



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 4.

An Act for repairing the Road from *Roborough Down* to the *Tavistock* Road near *Dart Moor* Prison of War, and to *Two Bridges*, in the County of *Devon*.
[28th February 1812.]

WHEREAS the High Road leading from a certain Place called *Roborough Down*, in the Parish of *Buckland Monachorum* in the County of *Devon*, where the same diverges from the *Tavistock* Turnpike Road through the Parish of *Walkhampton*, to a certain other Place called *Two Bridges*, in the Parish of *Lidford* in the said County, as well as a collateral Branch thereof diverging from the Main Road at a certain Place called *Prince's Town*, and leading from thence to the Prison at *Dart Moor*, and from thence continuing until it joins the Turnpike Road from *Moreton Hampstead* to *Tavistock* aforesaid, are much out of Repair, and in many Places narrow and incommodious for Passengers and Carriages; and the same cannot be effectually amended, widened, turned, altered, improved, and kept in good Repair by the ordinary Course of Law: 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 *Daniel Alexander* Esquire, *Addis Archer* Esquire, *John Pollexfen Bastard* Esquire, *Sir Edward Buller* Baronet, *Thomas Bewes* Esquire, *Buller Yarde Buller* Esquire, *Benjamin Bloomfield* Esquire, *Broking* Esquire of the Royal Navy, *Joseph Broking*, *Edward Bray* Esquire, *Edward Bray* Clerk, *William Bough* Esquire, *John Bridge* Esquire,
[Loc. & Per.] H

Trustees.

Esquire, *George Briggs* Esquire, *John Phillips Carpenter* Esquire, *John Carpenter* Esquire, *Samuel Carpenter* Esquire, *Carwithen* Esquire, *George Collins* Esquire, *Isaac Cotgrave* Esquire of the Royal Navy; *George Drake* Esquire, *Henry Damerell* Gentleman, *William Dykar* Esquire, *Sir William Elford* Baronet, *Jonathan Elford* Esquire, *Jonathan Elford junior*, Esquire, *Featherstone* Esquire of the Royal Navy, *Ralph Franco* Esquire, *Richard Friend*, *Edmund Henn Gennys* Esquire, *Stephen Mignan Gennys* Gentleman, *Richard Hughes* Clerk, *James Holman*, *Warwick Young Churchill Hunt* Clerk, *Calmady Pollexfen Hamblyn* Esquire, *William Hodge* Esquire, *George Jope* Clerk, *Richard Julian* Esquire, *James Barter King* Gentleman, *James King* Gentleman, *Sir Maffeh Manasseh Lopez* Baronet, *John Clarke Langmead* Esquire, *George Leach* Esquire, *James Holman Mason* Clerk, *Henry Anderson Morshhead* Esquire, *John Meurdon*, *William Forord Mitchell* Doctor in Divinity, *John Newton* Esquire, *J. W. Nicholls*, *Sir Charles Pole* Baronet, *Sir Laurence Palk* Baronet, *John Pecke*, *Lawrence Palk* Esquire, *Samuel William Pearce* Clerk, *William Reed*, *Edward Routleigh*, *Daniel Alexander junior*, *Joshua Rowe* and *Joshua Rowe junior*, Esquires, *Richard Reed* Clerk, *Walter Radcliffe* Clerk, *Joseph Richards* Clerk, *John Ridout* Esquire, *Herbert Sawyer* Esquire, *Edmund Tyrwhitt* Esquire, *Thomas Tyrwhitt* Esquire, *William Thomas* Esquire, *John Tomkin* Esquire, *Thomas Windeatt* Esquire, *Maine Swete Walron*d Esquire, *John Wilcocks* Esquire, and their Successors, to be elected in Manner herein-after directed, shall be and they are hereby appointed Trustees for amending, repairing, altering, widening, and improving the Road leading from a certain Place on *Roborough Down*, in the Parish of *Buckland Monachorum* in the County of *Devon*, where the same diverges from the *Tavistock Turnpike Road* to a certain other Place called *Two Bridges*, in the Parish of *Lidford* in the said County of *Devon*, as well as a collateral Branch thereof diverging from the Main Road at a certain Place called *Prince's Town*, and leading from thence to the Prison at *Dart Moor*, and from thence continuing until it joins the Turnpike Road from *Moreton Hampstead* to *Tavistock* aforesaid; and for otherwise carrying this Act into Execution.

Election of
new Trustees.

II. And be it further enacted, That upon the Death, Refusal, or Disability of any of the said Trustees hereby appointed, or their Successors, to be elected in Manner herein-after mentioned, to act in the Execution of this Act, then and in every such Case it shall be lawful for the surviving or remaining Trustees from Time to Time, at a Meeting to be held for that Purpose, to elect and appoint one other Person to be a Trustee in the Room of each Trustee so dying, or refusing or being incapable of acting; and Notice of the Time and Place of the Meeting for every such Election shall be signed by the Clerk to the said Trustees for the Time being, and shall be affixed on all and every the Turnpikes that shall be standing on the said Roads, at least Five Days before such Meeting; and every Person so elected a new Trustee as aforesaid shall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected, or as if he had been nominated by this Act.

Qualification
of Trustees.

III. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or

Receipt

Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds, or be possessed of or entitled to a Personal Estate of the Value of One thousand two hundred Pounds, or shall be Heir Apparent of some Person possessed of an Estate in Lands of the clear yearly Value of Three hundred Pounds, nor (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed, before any Three or more of the said Trustees, an Oath in the Words or to the Effect following; (that is to say,)

‘ I *A. B.* do swear, That I truly and *bonâ fide* am in my own Right [or, Oath.
 ‘ in the Right of my Wife] in the actual Possession and Enjoyment [or,
 ‘ Receipt] of the Rents and Profits of Lands, Tenements, or Heredita-
 ‘ ments, of the clear yearly Value of Sixty Pounds above Reprizes, [or,
 ‘ am Heir Apparent of *A. B.*, who to the best of my Knowledge and
 ‘ Belief is seised of such an Estate of the clear yearly Value of Three
 ‘ hundred Pounds]; or, am possessed of a Personal Estate of the Amount
 ‘ of One thousand two hundred Pounds, after all my Debts are paid.
 ‘ So help me GOD.’

And if any Person not being so qualified shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act; and that no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit under this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Trustee, not being qualified to act, liable to Penalty.

Acts of Trustees not qualified, if done before Conviction, valid.

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

Victuallers, &c. incapable of acting.

V. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, may, in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this

Trustees may act as Justices, except where per-

sonally interested.

this Act, notwithstanding their being Trustees, except only in such Cases where they shall be individually interested.

Declaring what Number of Trustees shall be present at Meetings for executing this Act.

VI. And be it further enacted, That no Act of the said Trustees shall be or deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act (except as may be herein otherwise particularly expressed); and that all the Powers and Authorities by this Act granted to the said Trustees, may from Time to Time be executed, done, and performed by the major Part of the Trustees who shall attend at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Five; and all the Orders and Proceedings of such Five Trustees, or the major Part of such Five Trustees as shall so be present at such their several Meetings, shall have the same Force and Effect as if the same were made or done by all the Trustees for the Time being (save and except as may be herein particularly excepted); and at every Meeting of the said Trustees a Chairman shall be appointed, and when and as often as it shall so happen that there shall be an Equality of Votes (including the Vote of the Chairman) at any such Meeting upon any Question, then and in such Case the Chairman may give the decisive or casting Vote.

Chairman to be appointed, and to have the casting Vote.

First Meeting of the Trustees.

VII. And be it further enacted, That the said Trustees shall meet at the *Roborough Inn* in the Village of *Jump*, or *Dutchy Hotel* in *Prince Town*, on the Third *Wednesday* after the Day of the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and proceed to the carrying of this Act into Execution, and may at such Meeting, and at the several subsequent Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there, or at any other Place near to the said Roads as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees shall from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day within Twenty-one Days then following, to be holden at the same Place; and the said Clerk shall cause Notice thereof to be affixed on all and every the Turnpikes that shall be standing on the said Roads, at least Five Days before the Day to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences.

Trustees to defray their Expences.

Meetings on Emergencies.

VIII. And be it further enacted, That if, after any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on any earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case any Three or more of the said Trustees may sign an Order in Writing, mentioning the Time and Place and Purpose of such earlier Meeting, and shall give such Order to or leave the same at the last or usual Place of Abode of the Clerk to the said Trustees, who shall thereupon forthwith give Notice of such earlier Meeting in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Five Days after such Notice); and all Proceedings of the said Trustees at such earlier Meeting.

Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

IX. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice specifying the Revocation or Alteration intended to be made, and signed by the Clerk to the said Trustees, shall have been affixed on all and every the Turnpike Gates that shall be standing on the said Roads, at least Twenty-one Days before such subsequent Meeting, nor unless a Majority of Four-fifths of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, and a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding was had or made.

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

X. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and such Book or Books, and all Entries therein, being signed by the Chairman and Clerk then present, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, and Actions, touching or concerning any Thing done in pursuance of this Act; and that such Book or Books shall, at all of the Meetings of the said Trustees, be open to the Inspection and Perusal of all and every of the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors may have and take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Sixpence, and so in proportion for any greater or less Number of Words.

Proceedings to be entered.

XI. And be it further enacted, That the said Trustees may and they are hereby empowered to appoint a Treasurer or Treasurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and also such other Officers and Persons for the Execution of this Act, as they the said Trustees shall think proper, and from Time to Time remove such Officers and Persons respectively, as they the said Trustees shall see Occasion; and out of the Monies to be received by virtue of this Act, to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons, as the said Trustees shall think reasonable; and all such Officers so to be appointed shall, under their Hands at such Time or Times, and in such Manner as the said Trustees shall direct, deliver to the Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, on the last Monday in the Month of June yearly, or at the

Trustees to appoint Officers, and remove them, and allow them Salaries, &c.

[Loc. & Per.]

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Meeting

Meeting of the said Trustees next following such Day, (although not thereunto required by the said Trustees,) lay his Accounts before the said Trustees, in order that the same Accounts may be audited, passed, and allowed by the said Trustees, if approved of; and all the said Officers so accounting as aforesaid shall, if required, upon Oath (which Oath any One of the said Trustees is hereby empowered to administer) verify the said Accounts; and if any such Officer shall refuse or neglect to make and render, or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Ten Days next after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer,) it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto; or that any Books, Papers, or Writings, relating to the Execution of this Act, shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make and receive,) and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees: Provided, that no Person who shall be so committed shall be confined or detained in Prison by virtue of this Act, for Want of sufficient Goods and Chattels, for any longer Time than Six Calendar Months.

XII. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer or Receiver, to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office; and, if they think fit, may also take such Security from any other Officer to be appointed under or by virtue of this Act.

Officers to give Security.

XIII. And be it further enacted, That it shall be lawful for any Two or more of the said Trustees, upon the Death, Neglect, Refusal, or Incapacity to act of any Collector of the Tolls by this Act granted, by Writing under their Hands, to nominate and appoint some other fit Person to be Collector in his or her Place, until the next Meeting of the Trustees, which Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all Respects, as the Person in whose Room or Stead he or she shall be so appointed, any Thing herein-before contained to the contrary notwithstanding; but such Appointment shall continue in Force no longer than until the Day of the next Meeting of the said Trustees; and that if any Collector of the said Tolls, who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances which he or she enjoyed in right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at such Toll House, in Writing under the Hands of the said Trustees, or any Three or more of them; or if the Wife or Family of any such Collector who shall die as aforesaid, or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Buildings, and Appurtenances, within Four Days after Notice of such new Appointment being made as aforesaid shall have been given to him, her, or them, or left at such Toll House, signed by any Three or more of the said Trustees, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the County, City, or Place where such Toll House shall stand or be; by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and other Premises, and to put the new appointed Collector in Possession thereof.

On the Death of a Gate-keeper, Trustees may nominate another until the next Meeting.

If discharged Gate-keeper refuses to deliver up Toll House, &c. any Justice may cause him to be put out.

XIV. And be it further enacted, That in all Actions, Causes, Suits, Bills, Complaints, Indictments, Prosecutions, Trials, or Proceedings at Law, to be had, brought, prosecuted, or defended in pursuance of this Act, the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name or Names of any One or more of the said Trustees on Behalf of the said Trustees, and no such Action or Proceeding 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 defended; but no such Treasurer, Clerk, or Trustee, or any or either of them, shall be subject to the Payment of any Costs or Expences on account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

Actions to be brought in the Name of the Treasurer or Clerk, or One of the Trustees; but neither of them to be liable to the Payment of Costs.

XV. And

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

XV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered to erect, or cause to be erected, such and so many Turnpikes or Toll Gates as they shall think proper upon or across the said Roads, and on or near the Sides thereof, or in, near, unto, or across any Lanes or Ways leading or that may hereafter lead out of the same; and also to erect, or cause to be erected, such and so many Toll Houses, Weighing Engines, and other necessary Buildings and Fences as they shall think proper, with necessary Accommodations to such Toll Houses, and also to take in and inclose from the said Roads convenient Garden Spots for such Toll Houses, the Lands so to be used for each such Toll House and Premises not to exceed Half of an Acre.

Property of Turnpikes vested in Trustees.

XVI. And be it further enacted, That the Right and Property of and in all the Turnpikes or Toll Gates, Toll Houses, Weighing Engines, Arches, Bridges, Walls, and other Erections, Buildings, and Premises, which shall or may be erected or provided by virtue of this Act, and their respective Appurtenances, and the Materials of which the same shall consist, and all Mile Stones, Posts, Tools, Implements, and Materials which shall be provided for the Purposes of the said Roads, shall be and are hereby vested in the said Trustees, and they the said Trustees are hereby authorized and empowered to dispose of the same as they shall think fit for the Purposes of this Act, and to bring or cause to be brought any Action in the Name of any One or more of them, or of their Treasurer or Treasurers, or Clerk or Clerks, and to prefer and prosecute, or order and direct the preferring and prosecuting of Indictments against any Person or Persons who shall dig up, break or pull down, steal, take or carry away, spoil, injure or destroy, any of the said Turnpikes or Toll Gates, Toll Houses, Weighing Engines, and other Erections and Buildings, or any of the Mile Stones, Posts, Tools, Implements, or Materials aforesaid.

Turnpikes may be removed.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered from Time to Time, when and as often as they shall think proper, by their Order, to be made at a Meeting to be held after Notice, specially stating the Purpose of such Meeting, (and with the Consent and Approbation of such Person or Persons as shall be entitled to Five-sixth Parts or more of the Money which shall be then due and owing upon the Credit of the said Tolls, but not otherwise,) to cause any of the Turnpikes or Toll Gates, or any of the Weighing Engines which shall be erected by virtue of this Act in, upon, or across, or on the Sides of the said Roads, to be taken down and removed, and the same, or any other Turnpike or Toll Gate and Weighing Engine, in lieu of every Turnpike or Toll Gate and Weighing Engine so taken down and removed, to be erected in, upon, or across any other Part or Parts of the said Roads; and from Time to Time, as often as they shall think fit, upon the like Notice and with the like Consent, again to take down and remove the same Turnpikes or Toll Gates and Weighing Engines, or any of them, and to cause the same, or any of them, to be erected in, upon, or across the Part or Parts of the said Roads, whereon the same or any of them formerly stood, or in, upon, or across any other Part or Parts thereof: Provided always, that no Meeting shall be held for such Purpose as aforesaid, unless Twenty-one Days previous Notice thereof

thereof at the least shall have been given in some Newspaper published or circulated within the said County, and also upon the several Turnpikes or Toll Gates which shall be then standing in, upon, or across the said Roads.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following at each and every of the respective Turnpikes or Toll Gates, or Turnpike or Toll Gate which shall be erected in, upon, or across the said Roads by virtue of this Act, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

For every Horse, Mare, Gelding, Ass, Mule, or other Beast drawing any Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, the Sum of Three-pence:

For every Horse, Mare, Gelding, Ass, Mule, or other Beast (exceeding Three in Number) drawing any Waggon, Wain, Cart, or Dray, the Sum of Eight-pence:

For every Horse, Mare, Gelding, Ass, Mule, or other Beast (not exceeding Three in Number) drawing any Waggon, Wain, Cart, or Dray, the Sum of Three-pence:

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

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

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

And the said respective Tolls shall be demanded and taken before any Horse or Horses, or other Beast or Cattle, or any Carriage whatsoever, be permitted to pass through any such Turnpike or Toll Gate.

XIX. And be it further enacted, That it shall be lawful for the respective Toll Gatherers or Collectors at the several and respective Turnpikes or Toll Gates to be erected by virtue of this Act on the said Roads, and they are hereby authorized and empowered, on each and every *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year, to demand and take for and in respect of every Horse, Beast, and other Cattle or Carriage whatsoever, Double the Toll or Sum which may be demanded and taken for the same respectively on any other Day by virtue of this Act, before such Horse, Beast, or other Cattle, shall be permitted to pass through any such Gate or Gates, Turnpike or Turnpikes.

XX. And be it further enacted, That the said Tolls, and the Money to arise thereby, shall be and are and is hereby vested in the said Trustees; and a Table of the said Tolls shall be put up and continued at each and every Turnpike erected on the said Roads; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand made thereof by any such Collector as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for such Collector to seize and distrain, or cause to be seized and distrained, any Horse or Horses,

[*Lac. & Per.*]

K

or

Trustees to
appoint Per-
sons to collect
Tolls.

Tolls.

Increased
Toll on Sun-
days.

Tolls vested
in the Trus-
tees.

or other Beast or Cattle, or Carriage chargeable with the said Tolls, and the Bridles, Saddles, Harness, or Accoutrements which shall be upon any such Horse or other Beast, or any Part or Parts thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within Five Days next after such Seizure and Distress made, the Collector so seizing and distraining may sell or cause to be sold the Horse or Horses, Beasts or other Cattle, and their Bridles, Saddles, Harness, or Accoutrements so seized and distrained, or any Part thereof, at or near the Turnpike where the said Tolls ought to have been paid, rendering the Overplus (if any) upon Demand to the Owner or Owners thereof, after such Tolls and all reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Limiting the Number of Tolls to be taken in One Day.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Collector of the said Tolls to demand or take any more than One Toll in any One Day (such Day to be computed as aforesaid from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) from any Person or Persons for or in respect of the same Horse, or other Beast or Cattle, and Carriage, for passing or repassing through the same or any other Gate or Turnpike, or Gates or Turnpikes on the said Roads, all and every such Person and Persons producing a Ticket, denoting that the said Toll hath been paid in that Day, for or in respect thereof respectively on the said Roads, which Ticket the said Collector is hereby required to deliver *gratis* on the Payment of such Toll; but that every Person who shall have paid Toll at any Turnpike or Toll Gate upon the said Roads, for or in respect of any Horse or Horses, or other Beasts in any One Day, shall be entitled to pass and repass Toll free the same Day through all the Turnpikes or Toll Gates upon the said Roads with the same Horse or Horses, or other Beast or Beasts, or Carriage.

Penalty on evading the Tolls.

XXII. And, for preventing the evading of the Payment of the said Tolls, be it further enacted, That if any Person or Persons shall give, offer, or dispose of to, or receive from any other Person or Persons, any such Ticket as aforesaid, or shall counterfeit or knowingly make use of any counterfeited Tickets, in order to avoid Payment of the said Tolls, or any Part thereof; or if any Person or Persons owning, renting, or occupying any Lands adjoining to the said Roads, near unto any Turnpike erected thereon, shall permit or suffer any Person or Persons to pass through or over any Part of his, her, or their said Lands, with any Horse, or other Beast or Cattle, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall ride or drive any Horse, or other Beast or Cattle, through or over any Way or Passage, (not being a publick Way or Passage,) or through or over any Lands adjoining to any Part of the said Roads, or near to any of the said Turnpikes, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, whereby the Payment of any of the said Tolls, or any Part thereof, is or shall be avoided, every such Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

XXIII. Provided

XXIII. Provided always, and be it enacted, That if any Dispute shall happen about the Quantity of the Tolls due, or the Charges of distraining, keeping, and selling any Distress, it shall be lawful for the Collector or Person so distraining to detain the Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls, or Charges of distraining, keeping, and selling the Distress, as the Case may be, shall be ascertained by some Justice of the Peace for the County, City, or Place, wherein such Dispute shall happen or arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties or other Witness or Witnesses, (which Oath such Justice is hereby authorized to administer,) and shall determine the Quantity of Tolls due, and shall also assess the Charges of such Distress and Sale, and all other reasonable Costs; all which Sum or Sums so determined or assessed, shall be paid to the Collector before he shall be obliged to return the said Distress, or the Overplus after the Sale thereof, or of any Part thereof.

In case of Dispute concerning Tolls and Charges, the Matter to be settled by a Justice.

XXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls.

Collectors of Tolls to be competent Witnesses.

XXV. Provided always, and be it further enacted, That no Toll shall be demanded or taken 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 the Roads in the Townships or Parishes in which any Part of the said Roads lie; or with Seed for seeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, Wool, Peat, or Turf, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the 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, Compost, or Manure employed in Husbandry for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands; or for any Horses or other Beasts going to or returning from Pasture or Watering Place, or going to be or returning from being shod or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship 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 or Carriages of whatever Description, employed or to be employed in conveying

Exemptions from Toll.

ing the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers 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 therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, or Battack or Commissariat, or other publick Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and 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 Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any 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 said County of *Devon*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person 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 for the Purposes of this Act.

Exempting
Carriages
conveying
King's Stores,
&c. from
Penalties for
Overweight.

XXVI. 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, or Barrack or Commissariat, or other publick 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, while so employed, 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 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.

Trustees may
compound
for Tolls.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound with any Person or Persons, for any Period of Time not exceeding One Year, for any Horses, Beasts, or Cattle passing on the said Roads, or on any Part or Parts thereof, for

all or any of the Tolls by this Act made payable in respect of such Horses, Beasts, or other Cattle; and all such Composition Money shall be paid in advance Quarterly, or otherwise, as the said Trustees shall appoint, and in default thereof, every such Composition shall be null and void to all Intents and Purposes whatsoever.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and empowered from Time to Time, as they shall think proper, to lessen or reduce all or any Part or Parts of the Tolls hereby granted, at all, any, or either of the Turnpikes or Toll Gates by this Act authorized to be erected; and when so reduced, again to raise the same respectively to any Sum not exceeding the respective Tolls by this Act granted, and so as such Reduction be made with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money then due on the Credit of the said Tolls; but no such Reduction shall be made, unless Fourteen Days Notice in Writing shall be given of a Meeting to be held for that Purpose, such Notice to be affixed upon all the Turnpike Gates then erected on the said Roads, and also inserted in some Newspaper published or circulated within the said County of *Devon*, at least Fourteen Days before the Meeting for making such Reduction; and such Tolls so lessened or reduced, or raised again, shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Power to
lessen the
Tolls.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered at any Meeting, upon Twenty-one Days Notice being affixed on all and every the Turnpikes that shall be standing on the said Roads, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Person or Persons at and for the largest yearly Sum that can be reasonably got for the same, provided that the Leases, Contracts, or Agreements of or for the same be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by any Five or more of the said Trustees; but the same shall not be let for more than Three Years at any one Time; and the Rent which shall be agreed to be paid for the said Tolls shall be made payable, and shall be paid to the Treasurer to the said Trustees, so as that One Monthly Payment of such Rent shall always be in advance, or sufficient Security shall be given for the Payment of such Rent to the Satisfaction of the said Trustees, or in default thereof, every such Lease, Contract, or Agreement shall be null and void to all Intents and Purposes whatsoever.

Tolls may be
let.

XXX. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in Farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls, and to use all such Means and Methods for the Recovery thereof, in case of Non-payment or Evasion, as the Collectors appointed under or by virtue of this Act are by this Act empowered to use.

Lessees, or
Persons ap-
pointed by
them, may
collect the
Tolls.

[*Loc. & Per.*]

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XXXI. And,

Trustees may
borrow
Money.

XXXI. And, for the more speedy raising such Monies as may be necessary for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered from Time to Time, to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary for the Purposes of this Act, and by Writing under their Hands and Seals to assign over and mortgage the Tolls hereby granted, or any Part thereof, and the several Turnpikes and Toll Houses erected or to be erected upon the said Roads, (the Charges of such Assignments and Mortgages to be paid out of the said Tolls,) for any Term during the Continuance of this Act, as a Security for the Repayment of such Sum or Sums of Money with Interest to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, or Assigns, such Interest to be paid and payable by equal Quarterly Payments at the Dwelling House of the Treasurer to the said Trustees for the Time being; all which Mortgages or Assignments shall be in the Words or to the Effect following:

Form of
Mortgage.

‘ BY virtue of an Act of Parliament made in the Fifty-second Year of
 ‘ the Reign of King *George* the Third, intituled, [*set forth the Title*
 ‘ *of this Act,*] We whose Names are hereunto subscribed and Seals
 ‘ affixed, (being Trustees acting in the Execution of the said Act,) in Con-
 ‘ sideration of the Sum of _____ to the Treasurer
 ‘ of the said Roads in Hand paid by _____ do hereby
 ‘ grant, bargain, sell, and demise unto the said
 ‘ Executors, Administrators, and Assigns, such Proportion of the Tolls
 ‘ arising by virtue of the said Act, and also of the Turnpikes and Toll
 ‘ Houses for collecting the same, as the said Sum of _____
 ‘ doth or shall bear to the whole Sum charged and advanced, or to be
 ‘ charged or advanced on the Credit of the said Act, to be had and holden
 ‘ from this _____ Day of _____ in the Year
 ‘ of our Lord _____ for and during the Continuance of the said
 ‘ Act, unless the said Sum of _____ with Interest, after
 ‘ the Rate of _____ *per Centum per Annum,* shall
 ‘ be sooner repaid and satisfied. Given under our Hands and Seals this
 ‘ _____ Day of _____ in the Year of our Lord _____

Copies of
Mortgages to
be entered.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees, and such Book or Books may at all seasonable Times be perused and inspected by any Person interested, without Fee or Reward; and all Mortgages or Assignments, which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual, to all Intents and Purposes whatsoever; and all Persons to whom any such Mortgages or Assignments respectively shall be made as aforesaid, or who shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer the same Security or Securities respectively, and all Benefit and Advantage thereof, and all their Right, Title, and Interest to the Principal and Interest Money thereby respectively secured, or any Part thereof, to any Person or Persons whomsoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

Transfer of
Mortgages.

Form of
Transfer.

‘ I _____ being entitled to the Sum of _____
 ‘ secured to _____ Executors, Administrators, and Assigns,
 ‘ by virtue of a Mortgage or Assignment, bearing Date the _____
 ‘ _____ Day

Day of _____ under the Hands and Seals of
of the Trustees acting in Execution of an Act of Parliament made in
the _____ Year of the Reign of King *George* the Third, intituled,
[set forth the Title of this Act,] upon the Credit of the said Act, do
hereby transfer all my Right and Title in and to the same, and all the
Principal and Interest Money now due and owing thereon, unto
Executors, Administrators, and Assigns. Dated this _____ Day of
_____ in the Year of our Lord

And every such Transfer shall be produced and notified to the Clerk to
the said Trustees within Three Calendar Months next after the Date thereof,
who shall cause an Entry or Memorial to be made thereof, containing the
Date, Names of the Parties, and Sum of Money therein mentioned to be
transferred, in the said Book or Books to be kept for entering the said
original Mortgages or Assignments to be made by this Act, and for which
Entry the Clerk who shall enter the same shall be paid Two Shillings and
Sixpence, and no more; and after such Entry made, every such Transfer
shall entitle the Person or Persons to whom the same shall be made, his,
her, or their Executors, Administrators, and Assigns, to the Benefit
thereof and Payment thereon; and after such Entry or Memorial made
thereof as aforesaid, it shall not be in the Power of any Persons or Per-
son making such Transfer to make void, release, or discharge the same,
or the Monies thereby due, or any Part thereof; and all Persons to whom
such Mortgages, Assignments, or Transfers shall be made as aforesaid,
shall be respectively Creditors on the said Tolls in equal Degree one with
another, and shall have no Preference in respect of Priority in advancing
the Monies thereby secured, or the Date of such Mortgages or Assign-
ments: Provided nevertheless, that before any Sum or Sums of Money
shall be taken up or borrowed Twenty-one Days Notice at the least shall be
given of the Intention of borrowing such Money, by affixing the same
on all and every the Turnpike Gates erected on the said Roads, and also
in some Newspaper circulated in the Neighbourhood of the said Roads;
and all such Monies so borrowed shall be vested in the said Trustees for
the Purposes of this Act.

Notice of
Transfers to
be given to
the Clerk in
Three Calen-
dar Months.

Trustees to
give Twenty
one Days
Notice pre-
vious to
borrowing
Money.

XXXII. And be it further enacted, That out of the first Monies arising
by the Tolls which shall be collected by virtue of this Act, or out of the
first Monies subscribed, or which shall be subscribed or borrowed upon
the Credit thereof, the said Trustees shall, in the first Place, pay and de-
fray all the Charges and Expences incident to and attending the obtaining
and passing of this Act; and after Payment, Satisfaction, and Discharge
thereof, the Residue and Remainder of such Monies shall from Time to
Time be applied in erecting Turnpikes or Toll Gates, Toll Houses, and
Weighing Engines, and in amending, widening, and repairing the Roads
by this Act intended to be widened, amended, and repaired, and in de-
fraying the necessary Costs, Charges, and Expences attending the same,
and the Execution of this Act, and in the Payment of the Principal
Monies charged or borrowed by virtue thereof, and the Interest due and
to grow due thereon, and to and for no other Use, Intent, or Purpose
whatsoever.

Application
of the Tolls
and Money
borrowed.

XXXIII. And be it further enacted, That it shall be lawful for the said
Trustees, and they are hereby authorized and empowered to widen, turn,
alter, and make the Course or Path of any Part or Parts of the said
Roads

Power to
widen or
alter the
Course of
Roads

the Roads,
and to enter
Lands.

Roads within the Limits herein-after mentioned, through or over any Commons or Waste Grounds, without making any Satisfaction for the same, and also in, upon, through, or over any private Lands, Grounds, Tenements, or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Roads or Alterations hereby authorized to be made is or are intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Roads or Alterations, and also to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Roads; and also to make a temporary Way or Ways through or over any such adjoining Lands or Grounds, to be made use of as a publick Highway, whilst the narrow or ruinous Parts of the Roads are widening or repairing, and until the said Roads shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as disputed value of Lands, to be purchased or used by virtue of this Act, is herein after directed to be ascertained and settled; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Roads or Alterations, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Road to be
made accord-
ing to the
Map or Plan
deposited at
the Office of
the Clerk of
the Peace.

XXXIV. And whereas a Map or Plan describing the Line of the said Roads, and the Lands, Hereditaments, and Premises through which the proposed Alterations are to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Devon*; be it therefore enacted, That the said Map or Plan, and the Book 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 thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Roads shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politick, Corporate or Collegiate, through whose Lands or Premises such Deviation shall be made.

Lands mark-
ed in the
Plan may be

XXXV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said proposed Alterations of Road
into,

into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners of Land or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mistated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

used, notwithstanding Errors in the Book of Reference.

XXXVI. 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 to take or pull down 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, other than and except such as are marked or described in the said Plan and Book of Reference, any Thing in this Act contained to the contrary in anywise notwithstanding.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owners.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person by them duly authorized, to treat, contract, and agree with the Owners of and Persons interested in any such Lands, Tenements, or Hereditaments, as may be necessary for the Purposes of this Act, for the Purchase thereof, or for the Loss or Damage the Person or Persons interested therein, or in such adjoining Lands as aforesaid, or any of them, shall or may anyways sustain by or by Means of such widening, turning, making, altering, or completing the Course or Path of any Part of the said Roads; and it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Committees, Husbands, Guardians, or other Trustees for or on Behalf of any Infants, Females Covert, Cestuique Trusts, Idiots, Lunatics, or other Persons under Disability, and for all and every other Person and Persons who are or shall be seised, possessed of, or interested in any such Lands or Premises, to contract and agree with the said Trustees for the Sale of such Lands, Tenements, or Hereditaments, or of their Interest therein, or for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to the said Trustees, all or any Part of such Lands, Tenements, Hereditaments, or Premises, as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing to the contrary notwithstanding; and all such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and in case any Owner, Proprietor, Occupier of or other Person or Persons interested in any Lands, Tenements, or Hereditaments, which the said Trustees shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees, or

Power to purchase Lands.

In case of Difference a Jury to be summoned.

[Loc. & Per.]

M

other

other Trustees, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Place of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Trustees, shall, for the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then and in every such Case it shall be lawful for the said Trustees to cause it to be enquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Devon*, (which Oaths the said Trustees, or any Two or more of them, are hereby empowered to administer,) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested, for or upon Account of the taking or using of such Lands, Tenements, or Hereditaments for the Purposes of this Act, or such Damages as aforesaid; and in order thereto, the said Trustees, or any Three or more of them, are hereby empowered and required from Time to Time to summon and call before them all and every Person or Persons who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath, (which Oath the said Trustees, or any Two or more of them, are hereby empowered and required to administer,) and they shall or may order and cause the said Jury to view the Place in Question, and may use all other lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Judgement, Order or Determination so had and made, shall be final and conclusive to all Intents and Purposes whatsoever against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and Persons anywise interested in such Lands, Tenements, or Hereditaments, shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, or Property of, in, to, or out of the same Lands, Tenements, or Hereditaments; and for summoning and returning any such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants, signed by any Three or more of them, to the Sheriff of the said County of *Devon*, thereby commanding and requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy is hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy, shall return other honest and indifferent Men of the Standers-by, or that can be speedily

procured or summoned to attend that Service, to the Number of Twelve: Provided always, that all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines on such Sheriff, or his Deputy, who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear without some reasonable Excuse, or after having appeared shall refuse to be sworn on the said Jury, or after having been sworn shall refuse to give or shall not give his or their Verdict on the Matter in Question, or shall in any other Manner wilfully neglect his or their Duty therein; and on any of the Persons who, being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear without some reasonable Excuse, or refuse to be sworn or examined; or give Evidence touching the same; but no such Fine shall exceed Twenty Pounds upon any such Sheriff or Deputy; nor more than Ten Pounds upon any other Person for One Offence.

Jury may be challenged.

Sheriffs, &c. may be fined for neglect of Duty.

XXXVIII. And be it further enacted, That in case any Jury 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 any Lands, Tenements, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than shall have been agreed to and offered by or on Behalf of the said Trustees, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by or on Behalf of the said Trustees, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be paid and borne 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 authorized and required to settle the same,) shall be deducted out of the Money so assessed and adjudged, as so much Money advanced for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence have been prevented

Expences of Jury how to be defrayed.

vented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of any Money to be raised or received under or by virtue of this Act.

On Payment
of the Pur-
chase Money,
Land may be
made use of.

XXXIX. And be it further enacted, That all Sums of Money or Recompence, to be agreed for or assessed as aforesaid, shall be and the same are hereby charged upon the Monies which shall be collected or raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or by their Treasurer or Treasurers, to the Persons respectively entitled thereto, or to their Agents; and upon Payment thereof to such Persons or their Agents, or in case of Refusal to accept the same after Tender thereof, on depositing the same in the Bank of *England* in Manner by this Act directed, (as the Case shall be,) the said Lands, Tenements, Hereditaments, and Premises shall be by virtue of this Act vested in the said Trustees, and it shall be lawful for the said Trustees, their Surveyors, Workmen or Agents, to enter into the Possession of such Lands, Tenements, Hereditaments, and Premises, and to cause the same to be laid into and made Part of the said Roads; and the said Lands and Premises shall from thenceforth, to all Intents and Purposes whatsoever, become and be deemed and taken to be a publick and common Highway, and Part of the said Roads for ever, and shall be fenced and repaired and kept in Repair by the said Trustees; and also by such Ways, Means, and Methods, as the said Roads hereby directed to be widened, altered, or turned, was or ought to have been kept in Repair: Provided always, that no Fence shall be erected nearer than Thirty Feet from the Centre of the said Road on the Sides thereof, where the same passes over Commons or Waste Grounds hitherto uninclosed; and all Parties and Persons shall for ever thereafter be divested of all Right and Title to such Lands, Hereditaments, and Premises; and after such Roads shall be completed, the Ground constituting the former Road (unless leading to some Village, Town, or Place to which such new Roads doth not lead) shall be vested in, and shall or may be sold and conveyed by the said Trustees for the best Price that can be gotten for the same; and it shall also be lawful for the said Trustees to sell and dispose of any other Piece or Pieces of Ground, of which they may become possessed by virtue of this Act, and which may not be wanted for the Purposes thereof, and the Money arising by such Sale or Sales as aforesaid respectively shall be applied for the Purposes of this Act; and the Conveyance to be made of such old Road or Piece or Pieces of Ground being executed by any Seven or more of the said Trustees, and inrolled with the Clerk of the Peace for the said County, shall be good and effectual in the Law to all Intents and Purposes; and the Lords of the respective Manors shall have the same Interest and Property in such new Roads as they were possessed of or entitled to in the former Road, in lieu whereof such new Road shall be made.

First Offer to
whom to be
made.

XL. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground, not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on Account of the Price thereof) to

to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of Ground shall be situate; (who are hereby respectively empowered to take such Affidavit,) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating, that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made; shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner by this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act directed with respect to such Purchases made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or 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.

XLI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to the Account *ex parte* the said Trustees, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of

[*Loc. & Per.*]

N

making.

Application
of Money
awarded
above 200*l.*

making such Conveyance or Settlement shall be existing undetermined or capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

Where less
than 200l.
and above
20l.

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

Where under
20l.

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

In case of
not making
out a good

XLIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase

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

Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of Chancery, on Petition.

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

In case of disputed Titles.

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

Court may order reasonable Expenses.

to be paid by
the Trustees.

entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting
Materials to
repair the
Road.

XLVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and for all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Beach, Stones, Gravel, Sand, or other Materials for making or repairing the said Roads, out of or from any Common or Waste Ground, River or Brook in any Parish, Township, Hamlet, Division, District, or Place in which any Part of the Roads hereby directed to be made, amended, and repaired shall lie, or in any neighbouring Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits and Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that it shall be lawful for such Surveyor, or other Persons as aforesaid, by order of the said Trustees, such Order to be made at some Meeting of the said Trustees to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk to the said Trustees, to enter upon any private Lands, Fields, or Grounds, and to search for, cut, dig, get, gather, and take away such Materials as aforesaid, in, off, from, through, over, upon, and out of the private Lands, Fields, or Grounds of any Person or Persons whomsoever, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Damages done thereby to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any Materials for making and repairing the said Roads shall be carried, according to their respective Rights and Interest in such Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the Owners or Occupiers, or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace of the County, City, or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, through or over, upon Proof of Fourteen Days Notice thereof in Writing having been given by either Party to the other, or left at their respective Places of Abode, to hear and determine the Matter of such Payment and Damages; and the Judgement or Order of the said Justices shall be final and conclusive to all Parties.

XLVIII. Provided

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

Notice to be given to the Occupier of inclosed Lands before Materials are to be taken.

XLIX. And be it further enacted, That if any Person whomsoever shall take away any Gravel or Materials, which shall have been dug or gathered by virtue of this Act by or by the Order of the said Surveyor or Surveyors in any Lands, Fields, Waste or Grounds, River or Brook, for the Purpose of amending the said Roads, or any Part or Parts thereof, or shall get or take away any Gravel or Materials out of any Pit or Quarry, which shall be made by the said Trustees for the Purpose of getting such Materials for amending the said Roads, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein, for the Space of Six Weeks, (except the Owner or Occupier of such private Lands, Fields, or Grounds, and Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only, and not for Sale,) every Person so offending shall forfeit for every such Offence any Sum not exceeding Ten Pounds.

Penalty on taking away Materials got by Order of the Surveyor.

L. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and such Person or Persons as he or they shall appoint, (by Direction and under the Hands of any Three or more of the said Trustees,) from Time to Time to remove and prevent all Annoyances or Obstructions on any Part or Parts of the said Roads, by Rails, Steps, Sign Posts, or other Posts, and also by Filth, Dung, Athes, Rubbish, or otherwise, and to turn any Watercourse, Sinks, or Drains running into, along, or out of any Part of the said Roads, to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to any Part of the said Roads, and at proper Seasons of the Year to cut down, lop, or top any Trees or Bushes growing in any Part of the said Roads, or in the Hedges or Banks adjacent thereto, in case the Person or Persons occasioning such Annoyances, or who ought to remove the same or to cleanse such Ditch or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall

Surveyor may remove Annoyances.

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Q.

refuse

refuse or neglect so to do for the Space of Ten Days next after Notice in Writing given for that Purpose, signed by any Three or more of the said Trustees, or by their Surveyor or Surveyors by their Order, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person or Persons shall not upon Demand pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall or 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 other Penalty inflicted by this Act; and if, after the Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every Person so offending shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Road to be measured, and Mile Stones to be set up, &c.

LI. And be it further enacted, That the said Trustees shall and they are hereby required to cause the said Roads to be measured, and Miles Stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, and if they think fit may also cause Posts to be erected to denote the Distance of every such Post from any Town or Place, and may also cause to be erected Guide Posts upon such Parts of the said Roads, where the same are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, or destroy any of such Stones or Posts, or obliterate or deface the Figures, Marks, or Inscriptions on any of the Stones or Posts, erected or to be erected on any Part of the said Roads, or shall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches on any Part of the said Roads, every such Person shall forfeit and pay, over and above the Damage thereby done or occasioned, any Sum not exceeding Five Pounds for each Stone, Post, or Parapet Wall so broken, thrown down, injured or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Causeways, Bridges, &c. may be made; Penalty for making them, and for Annoyances, &c.

LII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint or employ, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees,) to make or cause to be made Causeways and Footpaths, and also covered or opened Drains and Ditches, in and upon or on the Sides of or near the said Roads, and to build and erect any Bridge or Bridges, Arch or Arches upon any Part or Parts of the said Roads, and across any River, Stream, Brook, Ditch, or Drain therein or contiguous thereto, and also to repair and keep in Repair any Bridge or Bridges, Arch or Arches now built or to be hereafter built upon any Part of the said Roads, and across any River, Stream, Brook, Ditch, or Drain therein or contiguous thereto, Notice of such Intention to build, erect, or repair any such Bridge being first given by affixing the same on all the Turnpike Gates that shall then be erected by virtue of this Act, at least Ten Days before the Meeting at which such Order to build, erect, or repair any such Bridge shall be made; and if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise

destroy

destroy or damage any such Causeway, Bridge, Arch, Wall, or Drain, or shall ride on or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Roads; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Roads, or in ploughing shall turn any Horse or other Beast drawing a Plough upon any Part of the said Roads to the Prejudice thereof; or if any Person 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 a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed on any Wheel Carriage to drag upon any Part of such Roads to the Prejudice thereof; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, with any Instrument so as to damage the said Roads, or any Part thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, (without some reasonable Cause to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed in order to his Conviction, and with regard to such Waggon, Wain, Cart, or other Carriage, except during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Roads as conveniently may be,) in, upon, or on the Sides of the said Roads, either with or without any Horse or Beast harnessed or yoked thereto; or shall lay any Timber, Wood or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever upon any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof or Annoyance of any Person or Persons travelling thereon, every Person so offending shall for every such Offence forfeit and pay, over and above the Amount of the Damages thereby occasioned, any Sum not exceeding Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

LIII. And be it further enacted, That in case any Owner, Proprietor, Occupier, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees, Trustees, or any other Person or Persons who now are or at any Time have been liable or chargeable towards repairing any Bridge or Bridges built across or adjoining to the said Roads, or any Part thereof, shall still remain liable and chargeable to such Repairs, in such Manner as they would have been if this Act had not been made; and in case any Lands, Tenements, or Hereditaments, or any Rents or Profits issuing out of any Lands, Tenements, or Hereditaments, now are or shall hereafter be liable and chargeable towards the amending any Part or Parts of the said Roads, such Lands, Tenements, Hereditaments, Rents and Profits, shall still remain so liable and chargeable, and the Possessors and Occupiers thereof are hereby required and directed to pay such Rents and Profits, as ought to be applied towards the Repairs of the said Roads, to the said Trustees, or to their Treasurer; and upon Default of Payment thereof, the same shall or may be levied and recovered in like Manner as any Penalties or Forfeitures for Offences against this Act are herein-

Persons liable
to repair the
Roads to
continue so.

herein-after directed to be levied and recovered: Provided always, that in case the ancient or former Way over any Common or Waste Ground shall by virtue or in pursuance of this Act be turned or diverted, the Inhabitants of the Township, Hamlet, or Parish, wherein such old or former Road shall lie, shall not be obliged to repair such old or former Road, unless the same leads to some Village, Town, or Place, with which the new Road doth not communicate.

Statute
Labour.

Justices to
determine
Differences
touching
Statute
Work.

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

or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees,) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LV. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any the Parishes or Places in which the said Roads are situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance, on or before the Twenty-fifth Day of *March* in each and each Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Statute Work
may be com-
pounded for.

LVI. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, or other Officers under this Act, be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons, guilty of any Offence against this Act, and forthwith to convey him, her, or them before any Justice or Justices of the Peace of the County or Place where any such Offence or Offences shall be committed, without any further Warrant or Authority than this Act for so doing.

Power to
Collectors,
&c. to detain
unknown Per-
sons guilty of
Offences.

LVII. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Of-

Recovery
and Appli-
cation of
Penalties.

[*Loc. & Per.*]

P

fenders,

fenders, by Warrant under the Hand and Seal of any Justice of Peace for the said County of *Devon*, or Place where the Offence shall happen, (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness or Witnesses upon Oath); and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures when recovered (if not herein-before directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, and be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, City, or Place where the Offence shall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

Conviction of Offenders.

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

Form of Conviction.

County of Devon, } BE it remembered, That on the _____ Day of
 to wit, } _____ in the Year of our Lord
 A. B. is convicted before me [or, us] _____ of His Majesty's Justices
 of the Peace for the County of *Devon*, [or, as the Case may be, *specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be.*] Given under my Hand and Seal [or, our Hands and Seals] the Day and Year first above written.

Distress not unlawful for Want of Form.

LIX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity, shall or may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings not to be quashed for Want of Form, or removable by Certiorari.

LX. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings made, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only; or be removed or removable by *Certiorari*, or by any

any other Writ or Proceſs whatſoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywiſe notwithstanding.

LXI. And be it further enacted, That the ſeveral and reſpective Perſons who have ſubſcribed Money for and towards the amending, widening, and repairing the ſaid Roads, ſhall and they are hereby required to pay the Sum or Sums of Money ſo ſubſcribed, within ſuch Time and Times, and in ſuch Parts and Proportions, as the ſaid Trustees ſhall order and direct, and the ſame ſhall be paid to ſuch Perſon or Perſons as the ſaid Trustees ſhall by any Writing under their Hands authorize to receive the ſame; and if any Perſon or Perſons ſhall neglect or reſuſe to pay the ſame, or any Part thereof as aforeſaid, it ſhall be lawful for the ſaid Trustees to ſue for and recover the ſame in any of His Majesty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlanee, ſhall be allowed; and all ſuch Monies ſhall be veſted in the ſaid Trustees for the Purpoſes of this Act.

Subscribers
to pay their
Subscrip-
tions.

LXII. Provided always, and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General or Quarter Sessions of the Peace to be holden for the County or Place (within which the Matter of Appeal ſhall ariſe) next after the Expiration of One Calendar Month from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing firſt giving Ten Days Notice at leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Treasuſer or Clerk to the ſaid Trustees, and within Two Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, with ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order and Award of the ſaid Court thereon; and the ſaid Juſtices at ſuch Sessions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination therein, and to award ſuch Coſts and Charges to either of the Parties, or otherwiſe, as they ſhall judge proper; and all ſuch Determinations ſhall be final, binding, and concluſive to all Parties, to all Intents and Purpoſes whatſoever.

Perſons ag-
grieved may
appeal to the
Quarter
Sessions.

LXIII. And be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Twenty-one Days Notice in Writing ſhall have been given to the Defendant or Defendants, before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action if Tender of ſufficient Amends ſhall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court, after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money,

Plaintiffs not
to recover
without No-
tice, or after
Tender of
Amends.

as he, she, or they shall think fit; whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation
of Actions.

LXIV. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Devon*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time by this Act limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

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

Commence-
ment and
Continuance
of this Act.

LXVI. And be it further enacted, That this Act shall commence and take Place on the Third *Wednesday* after the passing thereof, and shall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1812.