoining the said Roads; and in the last Place, in paying off and discharging the Interest and Principal Sums of Money which shall be borrowed and secured in pursuance of or by virtue of this Act; which Reduction, Payment, and Discharge are to be made rateably or by Lot, as the Trustees shall think proper.

Further
Application
of Tolls.

LXVIII. And in order to secure the due Application of the said Tolls hereby granted, for the Purposes and in the Order and Manner aforesaid, be it further enacted, That all and every the said Tolls shall be always paid by the several Collectors thereof into the Hands of the Treasurer or Treasurers for the Time being, to be appointed by the said Trustees, who shall keep a separate Account thereof, and shall pay and apply the same to the Purposes and in the Order and Manner aforesaid.

When Prin-
cipal and In-
terest, and
Expences
repaid,
Powers of the
Act to cease.

LXIX. And be it further enacted, That whenever the Principal and Interest of the Monies to be borrowed by virtue of this Act, and all the Expences incurred in making the said new Lines of Road, shall have been repaid and discharged, the Powers hereby given shall end and determine.

Surplus Mo-
nies to be
paid over to
the Trustees
acting under
recited Act.

LXX. And be it further enacted, That the Trustees acting under this Act shall cause any Sum or Sums of Money remaining in the Hands of their Treasurer or Treasurers, which may not be applicable to the Purposes of this Act, to be paid to the Treasurer or Treasurers of the Trustees acting under the said recited Acts, or any one or more of them, in such Proportion and in such Manner as the Trustees acting under this Act shall in their Discretion think fit, to be applied for the Purposes of the said recited Acts respectively; and the Receipt or Receipts of the Treasurer or respective Treasurers of the Trustees acting under the said recited Acts respectively, shall be sufficient and effectual Discharges for the same.

Road to be
measured
and Mile-
stones
erected.

LXXI. And be it further enacted, That the said Trustees shall and they are hereby required to cause Stones or Posts to be placed in or near the Sides of the said Road, with Inscriptions thereon denoting the Number of Miles and Distance of Place from any Town or Places, and also cause to be erected at their Discretion Guide Posts at such Places where the said Road shall be crossed or joined by other Roads; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post

Post or Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks described thereon; or if any Person shall ride upon any Causeway or Footpath formed by the said Surveyor or Surveyors upon or on the Side of or adjoining to the said Road, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Causeway or Footpath; or if any Person or Persons shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast, to be and remain loose on the said Road, or any Part thereof; or if any Person shall cause to be hauled or drawn upon any Part of the said Road any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the said Road, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Road shall ride upon the Shafts, or other Part of the said Carriage, without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the said Road, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Road, or within Sixty Feet of the Centre thereof, or play at Football or any other Game on any Part of the said Road, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Road longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not during such Time be drawn up to the Side of the said Road as near as conveniently may be; or in case any Person shall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon the said Road, or on the Side or Sides thereof, between the said Road and the Fences to be erected on the Sides thereof; or if any Person after having blocked any Carriage whatsoever in going up any Hill or rising Ground shall leave on the said Turnpike Road the Stone or other Thing used in such Blocking, or shall plough up, dig up, or break up any of the Soil between the said Road and such Fence as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying in his own Ground and be carried away without being brought over any Part of the said Road, or that the same may be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as is herein-after directed.

LXXII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or procure to be assaulted, interrupted, Penalty on
Persons
obstructing

any one in
the Execu-
tion of this
Act.

rupted, or hindered, any Collector of the Tolls or Gatekeeper employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

For securing
transient
Offenders.

LXXIII. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Persons appointed or employed to put the same in Execution; be it therefore further enacted, That it shall and may be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace of the County or Place where the Offence or Offences shall be committed.

Penalty on
Witnesses
not attending
when sum-
moned.

LXXIV. And be it further enacted, That if any Person or Persons, after having been paid and tendered a reasonable Sum of Money for his, her, or their Costs, Charges, and Expences, shall be summoned as Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath and give Evidence before such Justice of the Peace, or at such Sessions or Adjournment thereof, then and in either of such Cases such Person shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Recovery of
Fines and
Penalties,
&c.

LXXV. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and Recovery whereof is not otherwise particularly directed) may, in case of Non-payment thereof, be recovered in a summary Way by the Order and Adjudication of Two Justices of the Peace for the said County, on Complaint to them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Non-payment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices, who are hereby authorized and required to summon any Witness or Witnesses upon Oath, and to examine him, her, or them of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus, if any, of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned upon Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender or Offenders shall give sufficient Security to the Satisfaction of such Justices for his, her, or their Appearance before them, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Fourteen Days from the Time of taking
any

any such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for the said Justices, or any other Justices of the Peace for the said County, and they are hereby authorized and required by Warrant under their Hands and Seals to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County, there to remain without Bail or Mainprize for any Term, not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Penalties and Forfeitures when so levied (the Application whereof is not otherwise directed) shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

LXXVI. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the like Effect (as the Case may happen), and shall not be obliged to set forth the Evidence at length; that is to say,

Devon, } to wit. }	BE it remembered, That on the	Day of	Form of Conviction.
	in the	Year of the Reign of His	
	present Majesty, and in the Year of our Lord		
	A. B. is convicted before me		
	One of His Majesty's Justices of the Peace for		
	[here specify the Offence, when and where committed] contrary to the		
	Form of the Statute made in the First Year of the Reign of His Ma-		
	jesty King George the Fourth, intituled [here set forth the Title of this		
	Act]; and I do hereby declare and adjudge that the said A. B. hath		
	forfeited for the said Offence the Sum of		
	or shall be committed to for the Space of		
	Given under my Hand and Seal the Day and Year first above		
	written.		

LXXVII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, either by the said Trustees or by any One or more of His Majesty's Justices of the Peace, such Person or Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County of Devon within Four Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given to the Clerk or Treasurer to the said Trustees Ten Days Notice at least in Writing of his, her, or their Intention of bringing such Appeal and of the Matter thereof, and within Four Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County with Two sufficient Sureties, conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the Justices at such Quarter Sessions,

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sions upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same; and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the County in which such Offence shall be committed, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

Proceedings
not to be
quashed for
Want of
Form.

LXXVIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums 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 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 committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Limitation of
Actions.

LXXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty Days Notice thereof in Writing shall have been given to the Clerk of the said Trustees, nor after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed, or Ground of Action or Suit shall have arisen; and every such Action or Suit shall be laid or brought in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action shall or may at his or their Election, plead specially or the General Issue Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought before Twenty Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or more than Three Calendar Months after the Fact committed or Ground of Action or Suit had arisen, or shall be brought elsewhere than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such

such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinued his, her, or their Action or Suit after the Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Cases by Law.

LXXX. Provided always, and be it enacted, That notwithstanding any thing in this Act contained, the Trustees acting under the Authority of the said recited Act of the Forty-ninth Year of the Reign of His said late Majesty King *George* the Third, shall be and they are hereby fully authorized, empowered, and required, exclusively and independent of the Trustees appointed by this present Act, to make and complete the several Alterations and Improvements of the said new Lines of Road between *Chudleigh Bridge* and *Brent Bridge*, at their own Charges and Expences, under and by virtue of the Powers already vested in them by such Act, or otherwise given by this Act, without charging any new or additional Tolls for that Purpose; and they the said Trustees acting by virtue of the said recited Act made in the Forty-ninth Year of His said late Majesty, shall not be accountable for, or be in any respect answerable or liable to the Controul or Interference of the Trustees appointed by or under the Authority of this present Act, nor be entitled to receive any Sum or Sums of Money from them for the Purpose of completing such Alterations and Improvements; and the Trustees acting by virtue of the said recited Act of the said Forty-ninth Year of the Reign of His said late Majesty, shall be and they are hereby required to proceed with such Alterations as aforesaid, within the Space of Three Months after the passing of this Act, and to complete the same in such Manner, within such Time, and under and subject to such Provisoes and Regulations as are hereby enacted and declared relative to the said other new Lines of Road within the said other Districts; in which case the Trustees appointed by this Act shall not in any Instance levy or raise any Toll or Tolls, or erect any Toll Gate or Toll Gates in or upon any Part of the said Roads between *Chudleigh Bridge* and *Brent Bridge*; but if the Trustees acting by virtue of the said recited Act of the Forty-ninth Year of the Reign of His said late Majesty, shall neglect to proceed therewith, and complete the same within such Time as the said other new Lines of Road shall be completed, then and in such Case the Trustees appointed by this Act shall thereupon be at Liberty to proceed therewith, and complete the same under the Powers and Authorities of this Act.

Trustees of the Act 49 Geo. 3, empowered to perform Improvements of the Lines within Districts No. 2.

LXXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend, to authorize the Erection of any Toll Gate or Gates within, upon, across, or on the Side of any of the present Turnpike Roads comprised within any or either of the said recited Acts; or to prejudice, defeat, alter, or diminish any Power, Authority or Jurisdiction, which at the Time of the making of this Act the several Creditors or Trustees acting under or by virtue of the Three several Acts of Parliament mentioned and recited in the Preamble to this Act, do or may respectively lawfully claim, use, or exercise, or be entitled unto, under or by virtue of the said Three several recited Acts of Parliament, or any or either of them, such Acts being and remaining still in full Force, save and except as far as may be necessary for carrying this Act into Execution; any thing herein contained to the contrary thereof in anywise notwithstanding.

Saving the Rights of the Trustees of the Ashburton, Exeter, and Plymouth Eastern Turnpikes.

LXXXII. And

Public Act.

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

Continuance
of Act.

LXXXIII. And be it further enacted, That this Act shall commence upon and have Continuance from the Time of the passing thereof, 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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