



ANNO TERTIO

# GEORGII IV. REGIS.

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## *Cap. xcvi.*

An Act for making, widening, repairing and maintaining certain Roads leading to and from the Town of *Honiton* in the County of *Devon*.

[24th June 1822.]

**W**HEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually amending, widening, and keeping in Repair the Road from Penn Inn in the County of Dorset, to or near Shipley Lane in the Parish of Honiton in the County of Devon; and from Northcote Lane in Honiton aforesaid, to or near Cullompton in the said County of Devon, and several other Roads in the Counties of Dorset, Devon, and Somerset; and for repealing so much of an Act passed in the Thirty-first Year of the Reign of King George the Second, intituled 'An Act for repairing and widening several Roads in the Counties of Dorset and Devon, leading to and through the Borough of Lyme Regis, as relates to the Road from Fair Mile Inn to Straightway Head otherwise Stretwood Head in the Parish of Whimple in the said County of Devon:'* And whereas the said recited Act contains Two Districts of Roads, described as the First District and the Second District, which Second District comprizes the Road leading from *Cowley Barn* in *Honiton* through *Awliscombe* unto the Town of *Cullompton*; also the Road leading out of the Road from *Honiton* to *Exeter*, over *Trafalgar Bridge*, through the Village of *Werringstone* to the said Road near *Awliscombe*; also the Road from the *Potter's Kilns Turnpike* in *Honiton* to *Cheeseman*

[Local.]

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Ash



*Ash on Northcote Hill, and from thence to Cuckowdown on Honiton Hill; also the Road from Honiton Church by the Marle Pitts Turnpike, over Farway Hill, to the Lyme Turnpike Road near Roncombe Gurt; also the Road from Star Cross Lane in Honiton, over Gittisham Hill, to the said Lyme Turnpike Road; also the Road from the said Potters Kilns Turnpike, by Langford Bridge, towards Taunton, to join the Monckton and Upottery Road near Churchstanton; also the Road from Stoney Bridge in Honiton, by Tracey to Saint Cyres Hill; also the Road leading towards Taunton, out of the said Cheeseaway Ash Road, through Monckton and Upottery to Whitewall Corner; also the Road from the present Buildings in Clapper Lane in Honiton, through Combrawleigh, to join the first mentioned Road towards Taunton; also the Road from Star Cross Lane aforesaid, to Straightway Head, and from thence to meet the Exeter Turnpike Road near thereto; which said Roads pass from, through, or into the several Parishes of Honiton, Gittisham, Awliscombe, Buckerell, Feniton, Ottery Saint Mary, Tallaton, Whimple, Peahembury, Broadhembury, Kentisbear, Cullompton, Farway, Combrawleigh, Dunkeswell, Luppit, Monckton, Upottery, Clayhidon, and Churchstanton, in the said County of Devon: And whereas the Trustees for the said Second District have borrowed several considerable Sums of Money on the Credit of the Tolls granted in that District, which are still due and owing, and cannot be paid off; and the Roads comprized in that District cannot be effectually amended and kept in Repair, unless the Term and Powers of the said Act, so far as relates to the same District, are enlarged, and further Tolls, Powers, and Provisions granted for those Purposes; and it would facilitate the Execution of the Purposes aforesaid, if the said former Act, so far as the same relates to the said Second District of Roads, were repealed: And whereas it is necessary for the Accommodation of the Public, that Provision should be made for more effectually amending, widening, and maintaining the Road leading from Brook Hill in the Town of Honiton aforesaid, through Love Lane and the South Vale of Honiton, to Higher Blannicombe Farm, and that the same should be continued through Blannicombe Farm to Ring-in-the-Mire upon Farway Hill, and from thence in Two Branches, the One to join the said Road from Honiton Church, towards Roncombe Gurt, and the other to join the Lyme Turnpike Road, and that the last-mentioned Branch should be further extended from the said Lyme Turnpike Road, unto and over an Inclosure called The Gore, to the Sidmouth Turnpike Road, at Great Gore Gate, in the Parish of Sidbury; and also the Road leading from the said Village of Werringstone to Chubb's Cottage; and also the Road called Church Lane, leading from Churchenford Street, in the Parish of Churchstanton aforesaid, to the Smeath Harp Turnpike Road, Part of the said Second District; and also the Road called Red Lane, leading from Churchenford Street aforesaid into the said Smeath Harp Turnpike Road; and also the Road called Dowell's Lane, leading from the Town of Honiton, to join the Awliscombe Branch of the said Roads; and also if another Road were made from near Marle Pitts Turnpike Gate, in Honiton aforesaid, through inclosed Lands, into a Highway called Little Common Lane, in lieu of Part of the said Little Common Lane, extending about the same Distance; and also if a new Line of Road were made through inclosed Lands, from Lower Collins's Gate, on*



*Godferd Farm*, in *Awliscombe* aforesaid, to about Two Furlongs beyond the Four Mile Stone on the said Road to *Cullompton*, in lieu of so much of the present Road from *Lower Collins's Gate* aforesaid to the same Place, about Two Furlongs beyond the said Four Mile Stone, which last-mentioned Roads pass, or are intended to pass from, through, or into the several Parishes of *Honiton, Farway, Gittisham, Sidbury, Buckerell, Churchstanton, Awliscombe, Feniton* and *Peahembury*, in the said County of *Devon*, or some of them; and it would be convenient that all the Roads herein-before described should be placed under the Care and Management of the Trustees authorized to carry this Act into execution; and that the same should constitute only One Trust, to be called *The Honiton Turnpike*: 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 from and after the Twenty-ninth Day of *September* next after the passing of this Act, the said recited Act of the Thirty-second Year of the Reign of His said late Majesty King *George* the Third, and the several Acts therein mentioned or referred to, and every Clause, Matter, and Thing therein contained, so far as relates to the said Second District of Roads, shall be and is and are hereby repealed and made void; and the Tolls by this Act granted, shall and are hereby declared to be charged with and made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit or on Account of the Tolls granted by the said recited Act, and of the Interest due and to grow due thereon respectively, as fully and effectually; to all Intents and Purposes, as if such Monies had been borrowed and become due and owing on the Credit or on Account of the Tolls granted by this Act; and all Bonds, Covenants, Agreements, and Securities, made or entered into by any Person or Persons to or with any of the Trustees for executing the said former Act, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities, duly made or entered into by the Trustees for executing the said former Act hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees under this Act, and be observed and kept by them, according to the Terms and Stipulations and Tenor thereof respectively.

Recited Act  
in part re-  
pealed.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to revive or give any force or effect to any Act repealed by the said recited Act, but such Act shall be and continue repealed, in such and the like Manner as if this Act had not been made.

Not to re-  
vive repealed  
Act.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County of *Devon* for the Time being, *Robert Henry Aberdein, James Anning, Josiah Anstice, Elias Baker, Robert Baker, John Bamfield, Philip Bustard, Thomas Blake, William Brown,*

Appointment  
of Trustees.



*Brown, Richard Brown, Edward Brown, Thomas Banfield, James Basleigh, Buckland Bluett Clerk, James Barnard, James Basleigh junior, Thomas Basleigh, John Blackmore, John Carpenter, John Carslake, Thomas Edward Clarke, William Coney Clerk, Francis George Coleridge, Gilbert Conry, Joseph Lott Clarke, Joseph Cooke, John Cox Clerk, Robert Cox, John Were Clarke, Edward Copleston Doctor in Divinity, Robert Pearse Clarke Clerk, John Buncombe Cockeram, William Cockburn Clerk, Isaac Cox, Henry Cross, Robert Cornish, Robert Cornish junior, Richard Colesworthy, Henry Colesworthy, Robert Cooke, John Daw, Benjamin Bowden Dickinson, William Drewe, John Rose Drewe, Thomas Denner, Thomas Denner junior, John Denner, Edward Drewe, Samuel Evans, Robert Farrant of Leman's Hill, Robert Farrant of Culmpine, Robert Drew, Emanuel Domett, Luther Graves Elliott Clerk, Christopher Flood, Christopher Samuel Flood, William Force, John Ford, John Templeman Gervis, Peter Glanville junior, William Guppy, William Guppy junior, Courtenay Gidley, John Guppy, Daniel Gould, Charles Gordon, Lewis Gidley, Christopher Grabham, Stephen Hayman, John Hellings, Richard Hurley, Charles Harward Clerk, John Hole, Tristram Hine, Henry Hawker, William Hodges, John Hughes, Timothy Terry Jackson Clerk, William Jenkins Clerk, Thomas Jenkins, John Jennings, John Clapcott Jarrard, Thomas Kerlake, Richard Kennaway, John Kennaway, William Kite, John Ellis Lee, William Lee, William Pearse Leigh, Richard Lewis Clerk, Richard Lewis junior, Thomas Lyde junior, Richard Lyddon junior, William Lloyd, Edward Lott, William Michell Clerk, William Michell junior, Henry Marker Clerk, Thomas Marker Clerk, Richard John Marker, John Melhuish, John Moore Clerk, Archdeacon of Exeter, Richard Mortimore, Jonah Pynsent Mathew, John Mathew, William Mosgrove, Philip Mules, John Hawkes Mules junior, Clerk, James Minifie, Richard Minifie, Charles Hawkes Marwood Mules, John Murch, John Murch junior, William Murch, James Cogan Northcote, George Barons Northcote, Samuel Newberry, John Pidgeon, Henry Porter, Thomas Porter, Thomas Putt Clerk, John Pomeroy, Richard Pratt, Richard Pearse, Richard Pople, Daniel Pidgeon, Captain Daniel Pring R. N., William Pine, James Porter, Robert Porter, John Reed, Nathaniel Reed, John Richards, Henry Richards, Stephen Robinson M. D., John Rogers, John Rogers Clerk, William Rogers, Robert Russell, Thomas Russell, Samuel Sampson, Henry Addington Simcoe, Henry Skinner, William Salter Clerk, Arthur Lemuel Shuldam, Richard Marshall Smark, William Smark, Ambrose Stapleton Clerk, John Sydenham Clerk, Edward Sharland, Abraham Smith, Thomas Spiller, Robert Stocker, Henry Shiles, John Shiles, James Smith Townsend Clerk, Richard Townsend, Thomas Tudball Clerk, Edmund Stamp, William John Tucker Clerk, John Templer Clerk, Marwood Tucker Clerk, William Tucker Clerk, Charles Tucker Clerk, James Townsend, William Cox Trenow, Henry Thorp Clerk, Emanuel Underdown, John Veysey, John Venn, Henry Cook Venn, William Venn, William Venn the younger, William Williams, John Lilly Williams, Henry Wright, William White, John White, William Henry Waldron, William Woodward, Robert Palk Welland, John Warren, John Warren D. D., Captain White R. N., John Wish, Robert Bouchier Wrey, James Wyatt, and Thomas Yelverton, together with such other Persons not exceeding the Number of Five, as the said Trustees shall, at their first*



first or any subsequent Meeting nominate in that Behalf, shall be and they are hereby appointed Trustees for executing this Act, and for making, amending, widening, turning, altering, improving, and keeping in repair all the Roads herein-after described or mentioned, and authorized or intended to be made by virtue of this Act; that is to say, the Road leading from *Cowley Barn* in *Honiton* aforesaid, to the Town of *Cullompton*, through the Parishes of *Honiton*, *Awliscombe*, *Buckerell*, *Peahembury*, *Broadhembury*, *Kentisbeer*, and Part of the Parish of *Cullompton*, in the said County of *Devon*; and also the Road leading from a Place called the *Hamlet* in *Buckerell* aforesaid, over *Trafalgar Bridge*, to the *Cullompton Road* near *Awliscombe* aforesaid, through the said Parishes of *Buckerell* and *Awliscombe*; also the Road leading from the *Potters Kilns Turnpike Gate*, in *Honiton* aforesaid, to *Cheeseway Ash* on *Northcote Hill* in the said Parish of *Honiton*, and from thence to *Cuckowdown* on *Honiton Hill* in the same Parish; also the Road leading from *Honiton Church*, over *Farway Hill*, to the *Lyme Turnpike Road* near *Roncombe Gurt*, through the Parishes of *Honiton* and *Farway* in the said County; also the Road leading from *Starcross Lane* in *Honiton*, over *Gittisham Hill*, to the said *Lyme Turnpike Road*, through the Parishes of *Honiton* and *Gittisham* in the said County; also the Road leading from the said *Potters Kilns Turnpike Gate* to *Langford Bridge*, *Erwing's Ash*, *Gully Lane*, and *Red Lane*, towards *Taunton*, to join the *Monckton* and *Upottery Road* near *Churchstanton*, through the several Parishes of *Honiton*, *Combrawleigh*, *Dunkeswell*, *Luppit*, *Upottery*, *Clayhidon*, and *Churchstanton* in the said County; also the Road leading from *Stoney Bridge*, in *Honiton* aforesaid, by *Tracey* to *Saint Cyres Hill*, through the Parish of *Awliscombe* aforesaid; also the Road leading out of the Road to *Cheeseway Ash* aforesaid, towards *Taunton*, through the several Parishes of *Honiton*, *Combrawleigh*, *Monckton*, *Upottery*, and *Churchstanton*, in the said County of *Devon*, to join the *Taunton Road* at or near *Whitewall Corner*; also the Road from the Extent of the present Buildings in *Clapper Lane* in *Honiton* aforesaid, through *Combrawleigh*, to join the first mentioned Road leading towards *Taunton*; also the Road leading from *Starcross Lane* aforesaid, towards the City of *Exeter*, to the Way Post at *Straitway Head* in the Parish of *Whimble*, and from thence to meet the *Exeter Turnpike Road* near thereto, through the several Parishes of *Honiton*, *Gittisham*, *Awliscombe*, *Buckerell*, *Feniton*, *Ottery Saint Mary*, *Tallaton*, and *Whimble*, in the said County of *Devon*; also the Road leading from *Brookhill*, in the Town of *Honiton* aforesaid, through *Love Lane*, and the *South Vale* of the said Parish of *Honiton*, to *Higher Blannicombe Farm* in the same Parish, and from thence through *Blannicombe Farm* aforesaid, to *Ring-in-the-Mire* upon *Farway Hill*, and from thence in Two Branches, the One to join the said Road from *Honiton Church* to *Roncombe Gurt*, and the other to join the *Lyme Turnpike Road*, and from thence unto and over a certain Inclosure called the *Gore*, to *Great Gore Gate*, in the Parish of *Sidbury*, to unite with the *Sidmouth Turnpike Road*; and also the Road leading from the Village of *Werringstone* in the Parish of *Buckerell*, to *Chubb's Cottage* in the same Parish; and also the Road commonly called *Church Lane*, leading from *Churchenford Street*, in the Parish of *Churchstanton* aforesaid, to the *Smeath Harp Turnpike Road*; and also the said Road



commonly called *Red Lane*, leading from *Churchenford Street* aforesaid, into the said *Smeath Harp* Turnpike Road; and also the said Road called *Dowell's Lane*, leading from the Town of *Honiton*, to join the *Awliscombe* Branch of the said Roads; and also the said Branch of Road, from, at, or near the *Marle Pits* Turnpike Gate, in the said Parish of *Honiton*, through inclosed Lands into the said Highway called *Little Common Lane*, in the same Parish, in lieu of Part of the said *Little Common Lane*, extending about the same Distance; and also the said Branch of Road from *Lower Collins's Gate*, on *Godford Farm*, in the Parish of *Awliscombe* aforesaid, through inclosed Lands, to about Two Furlongs beyond the Four Mile Stone in *Peahembury* aforesaid, in lieu of so much of the present Road as extends from *Lower Collins's Gate* aforesaid to the same Place, about Two Furlongs beyond the said Four Mile Stone.

Road to be made according to a Plan.

IV. And whereas several Maps or Plans describing the Lines of the said intended new Roads, and the Lands through which the same are to be carried, together with Books of Reference, containing Lists of the Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the said 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 any seasonable Times, have liberty to inspect and peruse the same, and to take Copies or Extracts therefrom, paying to the Clerk of the Peace One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts: Provided always, that the said Trustees in making the said Roads, shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, seised or possessed of the Lands or Tenements through which such Deviations shall be made.

Misnomers in the Plan not to prevent the making of the Road.

V. Provided always, That no Advantage shall be taken of or against the said Trustees, or any Interruption be given to making the said new Roads, on account of any Error or Omission in the said Plans or Books of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the County, Town, or Place in which such Error or Omission may happen; and it shall be certified by Writing under their Hands, that such Error or Omission appeared to proceed from Mistake.

Houses, &c. not to be injured.

VI. Provided always, 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, in making or improving the said Roads, or any of them, to take or pull down, injure or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, 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.

VII. And



VII. And be it further enacted, That in all Places where the said Trustees shall widen, turn, or alter any Part or Parts of the said Roads, or make any new Road, the said Trustees shall make or cause to be made proper Walls or Quickset Fences where necessary, as the Case shall require, so as effectually to guard and fence off the Lands adjoining to the said Roads; and also proper Gates, Bridges, and Arches where necessary, out of the said Roads into the Lands adjoining, and shall keep the Quickset Fences so to be made in good Order and Repair, for the Term of Three Years from the Time that such Quickset Fences shall have been made.

New Road to be fenced by Trustees.

VIII. Provided always, and it is hereby enacted, That nothing in this Act contained shall authorize the said Trustees, or any of them, to alter the Line or Direction of any of the Roads comprized in this Act, except such of them as are comprized in the Maps or Plans hereinbefore mentioned or referred to, so as to deviate more than One hundred Yards from the present Line or Direction of such Roads respectively, without the previous Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall, for the Time being, be seised or possessed of the Lands or Tenements through which every such Deviation shall be made.

Trustees not to alter the present Line of Road without Consent of Land Owners.

IX. And be it further enacted, That when and so often as any Trustees named in this Act (save and except the said Justices), or to be appointed as aforesaid, or in manner herein-after mentioned, shall become, by Bankruptcy, Insolvency, or Reduction of Property, or in any other Manner disqualified to act, or shall die, neglect, or refuse to act, then and in every such Case it shall be lawful to and for the remaining Trustees, from Time to Time, at any Meeting of the said Trustees (of the Time and Place of which Meeting Notice shall be given by any Two or more of the said Trustees, or by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected upon the said Roads, or on the Sides thereof respectively; and also by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Roads pass, at least Ten Days previously to such Meeting) by Writing under their Hands, to elect one other Person to be a Trustee in the Room of each Trustee so disqualified to act, or dying, or neglecting, or refusing to act as aforesaid; and every Person so to be elected shall be and he is hereby empowered to act in the Execution of this Act, in as full and ample a Manner to all Intents and Purposes as the Trustee in whose Room or Stead he shall be so elected could or might have done.

Election of new Trustees on Vacancies arising.

X. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear Yearly Value of One hundred Pounds above Reprizes, or shall be possessed of or entitled to a Personal Estate of the Value of Four thousand Pounds, or shall be Heir apparent of a Person who shall be in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands,

Qualification of Trustees.



Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred and fifty Pounds above Reprizes; nor shall any such Person be capable of acting as a Trustee in the Execution of this Act (save and except in administering the Oath or Affirmation following to the other Trustees) until he shall have taken and subscribed the Oath or Affirmation following, before any Two or more of the said Trustees, who are hereby authorized and required to administer the same, in the Words or to the Effect following; (that is to say),

Oath.

‘ I do swear [*or, being one of the*  
 ‘ People called *Quakers*, do solemnly affirm], That I truly and  
 ‘ *bond fide* am in my own Right [*or, in the Right of my Wife, as*  
 ‘ *the Case may be*] in the actual Possession or Enjoyment of Free-  
 ‘ hold [*or, Copyhold*] Lands, Tenements, or Hereditaments of the  
 ‘ clear Yearly Value of One hundred Pounds [*or, actually possessed*  
 ‘ of a clear Personal Estate of the Amount or Value of Four thousand  
 ‘ Pounds, *or, am Heir apparent of A. B. who to the best of my Know-*  
 ‘ ledge and Belief is in the actual Possession or Enjoyment of Free-  
 ‘ hold or Copyhold Lands, Tenements, or Hereditaments, of the clear  
 ‘ Yearly Value of One hundred and fifty Pounds]; and that I will  
 ‘ truly, faithfully, and impartially act in the Execution of the Trust  
 ‘ and Powers reposed in me by virtue of an Act passed in the Third  
 ‘ Year of the Reign of King *George* the Fourth, intituled *An Act*  
 ‘ *for, &c. [here insert the Title of this Act.]* So help me GOD.’

Penalty on acting not being qualified.

And if any Person not being so qualified, or being disqualified for any of the Reasons in this Act contained, or not having taken and subscribed such Oath as aforesaid, or being a Quaker, not having made and subscribed such Affirmation as aforesaid, shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, or elsewhere, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every such Person so sued shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Proceedings of any Person acting as a Trustee in the Execution of this Act (although not duly qualified as aforesaid) previously to his being convicted of the said Offence shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

All Acts of Trustees done before Conviction valid.

Persons holding any Place of Profit not to act as Trustees.

XI. And be it further enacted, That no Person appointed or to be appointed a Trustee for putting this Act into Execution, who shall have or accept any Place of Profit under the Authority of this Act, or who shall be interested or concerned in any Contract, or a Lessee or Farmer of the Tolls granted by this Act, shall, during the Continuance of such Office or Interest, be capable of acting as a Trustee in the Execution of this Act.



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

Victuallers,  
&c. incapable  
of acting.

XIII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace shall and may, in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where he or they shall be personally interested; and that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest for the same, shall on that Account be deemed disqualified to act as a Trustee.

Trustees may  
act as Justices  
except where  
interested.

Mortgagee or  
Assignee may  
act as Trustee.

XIV. And be it further enacted, That for putting this Act in Execution, the said Trustees shall and they are hereby required to meet at the *Golden Lion Inn* in *Honiton* aforesaid, or some other convenient Place in the said Town of *Honiton*, on the First *Monday* next after the Commencement of this Act, at Eleven of the Clock in the Forenoon; and the said Trustees shall and may adjourn themselves to some convenient Place upon or near the said Roads, for putting this Act in execution; and if it shall happen that at any such Meeting there shall not appear a sufficient Number of Trustees to proceed in the Execution of this Act, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time, in either of such Cases (by Notice in Writing to be affixed on all the Turnpike Gates then erected on the said Roads, and also inserted once in some public Newspaper circulated in the Neighbourhood through which the said Roads pass, at least Ten Days before the next Meeting), appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on such Day as shall be specified in such Notice, not exceeding Three Calendar Months next after the Day on which such last Meeting was appointed to be held; and in case the Clerk or Clerks to the said Trustees shall in the Cases aforesaid neglect, or shall by any means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Three or more of the said Trustees (although not assembled at a Meeting held pursuant to this Act), at any Time after the Space of Ten Days from such Neglect or Prevention, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at the House where the last Meeting was held or appointed to be held, or at some other convenient House or Place upon or near to the said Roads, upon the Day Three Weeks next after the Date of such last-mentioned

Meetings of  
Trustees.

If Clerk shall  
omit or neglect  
to call  
such Meeting,  
Trustees may  
do it.



Hours of Meeting.

Trustees to pay their own Expences, except for Room.

Three Trustees a Quorum.

Orders to be made at Meetings only.

Orders not to be revoked unless Notice given of an Intention to revoke such Order, and a Majority of Five Trustees consent to revoke.

Meetings on Emergencies.

Same Person not to be Clerk and Treasurer.

Notice; but no Business shall be proceeded upon by the said Trustees at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, nor later than Four of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences (save and except the Charges for the Room in which such Meetings shall be held, which Charges the Treasurer to the said Trustees is hereby authorized to pay); and all Acts, Orders, and Proceedings relating to this Act, which are authorized or directed to be had, made, done, or exercised by or before the said Trustees, shall and may be had, made, done, and exercised by or before any Three or more of them (except in such Cases where any other Number is herein mentioned); and all Orders and Proceedings had, made, or done by or before such Three Trustees, shall have the same Force and Effect, and be as binding on all Persons to all Intents and Purposes, as if the same were had, made, done, or executed by or before all the said Trustees: Provided always, that no Order or Proceeding shall be or be deemed to be valid, unless made or had at a Meeting held in pursuance of this Act (except as herein is particularly mentioned), unless there shall be present at such Meeting Three Trustees at the least, nor unless the Majority of the Trustees present shall concur therein.

XV. Provided always, and be it further enacted, That no such Order or Proceeding shall be revoked or altered at any subsequent Meeting, unless Five Trustees at the least shall be present (of which Meeting Ten Days previous Notice shall be given in Manner hereinbefore mentioned, by any Two or more of the said Trustees, or by their Clerk or Clerks), nor unless a Majority of the Trustees present at such subsequent Meeting shall concur in such Revocation or Alteration; and at every Meeting of the said Trustees a Chairman shall 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 the Chairman shall have, and he is hereby empowered to give, a double or casting Vote.

XVI. 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, it shall and may be lawful for any Two or more of the said Trustees, or for their Clerk or Clerks, (upon an Order in Writing signed by any Two or more of the said Trustees, although not assembled at a Meeting), forthwith to give Notice thereof in the Manner before directed, and in such Notice shall be specified the Time, Place, and Purpose of such Meeting, and such earlier Meeting (not being less than Three Days next after such Notice) shall and may be held accordingly, and all the Proceedings of the Trustees thereat shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the same Person



Person who has been or 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 continue or appoint the same Person who has been or may be appointed to act as their Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending 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, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlançe, shall be allowed.

XVIII. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Act had not been repealed.

Books used under former Acts to be Evidence.

XIX. 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 a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk 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 Roads, 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 seasonable Times be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors on the Tolls granted by this Act, without Fee or Reward; and the said Trustees and Creditors, or any of them, 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; and in case such Clerk shall refuse to permit, or shall not permit any of the said Trustees or Creditors to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Accounts of Receipts and Disbursements to be open for the Inspection of Trustees and Creditors.

XX. And be it further enacted, That the said Trustees shall and may at their First or any subsequent Meeting, as Occasion shall require, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, and all such other Officers respectively as they shall from Time to Time think proper; and that the said Trustees shall and may from Time to Time remove such Clerks, Treasurers, Collectors, and other Officers, or any of them, and from Time to Time appoint others in the Room of such of them as shall be so removed, or shall die or resign, or refuse or neglect to perform or become incapable of performing their Duty; and the said Clerks, Treasurers, Collectors, and other Officers, who shall be employed in the Receipt

Trustees may appoint Officers.

or



or Expenditure of any of the Monies arising by virtue of his Act, shall from Time to Time, as often as they shall be called upon for that Purpose, produce unto the said Trustees true and perfect Accounts in Writing under their respective Hands, of all Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees, or to such Person or Persons as the said Trustees shall direct and appoint; and if any of the said Officers shall refuse to give such Account as aforesaid, or to produce and deliver to the said Trustees the Receipts and Vouchers relating to the same, or to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, within Fourteen Days next after having been thereunto required as aforesaid, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act; then and in any of the said Cases, it shall be lawful for any One Justice of the Peace for the County or Place where such Officer shall reside (and such Justice is hereby authorized and required) to make Inquiry concerning such Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses upon Oath (which Oath the said Justice is hereby empowered and required to administer without Fee or Reward); and if any Person shall be thereof convicted, such Justice shall commit the Party to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees; and in case any of the said Officers shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any One Justice of the Peace, of the County or Place where such Person or Persons shall reside, to make Inquiry touching such Neglect or Refusal in a summary Way, in manner aforesaid, and by Warrant under his Hand and Seal to cause such Sum or Sums of Money as shall appear to him to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer; rendering the Overplus (if any) upon Demand, after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted, unto the Party on whom such Distress or Distresses shall be made; and if sufficient Distress or Distresses cannot be made, then the said Trustees shall commit such Person or Persons to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize until he or they shall have paid over such Money in manner aforesaid, or compounded for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, which Composition the said Trustees are hereby empowered to make: Provided always, that no such Person who shall be committed to Prison for want of sufficient Distress, shall by virtue of this Act remain in Prison for a longer Space of Time, than Six Calendar Months.



XXI. And be it further enacted, That as often as any Collector of the Tolls shall die, or shall neglect or become incapable of performing his or their Duty, or shall abscond, or absent, or misbehave himself or themselves, any Two or more of the said Trustees, (though not assembled at a Meeting of the said Trustees appointed by virtue of this Act), shall and may discharge such Collector so neglecting or becoming incapable of performing his or their Duty, or absconding, or absenting, or misbehaving himself or themselves, and shall and may nominate and appoint a proper Person to be a Collector of the said Tolls, to continue until the then next Meeting of the said Trustees, in the stead of such first named Collector; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person in whose Place he was appointed; and if any Collector of the said Tolls who shall be discharged from his Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector who shall die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Building erected or being in and upon, or on the Side or Sides of the said Roads, by virtue of this Act, for the Space of Three Days next after Demand made thereof, and Notice in Writing given for that Purpose by any Two of the said Trustees, (although not assembled at a Meeting), or by their Clerk or Clerks, Treasurer or Treasurers for the Time being; then and in any of the said Cases, it shall and may be lawful for any Justice of the Peace for the County or Place where such Tollhouse or Building shall be situate, by Warrant under his Hand and Seal, to order any Constable for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, 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 one or more of them, or their new appointed Officer, into the Possession thereof.

Trustees to appoint temporary Collectors and discharge those misbehaving, and appoint others till the next Meeting.

XXII. Provided always, and be it further enacted, That the said Trustees shall take such Security from their Treasurers, Clerks, Collectors, and other Officers, for the due Execution of their respective Offices, and accounting for the Money received by them respectively, as to the said Trustees shall seem meet.

Treasurer, &c. to give Security.

XXIII. And be it further enacted, That out of the Money to arise by virtue of this Act, such Salaries or Allowances shall be made to the Collectors, Clerks, Treasurers, Surveyors, and such other Persons as shall be assisting in the Execution of this Act, as to the said Trustees shall seem reasonable.

Trustees may allow Salaries.

XXIV. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of any One or more of them, or in the Name or Names of their Treasurer or Treasurers, Clerk or Clerks; and that no Action or Suit to be commenced by the Direction of or against the said Trustees, by virtue of this Act, shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or commenced, nor by the

Actions to be brought in the Name of any One Trustee, or Treasurer, or Clerk, who are not to be personally liable.



Act of such Person or Persons, done without the Consent of the said Trustees; but no Trustee, Treasurer, Clerk, or any of them, shall be subject to the Payment of any Debt, Costs, or Expences on account thereof, but the same shall be wholly defrayed out of the Money arising under or by virtue of this Act.

Officers under the former Act to account to the Trustees for executing this Act.

XXV. Provided also, and be it further enacted, That all Persons who have been employed or shall have received any Tolls or other Money by virtue or in pursuance of the said recited Act, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account, pay, and deliver over the same to the said Trustees, in like Manner, and under the like Penalties as are herein-before inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of this Act.

Trustees may continue or alter Turnpike Gates.

XXVI. And be it further enacted, That the said Trustees shall and may either continue the present Turnpike Gates and Weighing Machine or Machines, which now stand upon or across the said Roads, or set up in lieu thereof or in addition thereto respectively, One or more Turnpike Gate or Turnpike Gates, and Weighing Machine or Machines, in, upon, or across the said Roads, or any of them, or any Lane or Way leading into, from, or out of the same respectively, and may also erect, build, and set up such and so many Toll Houses for the Convenience thereof, with suitable Outbuildings thereto, as they shall think necessary, and also inclose from any Waste Ground thereto adjoining, convenient Garden Plots for the said Toll Houses respectively, not exceeding in the Whole One-eighth Part of a Statute Acre for each Toll House, as they may judge proper, and may cause all or any of such Turnpikes, Toll Gates, and Toll Houses from Time to Time to be taken down and set up again, and to be removed or altered in such other Situations, as they shall judge proper.

Turnpikes, Toll Houses, &c. vested in the Trustees.

XXVII. And be it further enacted, That the several Turnpikes or Toll Gates and Toll Houses, and other Erections and Buildings, and the several Conveniences and Appurtenances thereto respectively belonging, now or hereafter to be erected or provided in or upon and across the said Roads or the Sides thereof, and the Materials for building or altering the same, and all Materials and Things which shall be provided, collected, or made use of for repairing the said Roads, shall be and the same are hereby vested in the said Trustees, and they are hereby authorized and empowered to sell and dispose of the same, or any Part or Parts thereof, as they shall think proper; and to bring or cause to be brought any Action or Actions in the Name of their Clerk or Clerks, or to prefer and prosecute, or cause to be preferred and prosecuted, at the Expence of the Revenues of the said Roads, any Bill or Bills of Indictment against any Person or Persons who shall steal, take, carry away, break down, or damage the same or any Part thereof, or disturb them or their Agents or Servants in the Possession of the same, or any Part thereof; in which Bill or Bills of Indictment it shall be sufficient to state generally such Articles, Matters, and Things to be the Property of the Clerk or Clerks for the Time being to the said Trustees.

XXVIII. And



XXVIII. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever, from and immediately after the Commencement of this Act, to demand or take at any Turnpike or Toll Gate continued or to be erected by virtue of this Act, any Toll or Tolls whatsoever, without the special Licence and Consent in Writing of the Trustees for the Time being, acting in the Execution of this Act, for that Purpose first had and obtained.

No Tolls to be collected at Gates without Consent of Trustees.

XXIX. And be it further enacted, That the several Collectors of the Tolls granted or made payable by this Act, shall, on Receipt of such Tolls, deliver or tender to the Person or Persons paying the same, a Ticket or Tickets denoting such Payment, and specifying and naming thereon the Gate at which such Payment shall have been made, and also the Gate or Gates to be freed or exempted from Toll by such Payment.

Collectors to deliver Tickets on Receipt of the Tolls, specifying the Gates freed.

XXX. And be it further enacted, That every Toll Collector, being a Lessee or Renter of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Renters, to collect the Tolls payable at any Turnpike, Toll Gate, or Toll Bar, to be continued or erected 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 on his beginning to collect such Tolls or coming on 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 Black Letters on a White Ground, or in White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Tolls, or be upon such Duty; and if any Collector of the Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any way 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 or tendered the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Tolls, and naming and specifying the Gate at which such Payment shall have been made, and also the several Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall, on being duly convicted thereof on the Oath of One Witness, forfeit and pay for every such Offence such Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be made shall adjudge.

Regulations as to Toll Collectors.

XXXI. And be it further enacted, That from and after the Commencement of this Act, the several Tolls granted and made payable by virtue of the said recited Act of the Thirty-second Year of the Reign of His said late Majesty, on the said Second District of Roads,

Former Tolls to cease and new Tolls granted.

shall



shall cease, determine, and be no longer paid or payable; and that from thenceforth the following Tolls shall be demanded and taken at each of the Turnpikes or Toll Gates to be continued or erected upon or on the Sides of the said Roads comprized in this Act, before any Horse, Beast, or other Cattle or any Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast drawing in any Coach, Chariot, Barouche, Chaise, Phaeton, Curricule, Chair, Taxed Cart, Landau, Berlin, Calash, Hearse, Caravan, Van, Waggon, Timber Carriage, Cart, Sledge, Dray, Wain, or other Carriage, of whatsoever Name or Description, the Sum of Three-pence:

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

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence; and so in proportion for any less Number:

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence; and so in proportion for any less Number:

For every Coach, Chariot, Chaise, Chair, Cart or other Carriage, attached to or fastened behind any common travelling Stage Cart or Waggon for Conveyance, the Sum of Sixpence; and if the same shall be loaded with any Goods, Wares, or Merchandize, the Sum of One Shilling:

And for every Horse or other Beast of Draught drawing any Waggon, Timber Carriage, Cart, Sledge, Dray, Wain, or any other Carriage, where the Number of such Horses or other Beasts shall be greater than Two, which, between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* in every Year, shall pass through any Toll Gate or Turnpike as aforesaid, and shall be laden with One or more Block or Blocks of Stone, Piece or Pieces of Marble, or Metal or Timber, Double the Tolls hereinbefore particularly mentioned and made payable in respect of such Horse or other Beast.

Provided always, that after the Expiration of Three Years from and after the Commencement of this Act, there shall not be collected or payable more than One Half of the Tolls hereinbefore mentioned, on any Part of the Road leading from *Starcross Lane* to *Straitway Head* aforesaid.

Post Horses  
not to pay  
when return-  
ing.

XXXII. And be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Roads, or any of them, shall, on returning before Ten of the Clock next Morning without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

Stage  
Coaches, &c.  
to pay each  
Time of pass-  
ing, and  
Chaises every  
fresh Hiring.

XXXIII. And be it further enacted, That subject to the Restrictions hereinbefore contained, the Tolls hereby granted shall be paid for and in respect of all Horses, Mules, or other Beasts drawing any Stage Coach, Stage Van, or Caravan, Waggon, or other Carriage carrying



rying Passengers or Goods for Fee or Reward, every Time of passing or repassing along the said Roads on the same Day ; and also for and in respect of all Horses, Mules, or other Beasts travelling Post or for Hire, and drawing any Post Chaise or other such like Carriage travelling for Hire, every Time they shall pass along the said Roads on the same Day, provided the Driver thereof shall deliver a Ticket denoting a fresh Hiring.

XXXIV. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace of the said County of *Devon*, at any Special Session or Meeting, by Order, under their Hands and Seals, to stop up and discontinue any Bye-lane or Road opening into or communicating with any of the Roads to be made or repaired by virtue of this Act, by means whereof the Tolls hereby made payable, or any of them, can or may be evaded, if they shall think it proper so to do, but subject to such private or occupation Roads (if any) as they shall think necessary, so as Twenty-one Days Notice be given by the Clerk to the Trustees, of the Time, Place, and Purpose of such Special Session or Meeting, by affixing such Notice on all the Turnpike Gates then erected on the said Roads, and so as such Order of the said Justices be subject to Appeal, within such Time and in such Manner as by this Act is provided with respect to Appeals hereby authorized to be made.

Roads may be stopped to prevent evading the Toll.

XXXV. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Roads, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Table of Tolls to be put up.

XXXVI. Provided always, and be it further enacted, That if any Person, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls, by himself, herself, or themselves, and with such Assistance as he, she, or they shall think necessary, to seize and distrain any Horse or Horses, Beast or Beasts, Cattle or other Thing or Things upon or in respect of which such Toll is hereby imposed, together with its or their respective Bridles, Saddles, Gears, Harness, Accoutrements, or Loading (except the Bridle, Halter, or Reins of any Horse or Beast, separate from such Horse or Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may, as soon as convenient afterwards, sell the Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

On Non-payment of Toll, Collectors may distrain.



For settling  
Disputes  
concerning  
Tolls.

XXXVII. And be it further enacted, That if any Dispute shall happen about the Amount due for any of the Tolls hereby granted; or the Charges of making, keeping, or selling any Distress, such Dispute shall be settled and determined by any Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Tolls due, and shall make such Order, and award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, rendering the Overplus (if any), on Demand, after deducting 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.

Trustees may  
let the Tolls.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees at any Meetings whereof Fourteen Days Notice shall have been given in Writing affixed upon all the Turnpike Gates erected upon the said Roads, and also inserted once in some public Newspaper printed or circulated in the Neighbourhood through which the said Roads pass, from Time to Time to let to farm, in such Manner and Form as they shall think fit, by Writing under their Hands and Seals, all or any of the Tolls arising at all or any of the Toll Gates or Weighing Machines continued or erected by virtue of this Act, for any Term not exceeding Three Years at any one Time, for the best Rent or Price that can be gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been last let; any thing in any Law or Statute to the contrary notwithstanding; and the Money arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Trustees may  
bid at the  
Letting of  
Tolls.

XXXIX. And be it further enacted, That when the Tolls payable by virtue of this Act shall be put up to be let to farm, the said Trustees may, if they shall think fit, appoint some Person to bid for the same, to the Intent that such Tolls may not be let for less than an adequate Value.

Exemptions.

XL. And be it further enacted, That no Toll shall be demanded or taken for any Horse or Carriage attending His Majesty, or any of the



the Royal Family, or returning therefrom; nor for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed 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, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any of them, or any other Roads in any of the Townships or Parishes in which the said Roads lie; or with Seed for seeding the Ground, or Grass, Hay, Turnips, Potatoes, Straw or Corn in the Straw, Peas, Beans, Vetches, or any other Produce of the Farm, or any or any Manner of Tithes, or any Titheable Matters and Things whatsoever, not sold or disposed of, or passing to be sold or disposed of, but to be laid up or placed in the Houses, Barns, Outhouses or Yards, or on the Lands of the Owner or Owners thereof; or for any Horse, Beast, or other Cattle or Carriage, employed 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 Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Soap, Ashes, Lime, Marle, Soil, Compost, or other Manure employed in Husbandry for manuring or improving Land, or any Stone, Bricks, or other Materials used for draining Land, or for wearing against any Rivers within the Limits of this Act; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shod or farried, not exceeding the Distance of Two Miles; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or other usual Place of Religious Worship tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads lie; or from any Clergyman going to visit, or returning from visiting any sick Person, or on other his parochial or ministerial Duty; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General or his Deputies, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of Officers or Soldiers, or Militia-men or Local Militia-men on their March or on Duty, or for any Horse or Horses, or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying (having been employed only in carrying or conveying) the Arms or Baggage of any such Officers or Soldiers, or employed only in carrying or conveying, or returning empty from carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Wain, Waggon, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Horse furnished by or for any Person belonging to any Corps



Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by such Person in going to or returning from any Place appointed for or on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulation of such Corps, at the Time of claiming the Exemption; or for any Horses or Carriages travelling with Vagrants sent by legal Passes, or with any Prisoner or Prisoners in Custody under a legal Warrant, or returning empty after having been so employed; or for any Horse or Horses, Coaches, or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Devon*, on the Days or Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act; and the same shall be levied and recovered in the same Manner as other Penalties and Forfeitures are by this Act empowered or directed to be levied and recovered.

Owners or Drivers of Waggons in the Service of His Majesty, not subject to any Penalty for Overweight.

XLI. 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, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the 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 or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Number of Tolls limited.

XLII. Provided always, That no Person or Persons passing and repassing the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, with or driving the same Horses, Cattle, Sheep, Beasts, or Carriages through any of the Toll Gates to be continued or erected by virtue of this Act, upon the several Roads herein-after particularly mentioned, shall be liable to pay more than the Tolls following; (that is to say), One full Toll, and no more, upon the Road leading from *Honiton* towards the City of *Exeter*; Two full Tolls, and no more, upon the Road leading from *Honiton* towards *Taunton*; Two full Tolls, and no more, upon the Road leading from *Honiton* to *Cullompton*; and One full Toll, and no more, upon each of the other Roads comprized in this Act; and all and every Person and Persons having paid such Toll as aforesaid,



aforesaid, and producing a Ticket or Tickets denoting the Payment thereof (which Tickets the Collectors of the Tolls are hereby directed to give *gratis* on the Receipt of such Tolls, and which Tickets shall denote and specify the Toll Gate or Gates (if any) freed from Toll by such Payment), shall pass and repass during the same Day, with or driving the same Horses, Cattle, Sheep, Beasts, and Carriages, Toll-free, through all the other Toll Gate or Gates upon or within the same Roads in which such Toll shall have been previously paid as denoted in such Ticket or Tickets as aforesaid: Provided nevertheless, that the Payment of a Toll at the *Trafalgar Bridge Gate* shall exempt from Payment of an additional Toll at the *Turk's Head Gate*; and that the Payment of a Toll at the *Turk's Head Gate* shall exempt from the Payment of a Toll at the *Trafalgar Bridge Gate* and the *Hayne Lane Gate*; and also that the Payment of a Toll at the *Potters Kilns Gate* shall exempt from the Payment of an additional Toll at the *Clapper Lane Gate* and the *Cheeseway Ash Gate*; and that the Payment of a Toll at the *Clapper Lane Gate*, or at the *Cheeseway Ash Gate*, shall exempt from the Payment of an additional Toll at the *Potters Kilns Gate*; and that the Payment of a Toll at the *Gobsore Hill Gate* shall exempt from the Payment of an additional Toll at the *Marlpits Gate*, at any Gate to be erected on the new Line of Road through *Honiton South Vale*, and at the *Hayne Lane Gate*; and that the Payment of a Toll at the *Hayne Lane Gate* shall exempt from the Payment of an additional Toll at the *Turk's Head Gate*, at the *Gobsore Hill Gate*, at the *Marlpits Gate*, and at any Gate to be erected on the new Line of Road through *Honiton South Vale*; and also, that the Payment of a Toll on the new Line of Road through *Honiton South Vale* shall exempt from the Payment of an additional Toll at the *Marlpits Gate*, at the *Gobsore Hill Gate*, and at the *Hayne Lane Gate*; and also, that the Payment of Toll at any Toll Gate continued or to be erected by virtue of this Act in the several Parishes of *Uppottery*, *Clayhidon*, and *Churchstanton* aforesaid, or either of them, shall exempt from the Payment of an additional Toll at any other of the said Toll Gates within the same Parishes, or either of them: Provided that the *Turk's Head Gate* and the *Trafalgar Bridge Gate* shall no longer exempt each other than during such Period of the Term of this Act as the full Tolls hereby granted shall be payable at the said *Turk's Head Gate*: Provided also, that any Person passing through any of the said Gates, having paid the Tolls payable at such Gates, shall be at liberty to pass and repass through the same Gates so often as he or she may have occasion in the same Day, to be computed as aforesaid, with the same Horse or Horses (and if drawing) drawing the same Carriage, without paying any fresh Toll, subject to the Enactment herein-before contained as to Tolls payable in respect of Horses, Mules, or other Beasts drawing any Stage Coach, Stage Van, or Caravan, Waggon, or other Carriage carrying Passengers or Goods for Fee or Reward, and also travelling Post or for Hire, and drawing any Post Chaise or other such like Carriage travelling for Hire.

XLIII. Provided always, and be it further enacted, That the said Trustees may and they are hereby authorized and empowered, from Time to Time during the Continuance of this Act, to reduce all or

Power to reduce the Tolls.

[Local.]

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any of the several Tolls hereby granted, and to raise the same again, so as that the same do not exceed the Tolls hereby authorized to be taken, and so that such Reduction be made with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money then due and owing upon the Credit of the said Tolls; and such Tolls so reduced shall be collected, levied, and applied respectively, in the same Manner as the Tolls by this Act granted are directed to be collected, levied, and applied respectively.

Penalty on permitting private Passage, &c. or evading Toll.

XLIV. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle or Carriage, through or over any Gate, private Passage, Land, Ground, or Place, lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land, Ground, or Place, or any of his, her, or their Family, Servant or Servants); or if any Person or Persons owning or occupying any Passage, Land, Ground, or Place, situate as aforesaid, shall knowingly or wilfully permit or suffer any Person or Persons, not being of his, her, or their Family, or his, her, or their Servant or Servants, to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the Tolls hereby granted, or any of them, or any Part thereof; or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive from any Person or Persons (except a Collector of the Tolls), any Ticket by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such, for the Purpose of evading the said Tolls, or any of them; or shall forcibly, fraudulently, or wilfully pass through or over any Turnpike Gate, with any Horse, Carriage, Cattle or Beast, without Payment of Toll, or shall not pay such Toll upon Demand; or shall take off or cause to be taken off any Horse, Beast, or other Cattle, from any Carriage; or after passing through any Turnpike Gate shall put on an additional Horse or Beast to any such Carriage; or shall unload or cause to be unladen any Goods, Wares, Merchandize, or other Things, from or out of any Carriage, in order to evade the Payment of any of the Tolls herein-before mentioned, or any Part thereof; all and every such Person or Persons so offending in any of the Cases aforesaid shall for each and every Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons obstructing the Execution of this Act.

XLV. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls or other Person employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Exemptions by 55 G. 3. c. 119. not to be affected.

XLVI. Provided always, and be it further enacted, That all Waggon, Wains, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to enable the 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.



XLVII. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered, from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding one Year at any one Time, with any Person or Persons, for the Toll of any Horses or other Cattle or Beasts drawing any Carriage, or not drawing, passing through any of the said Turnpikes, so that no Composition shall be made with any Person or Persons for the Toll of any Horse or other Cattle or Beast drawing any Carriage employed in carrying for Hire; and all such Composition Money shall be paid in advance, otherwise such Agreement or Composition to be void.

Trustees empowered to compound for Tolls.

XLVIII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may and they are hereby authorized and empowered, to borrow and take up at Interest such Sums of Money as they may think necessary upon the Credit of the Tolls arising by virtue of this Act, and at any Meeting or Meetings to assign over or mortgage all or any of the Tolls to be collected and arising under and by virtue of this Act, and also the Turnpike Gates, Toll Houses, Erections and Buildings for collecting the same (the Charges of such Mortgages or Assignments to be paid out of the said Tolls), for any Term during the Continuance of this Act, as a Security for any Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators, and Assigns, who shall advance and lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees or any Seven or more of them shall think proper, which said Money so to be borrowed shall be applied and disposed of in such Manner as the Tolls to arise or be collected at the said several Turnpikes are hereby directed to be applied and disposed of; and that such Mortgage or Mortgages, Assignment or Assignments, shall and may be in the Form following, or such other Form as the Trustees making the same shall think proper; (that is to say),

Trustees may borrow Money.

‘ **B**Y virtue and in pursuance of an Act passed in the Third Year  
 ‘ of the Reign of His Majesty King *George* the Fourth, intituled  
 ‘ *An Act, &c.* [*here insert the Title of this Act*], and in Consideration of  
 ‘ the Sum of \_\_\_\_\_ to *A. B.* the Treasurer  
 ‘ appointed by the said Trustees for putting the said Act into Exe-  
 ‘ cution, having been on the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ paid by *C. D.* of \_\_\_\_\_ We whose Names are hereunto  
 ‘ subscribed and Seals affixed, being \_\_\_\_\_ of the  
 ‘ said Trustees, do grant and assign unto the said *C. D.*  
 ‘ Executors, Administrators, and Assigns, such Proportion of the Tolls  
 ‘ arising upon the Roads in the said Act mentioned, and of the Turn-  
 ‘ pikes and Toll Houses, Weighing Machines and other Engines for  
 ‘ collecting the said Tolls, as the said Sum of \_\_\_\_\_  
 ‘ doth or shall bear to the whole Sum due and owing on the Credit  
 ‘ of the said Tolls, or charged thereupon, for the Term of this Act:  
 ‘ To have, hold, receive, and take such Proportion of the said Tolls,  
 ‘ Turnpikes, and Toll Houses, Weighing Machines and other Engines  
 ‘ and Premises, with the Appurtenances, unto the said *C. D.*  
 ‘ Executors, Administrators, and Assigns, for the Re-  
 ‘ sidue and Remainder now to come and unexpired, of the Term of \_\_\_\_\_

Form of Mortgage.







Person or Persons who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon.

XLIX. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person who shall advance any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said former Act, in respect to the Priority of advancing or of having advanced any such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be (in proportion to the Sums of Money due to them) Creditors on this Act in equal Degree one with another. No Priority of Mortgages.

L. And be it further enacted, That all the Monies and other Effects, which the said Trustees or any of them, or any Treasurer or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said former Act, shall be by the said Trustees applied for the Purposes of this Act; and that out of the Monies arising or to arise by virtue of the said former Act or this Act (after Payment of the Expences of obtaining and passing this Act, as herein-after mentioned) shall from Time to Time be applied, first in paying the Principal and Interest of all Monies now due and owing on the Credit of the said former Act, or which may hereafter become due and owing on the Credit of this Act, then in making, repairing, altering, diverting, turning, and from Time to Time improving the said Roads, and afterwards in otherwise defraying the Expences attending the Execution of this Act, and to and for no other Use or Purpose whatsoever. Application of Tolls.

LI. And be it further enacted, That the said Trustees shall and they are hereby required and directed, at some Meeting to be holden in pursuance of this Act in the Month of *September* next after the passing of this Act, and also at some Meeting to be holden in the Month of *September* in each and every subsequent Year, to order and direct such Part or Portion of the Tolls granted and made payable by this Act upon the Branch of Road leading from *Starcross Lane* in the said Parish of *Honiton*, to *Straitway Head* in the Parish of *Whimble* aforesaid, only (whereof a separate Account shall be kept), as such Trustees or the major Part of them then present shall think proper, not being less than Five Pounds *per Centum* upon the Produce of such Tolls, to be set aside and appropriated in each and every Year for and towards the Reduction of the several Sums of Money now due and owing on the Credit of the said Tolls by the several Mortgages and other Securities, in order to form a Sinking Fund for the gradual Payment of all the Principal Sum and Sums so due and owing, and after the Payment of any such Principal Sum or Sums, the full Interest which would have been otherwise payable for or in respect of the same to the Creditor or respective Creditors shall from thenceforth be charged on and appropriated and paid out of the said Tolls in aid of the said Sinking Fund; and that so often as the said Sinking Fund shall amount to the Sum of Fifty Pounds, then and in such Case such Fund created for Redemption of the Debt.

[Local.]

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Sum



Sum shall be applied in Payment of an equal Amount of the said Principal Money then due or owing on the Credit or Security of all the Tolls granted by this Act, rateably or by Lot among the Creditors, as the said Trustees or the major Part of them at any such Meeting shall think proper: Provided always, and be it enacted, that it shall not be lawful to and for the said Trustees to borrow or take up any Sum or Sums of Money on the Credit of the said Tolls, upon the Branch of Road leading from *Starcross Lane* in the said Parish of *Honiton*, to *Straitway Head* in the Parish of *Whimble* aforesaid, until the several Sums of Money now due and owing thereon shall be paid off and discharged.

Surveyors  
may make  
Causeways,  
&c.

LII. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to make Causeways and Footpaths, and also Ditches and Drains, in and upon the said Roads, and also through any Grounds lying contiguous thereto, and also to make a Road through any Ground adjoining or lying near to any hollow Way or narrow or ruinous Part of the said Roads (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of as a Public Highway whilst the old Road is repairing, and also to build, erect, and repair any Bridge or Bridges, Arch or Arches, Culvert or Culverts upon any Part of the said Roads, and across any River, Brook, Stream, Water, Ditch, or Drain thereon or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning the Amount of such Damages, any One Justice of the Peace for the County or Place where such Difference shall arise (on Six Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode) shall hear, settle, and determine the Matter of such Damages, and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Common or Waste Lands.

Surveyors to  
get Gravel,  
&c.

LIII. And be it further enacted, That the said Surveyor or Surveyors, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel or other Materials proper for making and repairing the said Roads, in and upon and out of or from any Commons or Waste Grounds, Common Rivers or Brooks, in any Parish, Township, Hamlet, or Place in which any Part of the said Roads lie, or in any adjoining Parish, Township, Hamlet, or Place, to be used in the making and repairing of the said Roads, without paying any thing for the same, and to cart and carry away the same over the Lands or Grounds of any Person or Persons, making Satisfaction as herein-after mentioned,



such Surveyor or Person filling up the Pit or Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Gravel, Stones, Sand, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons, Rivers, or Brooks contiguous to the said Roads therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may cut, dig, and make any Pit or Pits, and get, gather, take and carry away such Materials as aforesaid, in, upon, or out of, from and over the private Lands or Grounds of any Person or Persons where the same may be had or found, within any Parish, Township, or Place in which the said Roads or any Parts thereof do or shall lie or be situate, or in any adjoining Parish, Township, or Place (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees) paying or tendering Payment to the respective Owners and Occupiers of such Lands or Grounds, such Damages for cutting, digging, gathering, taking, and carrying away the same, and for the Materials, and for carrying the same or the Materials gotten in any Common or Waste Grounds, Common Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees shall think reasonable; and in case of any Difference between the said Trustees, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, or the Value of such Materials, then and in every such Case, any Justice of the Peace of the County or Place wherein such Lands or Grounds shall lie (on Three clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode), shall hear and settle and determine the Matter of the said Damages, and the Value of such Materials, and the Costs attending the hearing and determining the same.

LIV. Provided always, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or any other Persons under the Authority of this Act, to dig, gather, take or carry away Materials for repairing the said Roads, out of or from any inclosed Lands or Grounds, without the Consent of the Owner or Occupier thereof, until Notice in Writing signed by the Surveyor shall have been given to the Owner or his Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Occupier's usual Place of Abode, to appear before any One or more Justice or Justices of the Peace acting for the County or Place where such Land shall lie, to shew cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, such Justice or Justices shall hear and determine the same, and if sufficient Cause shall not be shewn to the contrary, shall authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take and carry away such Stone and Materials,

Surveyors not to carry away Materials out of private Grounds, without giving Notice to the Occupier.



Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justice or Justices shall or may make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended; and the Order of such Justice or Justices shall be final and conclusive to and upon all Parties.

Penalty on taking away Materials gotten by Surveyor.

LV. Provided also, and be it further enacted, That if any Person whomsoever shall take and carry away any Materials which shall have been provided or gathered for the Purpose of making, improving, and repairing the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyor or Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale); every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Mines reserved to the Owners of Lands.

LVI. Provided always, and be it further enacted, That all Mines of Lead, or Mines, Veins, Beds, or Seams of Coal, Ironstone, and other Minerals whatsoever, which are in or under any Lands appropriated to the said Roads, shall be and they are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate who would have been seised of or entitled to the same in case the said former Act or this Act had not been made, with Liberty for him, her, or them, or his, her, or their respective Agents or Servants, to dig, find, mine, and work the same in such Manner as is usual for carrying on Works of that Kind in the District or Place where such Mines or Minerals shall be found, and in as full and ample a Manner as if the Lands had not been taken and appropriated for the Purposes aforesaid, so that in the Working thereof no Damage shall be done to the said Roads, or any Part thereof respectively.

Surveyors may remove Annoyances.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part of the said Roads, by Rails, Steps, Cellars, Holes, Sign Posts, Walls, Windows, Shutters, Projections, watering Troughs, or otherwise, and to turn, stop, or cover any Watercourse, Ditches, Sinks, or Drains running into, along, out of, or by the Side of any Part of the said Roads, to the Prejudice or Injury thereof, and to open, scour, and cleanse any Slough, Ditch, or Watercourse adjoining to or leading into or out of any Part or Parts of the said Roads, not being in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, and to make the same as deep and large as the said Trustees shall think proper and necessary, and at the proper Seasons of the Year to cut down, lop, or top any Branches of Trees, Shrubs, or Bushes growing in or by the Side of any Part of the said Roads, or in the Hedges or Banks adjoining



adjoining thereto, not being Shrubs or Bushes planted as a Shelter or Ornament to a House or other Building, or standing in any Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, (in case the Person or Persons who ought to cleanse such Ditch or Watercourse, or to cut down or lop such Branches of Trees, Shrubs, or Bushes shall neglect so to do for the Space of Fourteen Days next after Notice in Writing given for the Purpose, signed by the Surveyor or Surveyors for the Time being, the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person or Persons shall not upon Demand pay and reimburse to such Surveyors or Surveyor such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized or directed for the Recovery of any Penalty inflicted by this Act); and if after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence (over and above such Charges as aforesaid) forfeit and pay any Sum not exceeding Five Pounds.

LVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby fully authorized and empowered from Time to Time to divert, shorten, vary, alter, widen, and improve the Course or Path of any Part or Parts of the said Roads herein-before mentioned; and described, through any waste Grounds or uncultivated Lands, without making Satisfaction for the same, and also through any private Grounds or Hereditaments within the Limits herein-before mentioned, first tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they shall sustain thereby; and such Roads, when diverted and turned under the Authority of this Act, shall and they are hereby declared to become Highways to all Intents and Purposes, and shall be thenceforward repaired and maintained by the Inhabitants of the respective Parishes, Townships, Hamlets, or Places in which the same are situate, by such Means as the common Highways of this Kingdom are by Law to be repaired and maintained by the Inhabitants of the Parishes in which they are situate.

Trustees may divert the Road.

LIX. And be it further enacted, That the said Trustees shall and may, if they shall think proper, and they are hereby empowered to cause such and so many Lamp Irons or Lamp Posts to be made, erected, and put up on the Wall or Pallisade of any of the Toll Houses as they shall think proper; and also to cause such Number of Lamps to be provided with all necessary Materials, and supplied with Oil or otherwise, and lighted in such Manner and at such Times as they the said Trustees shall think necessary for lighting the said Roads; Provided always, that nothing herein contained shall empower the said Trustees to light any of the Towns or Villages through which the said Roads may pass.

Trustees may erect and set up Lamps, &c.



Trustees may purchase and incapacitated Persons sell Lands and other Hereditaments wanted for the Purposes of this Act.

LX. And be it further enacted, That for the Purposes of this Act it shall be lawful for the said Trustees to contract with the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments, and to pay for the same by and out of the Tolls and other Money to be raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil; Corporations Aggregate or Sole, Tenants for Life or in Tail, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees or other Trustees whatsoever, for or on the Behalf of any Infants, Females Covert, Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be and require; and all such Contracts, Agreements, Sales, and Conveyances shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Persons shall be and they are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

If Parties cannot agree or the Owner cannot make a Title, the Value of the Premises to be settled by a Jury.

LXI. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, or any other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to him or them given, or left in Writing at the Dwelling House or Dwelling Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments which the said Trustees are by this Act empowered to purchase, shall for the Space of Ten 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 prevented from treating, then and in every or any such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Devon*, from the Neighbourhood of the Place where such Lands and Hereditaments do lie; 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 such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees shall, by ordering a View or otherwise, use all Ways and Means as well for their own as for the said Jury's better Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage, Value, or Recompence, they the said Trustees shall thereupon order, adjudge, and appoint the Sum or Sums of Money so assessed by the said Jury to



to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments respectively, according to the Verdict or Inquisition of such Jury; which said Verdict, or Inquisition and Judgment, Order and Determination thereupon, shall be binding and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femés Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate and Collegiate, Corporations Aggregate and Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Devon*, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons from the Neighbourhood of the Place where such Lands lie, qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to swear, or cause to be sworn, Twelve Men, who shall be a 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; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fines or Fine upon such Sheriff, or his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned upon such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for their Costs, Charges, and Expences, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no Fine be more than Five Pounds on any One Person for One Offence; which said Fines or Fine shall be levied and applied as the Penalties for Offences against this Act are herein-after directed to be levied and disposed of.

Jury may be challenged.

Trustees may impose Fines on the Sheriff making Default on the Jury or Witnesses.

LXII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in such Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered

How the Expences of the Jury and Witnesses are to be borne and paid.



offered by the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference (such Costs and Expences having been previously ascertained and determined by some Justice of the Peace for the said County of *Devon*), shall be borne and paid by the said Trustees out of the Tolls, Duties, or Monies arising by virtue of this Act, or out of the Money borrowed upon the Credit thereof, and shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being; but if any Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning or returning the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences aforesaid, 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 for the said County not interested in the Matter in question, who is hereby required to 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 Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after having been so ascertained and settled as aforesaid, may be levied and recovered by the Ways and Means herein-after provided for levying and recovering of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence out of the Kingdom have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees as aforesaid.

Money allowed for Lands how to be paid.

Lands purchased to become Part of the Roads.

LXIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed and ascertained as aforesaid, shall be paid out of the Tolls and Duties hereby granted, or out of the Money borrowed or to be borrowed on the Credit thereof, to the Parties or Persons respectively entitled thereto, or to their Agents; and upon Payment thereof, or depositing the same in the Bank of *England*, as herein-after directed (as the Case may be), and after Eight Days Notice thereof given to such Parties or Persons, or their Agents, or to the Tenant in Possession of the Premises, such Lands or Hereditaments shall be laid into and made Part of the said Roads, in such Manner as the said Trustees shall direct, and shall be by them, or by such Person or Persons as they shall appoint, sufficiently drained,



drained, ditched, fenced, and set out for that Purpose, and shall, to all Intents and Purposes whatsoever, become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the said Roads for ever thereafter.

LXIV. And be it further enacted, That in case the Tolls hereby granted, or any of them, shall be in arrear and unpaid for the Space of Five Days next after any monthly or other periodical Time appointed for Payment thereof, it shall and may be lawful for the Clerk to the said Trustees to distrain for the same upon the Cattle, Goods and Chattels of the Renter or Collector of such Tolls, to be found in or upon any Toll House or Outhouses occupied by the Renter or Collector of such Tolls, his Agent or Deputy, or on the Road or Waste Ground adjoining or near thereto, and dispose thereof, as in Cases of Distress for Rent in arrear; any Law or Usage to the contrary notwithstanding.

Power of  
Distress for  
Rent in  
arrear.

LXV. And be it further enacted, That in case all or any of the Tolls of any Toll Gate or Weighing Machine payable by virtue of this Act, or any General Law or Statute relative to Turnpike Roads, 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, for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Contract, or Agreement for demising or letting thereof, or in case such Lease or Agreement shall in any other Manner become void, then and in either of such Cases it shall be lawful for any Justice of the Peace for the County or Place where the Toll Gate, Toll Bar, Chain, or Toll House shall be situate, and he is hereby required, upon Application made to him by the Clerk to the said Trustees, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into and upon and take Possession of any or every Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Machine, so let, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, and the Person or Persons composing his, her, or their Family, from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements, on the Lessee's Part), as if such Lease, Contract, or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, 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

Enabling  
Trustees to  
take Possession  
of Toll  
Houses in  
case of Non-  
performance  
of the Terms  
of the Lease.



them to be collected in such and the same Manner as if no former Lease, Contract, or Agreement had been made relative thereto.

Rate of Interest to be equalised.

LXVI. And be it further enacted, That all and every the Creditors and Mortgagees who already have lent or advanced, or hereafter shall lend or advance any Sum or Sums of Money upon the Tolls hereby or by the said recited Act granted, shall be paid the same Rate of Interest for the Sum or Sums of Money they have so respectively lent and advanced, or shall lend and advance, the one as the other, without any Distinction whatsoever; and the said Trustees are hereby authorized and required to direct and order the Rate of Interest to be paid to every such Creditor in future, to commence from the Twenty-ninth Day of *September* next, and to call in and cancel all the present and existing Securities, and to grant others in lieu thereof, to the several Creditors for the several Sums due thereon respectively, which shall bear and carry an equal Rate of Interest, to be ordered as aforesaid; the Expence whereof shall be defrayed out of the Tolls hereby granted, except the Expence of registering every such Securities; for which the Sum of Five Shillings and no more shall be paid to the Clerk to the said Trustees: Provided always, that no Security shall be received and cancelled for the Purpose aforesaid, nor any further Interest paid thereon, until the Holder thereof shall shew himself legally or beneficially entitled thereto by Gift, Devise, Assignment, or otherwise.

One Mortgagee may obtain Possession of the Toll Houses.

LXVII. And be it further enacted, That if any Mortgagee or Mortgagees shall seek to obtain Possession of the said Turnpikes, Weighing Machines, Engines, Toll Houses and Buildings, 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 uniting in such Demise 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, Turnpike Gates, Toll Houses, Buildings and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees respectively.

Application of Compensation when amounting to 200*l*.

LXVIII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees or Releasees in Trust, Guardians, Committees or other Trustees, or from any Femes Covert, or other incapacitated Person or Persons, or of any Tenant or Tenants for Life, or for any other particular Estate, 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 there, *ex parte* the Trustees for executing this Act, or any Two or more of them, to the Intent that such Money shall be applied, under



the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing charged therewith, and settled or assured to the same Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be so conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited to, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the 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 or Profits of the Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

LXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands 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 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 of the said Roads (such Nomination or Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising therefrom, may be applied in Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required

Application when Money does not amount to 200l. but shall amount to 20l.



required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Money is less than 20*l.*

LXX. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid, as herein-before mentioned, shall be less than Twenty Pounds, then and in 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 and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery.

LXXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum and Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to judge and determine respecting the Right and Title of the Person or Persons so applying, and to order the said Money to be paid to such Person or Persons if the said Court shall think fit, or 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 or Purpose 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.

Where any Question shall arise as to the Title to Money.

LXXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the



the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons respectively, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands or Hereditaments until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

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

LXXIV. And whereas, by reason of the Purchases which the said Trustees are hereby empowered to make, or by reason of the diverting of some Part or Parts of the said Roads, or otherwise, they may happen to be seised of some Piece or Parcel of the said old Roads, or of some other Piece or Parcel of Land over and above what shall be necessary for effecting the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees to sell and dispose of the said Piece or Pieces of Ground, or Piece or Pieces of the said old Roads, either together or in Parcels, as they shall think proper, to such Persons as shall be willing to contract for and purchase the same; provided that the said Trustees before they shall sell and dispose of any such Piece or Pieces of the said old Roads, or other Land, shall first offer the same to the Person whose Land shall adjoin thereto; and that the said Trustees before they shall sell or dispose of any Piece or Pieces of overplus Ground, shall first offer to resell the same to the Person from whom they shall have purchased such Piece or Pieces of Ground; and in case such Persons shall refuse to purchase or re-purchase the same respectively, on an Affidavit being made and sworn to before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Jus-

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

Persons whose Lands adjoin to have the Preference.



tices of the Peace for the County or Place where such Piece or Parcel of old Road or Ground shall lie, by some Person or Persons not interested in the said Piece or Pieces of old Road or Ground, stating that such Offer was not then and thereupon agreed to, or was refused by the Person to whom the same was, so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and refused by the Person to whom it was made (as the Case may be), and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Pieces or Parcels 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 Non-application of such Money.

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

LXXV. And be it further enacted, That the said Trustees shall cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads at the Distance of One Mile from each other, with such Inscription thereon, denoting the Number of Miles and Distances of Places, as they the said Trustees shall think proper.

For securing transient Offenders.

LXXVI. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his, her, 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 take him, her, or them, as soon as practicable, before any Justice of the Peace of the County or Place where the Offence shall have been committed, and such Justice is hereby empowered and directed to proceed with all convenient Speed to the hearing and determining of the said Complaint.

Penalty on Witnesses not attending when summoned.

LXXVII. And be it further enacted, That if any Person or Persons, after having been summoned as a 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, shall refuse or neglect to appear at the Time and Place for that Purpose appointed (after having been paid or tendered a reasonable Sum of Money for his, her, or their Expences), without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or being a Quaker, on Affirmation, and give Evidence before such Justice of the Peace, then and in either of the said Cases every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Persons damaging Direction Posts, and for preventing

LXXVIII. And be it further enacted, That if any Person or Persons shall pull up or damage any Direction Posts, Mile Posts or Milestones, now erected or to be erected upon or on the Side or Sides of or adjoining the said Roads or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon,



thereon, or shall break, throw down, damage, or injure the Lamps, Lamp Posts, or other Works to be placed upon, adjoining, or near, or on the Side or Sides of the said Roads, or shall put out or extinguish the Lights thereon, or shall ride upon any Footway adjoining the said Roads, or shall drive any Horse, Cattle, or Swine, or any Truck, Sledge, Wheel-barrow, Hand-barrow, or other Hand Carriage thereon, or shall cause any Damage to be done to such Footway, or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (otherwise than upon wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon any wheeled Carriage, to drag upon any Part of the said Roads to the Prejudice thereof, or shall beat, drive, or worry any Bull or Bear, with Dogs or otherwise, upon the said Roads or any Part thereof, or when driving any Pigs or Swine upon the said Roads or any Part thereof, shall suffer them to root up or damage the same or any Part thereof, or the Fences, Hedges, Backings, or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart or other Carriage, shall not keep his Carriage on the Left Hand Side of the Middle of the said Roads; or if any Person having the Care of or driving any Waggon, Cart, or other such Carriage upon the said Roads or any Part thereof, shall ride within or upon the said Waggon, Cart, or other such Carriage, or shall ride upon the Shafts or either of them of such Waggon, Cart, or other Carriage; or if any Persons driving or riding upon any Horse or Beast of Draught, carrying Milk Cans, Crates, Cans, or Panniers, shall not keep the said Horse or other Beast of Draught on the Left Hand Side of the Middle of the said Roads, or shall ride or drive his or her Horse or other Beast of Draught opposite to or abreast of any other Person driving or riding any other Horse or Beast of Draught, carrying Milk Cans, Crates, Cans, or Panniers, so that Two or more such Horses or other Beasts of Draught shall be abreast or opposite to each other in travelling upon the said Roads; or if any Person, after having blocked up any Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Roads or any Part thereof the Stone or other Thing used in such blocking; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall shoe, farry, or bleed any Horse or Cattle on the said Roads (except in case of Accident), or shall slaughter any Cattle or singe any Pigs upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to or let off or throw any Squib, Serpent, or Firework whatsoever on the said Roads or any Part thereof respectively, or within Eighty Feet of the Centre thereof, or play at Football or any other Game, to the Annoyance of any Passenger or Passengers on any Part or Parts of the said Roads; or if any Person riding, attending, or driving any Horse or other Beast on the said Roads, and carrying Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, across such Horse or other Beast, in such Manner as the same shall project more than Thirty Inches from either Side of such Horse or other



other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person, or any Horse, Beast, Cattle, or Carriage travelling or going along the said Roads; or if any Hawker, Pedlar, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon or by the Side or Sides of the said Roads or any Part thereof; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever (except Materials for the Repairs of the said Roads deposited by or by the Order of the Surveyor thereof) on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance or Prejudice of any Person or Persons travelling along the same; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Roads, to be made into Manure, or shall, without the Consent of the said Trustees, scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, with an Iron Rake or other Instrument with sharp Points, whereby the said Roads or any Part thereof shall be damaged; or if any Blacksmith, or other Person occupying a Blacksmith's Shop having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters, every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into the said Roads; or if any Person or Persons shall do any other wilful Act, Damage, or Injury to the said Roads or any Part thereof, or shall in any Manner whatsoever obstruct or impede the Passage upon the said Roads, or turn out or suffer his Cattle to be at large upon the said Roads, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to  
impound  
Cattle found  
wandering on  
the Roads.

LXXIX. And be it further enacted, That if any Horse, Ass, Cattle, or Swine shall be found wandering or depasturing upon or on the Sides of any Part of the said Roads (except when passing on any Common, and where the Road is not fenced in on both Sides), the Owner of such Horse, Ass, Cattle, or Swine shall respectively forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, to be recovered in such Manner as other Penalties are by this Act directed to be recovered and levied; and the Surveyor or Surveyors of the said Roads, or any other Person or Persons, is and are hereby authorized to cause such Horse, Ass, Cattle, or Swine as shall be found wandering or depasturing upon the said Roads, or on the Sides thereof (except as aforesaid), to be impounded until the Complaint against the Owner thereof can be heard before some one of His Majesty's Justices of the Peace acting for the County or Place wherein such Offence shall happen to be committed, or until the Owner of such Horse, Ass, Cattle, or Swine shall pay the said Penalty, which shall be applied towards repairing the said Roads; and in case such Penalty shall not be paid within Five Days, then  
such



such Justice shall and may order the Horse, Ass, Cattle or Swine, so impounded, to be sold, and apply the Produce thereof towards discharging such Penalty; and the Costs, Charges, and Expences of such Sale, rendering the Overplus (if any) to the Owner of such Horse, Ass, Cattle, or Swine.

LXXX. And be it further enacted, That in case any Person or Persons shall release, or attempt to release, any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County or Place wherein the said Offence shall have been committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Punishment  
of Persons  
guilty of  
Pound-  
breach

LXXXI. And be it further enacted, That no Gate of any Park, Paddock, Field or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed, so as to open or swing outward towards the said Roads, contrary to the true Meaning of this Act, shall not, within Ten Days after Notice to him or her given in Writing from the Surveyor of the said Roads, cause such Gate to be hung so that no Part of such Gate shall, when open, project over any Part of the said Roads or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Direction of this Act; and the Person or Persons guilty of such Neglect or Default, upon Complaint made to any Justice of the Peace acting for the County where the Cause of Complaint shall arise, shall upon Conviction, upon the Oath of one credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration and hanging such Gate in a proper Manner; and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made; and

Gates not to  
open into the  
Roads

[Local.]

36 Z

such



such Penalty shall be levied, recovered, paid and applied in Manner herein-after mentioned: Provided nevertheless, that no Conviction shall take place of any Person or Persons in respect of any Gate or Gates now opening into the said Roads, or any of them, unless the Surveyor to the said Trustees shall have tendered to such Person or Persons a competent Sum to defray the Expence of altering the same, which the said Trustees are hereby directed to pay.

**Statute Duty.**

LXXXII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County, Town, or Place in which the said Roads do lie, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto, it shall be lawful for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways of every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force or effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, or either of them, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of any such Parish or Place, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of

**Lists of Persons liable to do Statute Work.**

**Composition Money.**



the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, in such and the same Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishs or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall not collect and pay over the several Sums due for Composition Money in Manner aforesaid, every Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, paid, and applied in such and the same Manner as Penalties are by this Act directed to be levied, recovered, paid, and applied.

Neglecting to do Statute Work.

LXXXIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices; then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands

In case of Nonpayment for Compensation for Materials, Damage or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees, or their Treasurer.



Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

Trustees, &c.  
may be Wit-  
nesses.

LXXXIV. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity whatsoever, or before any Justice of the Peace under or by virtue of this Act, by reason of his being a Trustee of the said Roads or any of them, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer or Clerk or Surveyor, or other Officer under this Act, or any Inhabitant of any Township, Parish, Tithing, or Place through which the said Roads do or shall pass, (unless otherwise personally interested.)

Penalties  
how to be  
recovered  
and applied.

LXXXV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying and recovery whereof is not herein otherwise directed, shall, upon Proof of the Offences respectively before any One Justice of the Peace for the said County of *Devon*, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer,) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of and previous to such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines when paid or recovered shall be (if not otherwise directed to be applied by this Act) paid One Half to the Informer, and the other Half to the said Trustees, or to their Clerk or Treasurer, to be applied for the Purposes of this Act; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice and he is hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice 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 Ten Days from the Time of taking any such Security, and which Security



Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such case it shall be lawful for such Justice of the Peace as aforesaid, or any other Justice of the Peace for the County or Place where the Offence shall have been committed, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LXXXVI. And for the more easy and speedy Conviction of Offenders against this Act, be it enacted, That all and every Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Words, or in any other Form of Words to the like Effect, as the Case shall happen; (that is to say),

For the more easy Conviction of Offenders.

County of } BE it remembered, That on the Day  
 to wit. } of in the Year of our Lord  
 A. B. is convicted before me C. D. One  
 of His Majesty's Justices of the Peace for the County of  
 [specifying the Offence, Time and Place when and where the same  
 was committed, as the Case may be, without further setting forth the  
 Information or Evidence against the Defendant.] Given under my  
 Hand and Seal, the Day and Year first above mentioned.

Form of Conviction.

And that no Objection shall be made or Advantage taken for want of Form in any such Conviction, by any Person or Persons whomsoever; and that no Proceeding of any Nature or Kind soever, to be had touching any Offender or Offenders against this Act, shall be quashed, vacated, or discharged for want of Form only.

Proceedings not to be quashed for want of Form.

LXXXVII. And be it further enacted, That if the said Trustees, or any Person or Persons, shall think himself, herself, or themselves aggrieved by any thing done by virtue or in pursuance of this Act, and for which no particular Method of Relief hath been herein-before appointed, such Trustees or Person and Persons shall and may appeal to the Justices of the Peace at the next or following General Quarter Sessions of the Peace to be holden in and for the County or Place where the Cause of Appeal shall arise, next after the Matter of such Complaint shall have arisen; such Appellant or Appellants first giving or causing to be given Twenty-one Days Notice to the other Party at the least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof; and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of the said Quarter Sessions; and the said Justices at their said Sessions, upon due Proof of such Notice having

Allowing an Appeal.

Twenty-one Days Notice of Appeal to be given.



been given, and of the entering into such Recognizance, shall hear and finally determine such Appeal in a summary Way, and if they see cause, may, by Order of such Session, mitigate, at their Discretion, all or any of the said Penalties, or quash or annul any Conviction or Convictions, Orders, or other Proceedings of any Justice or Justices of the Peace, or otherwise may ratify and confirm the same, and award such Costs to either of the Parties, or otherwise, as they may think proper; and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and the Determination of the said Justices shall be binding and conclusive upon all Parties, to all Intents and Purposes.

Limitation of  
Actions.

LXXXVIII. And be it further enacted, That no Action or Suit shall be brought or commenced by any Person or Persons for any thing done by virtue of this Act, till after Fourteen clear Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action or Suit shall be intended to be so brought or commenced, thereby fully setting forth the Cause of such Action or Suit and the Nature thereof, or left at his or their last or usual Place of Abode; and that every Action or Suit commenced or brought for any thing done as aforesaid, shall be brought within the Space of Three Calendar Months next after the Cause thereof shall arise, and shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants therein may plead the General Issue, and give this Act and the Special Matter in Evidence, and that the same was done by virtue thereof; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of Fourteen Days next after such Notice shall have been so given or left as aforesaid, or after the End of Three Calendar Months next after the Cause thereof shall have arisen, or if such Action shall be brought or laid in any other County than as aforesaid, or if after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, then and in every of the Cases aforesaid, the Jury on the Trial of such Action shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Treble Costs, and shall also have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases of Law.

General  
Issue.

Treble Costs.

Expences of  
the Act.

LXXXIX. And be it further enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the said Trustees, out of any Money which hath arisen by virtue of the said former Act, or out of the first Money which shall arise by virtue thereof, or of this Act, with lawful Interest from the Time of advancing or disbursing the same.



XC. And be it further enacted, That this Act shall be deemed Public Act, 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.

XCI. And be it further enacted, That this Act shall commence Term of the and take effect on the Twenty-ninth Day of *September* next after the Act. passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1822.



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