



ANNO TERTIO

# GEORGII IV. REGIS.



## Cap. li.

An Act to alter and enlarge the Term and Powers of an Act of His late Majesty, for the making, repairing, lighting, watching and watering certain Roads, leading from the Borough of *Plymouth* to *Stonehouse Bridge* and *Plymouth Dock* in the County of *Devon*; and for regulating the Stands and Fares of Hackney Coaches and Carts using the same. [15th May 1822.]

**W**HEREAS an Act was made in the Forty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the making, repairing, lighting, watching, and watering certain Roads, from the Borough of Plymouth to Stonehouse Bridge and Plymouth Dock in the County of Devon; and for regulating the Stands and Fares of Hackney Coaches and Carts using the same*: And whereas the Trustees appointed in or by virtue of the said recited Act, have proceeded in the Execution thereof, and have borrowed considerable Sums of Money upon the Credit of the Tolls thereby granted, which Sums of Money cannot be repaid, nor can the said Roads be kept in Repair, unless the Term and Powers granted by the said recited Act are further continued and enlarged, and unless additional Powers are granted and the Tolls increased; and it would be attended with great Convenience to the Inhabitants of the said Borough of *Plymouth*, and of the Towns of *Stonehouse* and *Plymouth Dock*, if Powers were given for the repairing and maintaining a certain Road, leading from *George Street*, in the said Borough of *Plymouth*, through *Union Street* in the said Borough, and

45 G. 3. c. 34.

[Local.]

Recited Act  
further con-  
tinued.

and *Union Street*, *Edgcumbe Street*, and over the Quay in the Parish of *East Stonehouse*, to the East Side of the said Bridge called *Stonehouse Bridge*, in the said Parish of *East Stonehouse*; but as such several Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Clauses, Powers, Exemptions, Pains, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Provisions, Articles, Matters, and Things whatsoever therein contained (save and except as much thereof as are by this Act varied, altered, or repealed), shall be and are hereby declared to remain in full force and effect for the Term herein-after mentioned, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this present Act; and that this Act, and the Term and Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies raised and borrowed for the Purpose of making, repairing, and maintaining the several Roads herein-after mentioned and described, as leading from the Borough of *Plymouth* to the Towns of *East Stonehouse* and *Plymouth Dock*, and now due and owing on the Credit of the said recited Act, or which shall or may hereafter be borrowed and become due on the Credit of the said recited Act and this present Act, or either of them, and all Interest due and to become due for the same respectively.

New Trus-  
tees.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Devon*, the Governor and Lieutenant Governor of *Plymouth* for the Time being, together with *Samuel Archer*, *Addis Archer*, *John Arthur*, *Richard Arthur*, *Sir John Saint Aubyn* Baronet, *James Adams*, *Richard Bayly*, *George Bayly*, *James Barton*, *Thomas Bewes*, *Peter Birdwood*, *Arthur Burrell*, *Richard Oliver Backwell*, *James Batten*, *Thomas Billing*, *John Billing*, *Robert Billing*, *Richard Blackmore*, *Richard Bromley*, *Benjamin Bullocke*, Vice Admiral *William Bedford*, *James Boyle*, *James Braimer*, *Robert Bint*, *William Clarke*, *John Collier*, *Joseph Cookworthy*, *George Coryndon*, *John Cole*, *James Cloke*, *Richard Creyke*, *William Dove*, *Peter Dunsterville*, *Bartholomew Dunsterville*, *Richard Dunning*, *James Newman Dunsford*, *Henry Davis*, *Jacob Delacombe*, *William Eastlake*, *George Eastlake*, *Jonathan Elford junior*, *James Elliott*, *James Elliott junior*, *Richard Fillis*, *Sir Digory Forrest Knight*, *John Yard Fownes*, *James Fox*, *Robert Fuge*, *Samuel Fuge*, *John Hele Fuge*, *Benjamin Fuge*, *William Foote*, *Benjamin Fox*, *William W. Foot*, *John Gandy Clerk*, *Thomas Gill*, *John Gullett*, *James Glencross*, *William Glencross*, *James Gant*, *Thomas Harris*, *William Snow Harris*, *John Harris*, *John Hawker*, *Stephen Hammick*, *Stephen Love Hammick*, *George Herbert*, *Richard Hennah Clerk*, *Joseph Hingston*, *George Hunt*, *William Hodge*, *Edward Hoxland*, *Thomas Husband*, *William Hare*, *Simon Hyne*, *William Jacobson*, *Edward Jago*, *Henry Incedon Johns*, *Richard Isbell*, *James Isbell*, *John Isbell Doctor of Medicine*, *Andrew Kinsman*, *Richard King*, *William Kingdon*, *Samuel Kerswill*, *William Langmead*, *George Leach*, *George Leach junior*, *Edmund Lockyer*, *Thomas Lockyer*, *William Lockyer*, *John Luscombe Luscombe*, *Daniel Little*, *John Liscombe*, *John Lugger*, *Elias Lawrence*, *Thomas Lang*, *William Marshall*, *Charles Marshall*, *Thomas Miller*, *Joseph Moore*, *John Moore*, *Vaughan May Doctor of Medicine*, *Peter Manico*, *Richard Miall*, *William Mould*, Lieutenant General *Richard Thomas Nelson*, *John Norman*,

man, Charles Potbury, William Prance, John Pridham, Joseph Pridham, John Drake Pridham, William Prideaux, Robert Butler Remmett Doctor of Medicine, Richard Rosdew, William Rowe, Jonathan Ramsey, Richard Rodd, Robert Rundle, Thomas George Shortland, James Skinner, John Smith, Richard Jago Squire, Thomas Steward Doctor of Medicine, John Smith, John Sole, William Davey Sole, John Scobell, Joseph Scobell, John Scobell junior, George Seath, Thomas Clinton Shiells, Daniel Smith, John Tingcombe, Peter Tonkin, Warwick Hele Tonkin, John Tolcher, John Vinnicombe, Peter Welsford, William Adams Welsford, Joseph Whiteford, James White, John Wills, William Furlong Wise, John Williams, Thomas Woolcombe, George Woolcombe, William Woolcombe Doctor of Medicine, Henry Woolcombe, Henry Welsford, William Welch, and all their Successors, to be elected in manner directed by the said recited Act, shall be and they are hereby declared to be the Trustees for making, amending, repairing, altering, widening, and improving the Road leading from the *New Tree* Public House in the said Borough of *Plymouth*, to a Bridge erected over the Creek at the Town of *Stonehouse*, and from the West End of the said Bridge to or near to the Theatre, in the Town of *Plymouth Dock*, in the Parish of *Stoke Damarell*; and also the Road through *George Street* and *Lower Mill Prison Lane*, by a certain Place called the *Grove* at or near *Mill Bay*, and from thence over *Stonehouse Hill* to the Western End of the Wall of the *Royal Marine Barracks*, in *Stonehouse* aforesaid; also a Road from the Glacis of *Plymouth Citadel* through *Higher Mill Prison Lane*, to the *Grove* aforesaid; and also a Road from *George Street* aforesaid, through *Union Street* and *Edgumbe Street*, and over the Quay, in the Town of *Stonehouse* aforesaid, to the East Side of the said Bridge called *Stonehouse Bridge*; and for lighting, watching, and watering such several Roads, and for regulating the Stands and Fares of all Coaches, Chaises, Carts, and other Carriages, plying or let for Hire on such several Roads; and for otherwise carrying the said recited Act and this Act into Execution.

III. And be it further enacted, That it shall be lawful for the said Trustees (after giving such Notice as in the said recited Act is directed respecting the Appointment of Trustees on Vacancies) to elect, nominate, and appoint any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of the said Act and this Act, in addition to the Trustees hereby nominated and appointed.

Power to elect additional Trustees.

IV. And whereas it is by the said recited Act enacted, that no Person shall be capable of acting as a Trustee in the Execution thereof, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, over and above what shall satisfy and discharge all Reprizes and Incumbrances affecting the same, or shall be Heir Apparent of some Person or Persons who shall in like Manner be possessed of an Estate in Land of the yearly Value of One thousand five hundred Pounds, or shall be possessed of or entitled to a Personal Estate to the Amount of One thousand Pounds: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repeal of Qualification of Trustees.

V. And be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act and this Act, unless

Qualification of Trustees.

unless at the Time of his acting therein he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or in the Receipt of Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir Apparent to a Person seised or possessed or in the actual Receipt of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds; and if any Person, not being so qualified, or being disqualified by Bankruptcy, Insolvency, or otherwise, or not having taken and subscribed the Oath herein-after mentioned, (or, being a Quaker, not having made and subscribed the Affirmation herein-after mentioned,) shall act as a Trustee in the Execution of the said recited Act and this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of the said recited Act and this Act, or either of them: Provided nevertheless, that all the Acts and Proceedings by any such Person as a Trustee in the Execution of the said recited Act and this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees to  
take an Oath.

VI. Provided also, and be it further enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such (except in administering the Oath next herein-after mentioned), shall take and subscribe an Oath (or, being a Quaker, make and subscribe an Affirmation), before Two or more of the said Trustees (who are hereby empowered and required to administer the same), in the Form or to the Effect following; (that is to say),

Oath.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do*  
‘ solemnly affirm], That I truly and *bonâ fide* am, in my own Right [*or,*  
‘ in the Right of my Wife, *as the Case may be,*] in the actual Possession  
‘ and Enjoyment or Receipt of the Rents and Profits of Freehold or  
‘ Copyhold Lands, Tenements, or Hereditaments, of the clear yearly  
‘ Value of One hundred Pounds above Reprizes, [*or, am Heir Apparent*  
‘ of *A. B.* who, to the best of my Knowledge and Belief, is *bonâ fide*  
‘ seised or possessed of, or in the actual Possession or Receipt of Rents  
‘ and Profits of Freehold or Copyhold Lands, Tenements, or Heredita-  
‘ ments, of the clear yearly Value of Two hundred Pounds above Re-  
‘ prizes; *or, am possessed of a Personal Estate alone, or Real and Per-*  
‘ sonal Estate together, to the Amount of Four thousand Pounds]; and  
‘ that I will truly, faithfully, and impartially act in the Execution of the  
‘ Trusts and Powers vested and reposed in me by an Act passed in the  
‘ Third Year of the Reign of His Majesty King *George* the Fourth,  
‘ intituled *An Act*, [*here set forth the Title of the Act.*]

‘ So help me GOD.’

‘ [*Or, being a Quaker, omit the Words ‘ So help me GOD.’*]

VII. And

VII. And be it further enacted, That all Acts, Matters, and Things, to be done relative to the Execution of the said recited Act and this Act, or either of them, shall and may be done and executed by the Majority of the Trustees who shall be present at the respective Meetings to be holden in pursuance thereof respectively, the whole Number present of such Trustees not being less than Three; and all Acts, Proceedings, Matters, and Things when so done, shall be as good, valid, and effectual, as if the same had been done by all the said Trustees.

Three Trustees to be a Quorum in all Cases in the Execution of the said Act and this Act.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act and this Act, or either of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Act and this Act, or either of them; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of the said Act and this Act, or either of them, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Act and this Act, or either of them, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Clerk restrained from acting as Treasurer, and vice versa.

IX. And whereas the Treasurer to the said Trustees is by the said recited Act required, at the Period of laying his Accounts annually before a Meeting of the Trustees, in order that the same may be audited, passed, and allowed by them, if approved of, to verify the same upon Oath; and all other Officers having Monies to account for, are by the said recited Act required to verify their said Accounts upon Oath: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repealing Provision in 45 G. 3. c. 34. requiring Account to be verified on Oath.

X. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money

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

not exceeding Five Pounds, to be levied and recovered in manner hereinafter mentioned.

Present Tolls insufficient to pay Expenses of Road.

XI. And whereas the Amount of the Tolls authorized by the said recited Act to be taken on the said Roads, has been found insufficient for amending and keeping the said Roads in good Repair; be it therefore enacted, That from and after the Twenty-fourth Day of *June* next, the Tolls payable in and by the said recited Act, shall cease, determine, and be no longer paid, and that in lieu thereof it shall and may be lawful for the Trustees appointed or to be appointed, to demand and take, or cause to be demanded and taken, at the Turnpikes or Toll Houses erected or to be erected on the said Roads, the following Tolls, before any Horse or other Beast or Cattle shall be permitted to pass through the same; (that is to say),

Tolls.

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

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

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

For every Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Two Horses, Mules, or other Cattle, the Sum of Four-pence (excepting the Carriages licensed by the Trustees acting under this Act) :

For every Coach or Chaise licensed by the Trustees as aforesaid, and drawn by Two Horses, Mules, or other Cattle, the Sum of Two-pence :

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

For every Chaise, Car, or Chair, drawn by One Horse, Mule, or other Beast, the Sum of Two-pence :

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

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

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

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

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

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

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

For every Waggon, Wain, Cart, Tumbril, or Dray, drawn by One Horse or other Beast, the Sum of Two-pence :

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

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Five-pence *per* Score, and so in proportion for a greater or less Number :

And for every Drove of Calves, Swine, Sheep or Lambs, the Sum of Two-pence Halfpenny *per* Score, and so in proportion for any greater or less Number.

XII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to enable any Collector of the said Tolls to demand or take any more than One Toll, from any Person or Persons whomsoever, for or in respect of the same Carriage, Horse, Beast, or other Cattle, passing and repassing once in the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), through any Toll Gate erected or to be erected on the said Roads, all and every such Person and Persons producing a Ticket, denoting that such Toll hath been paid on that Day for or in respect of such Carriage, Horse, Beast, or other Cattle, at One of the said Gates.

Tolls to be paid, once only for passing and repassing.

XIII. Provided always, nevertheless, That every Stage Coach shall pay the said Tolls on each and every Time of passing and repassing along the said Roads, notwithstanding such Stage Coach shall have previously passed through and paid the Tolls at such Gate on the same Day, either with the same or different Horses.

Stage Coaches to pay every Time of passing through Gates.

XIV. Provided always, That all Horses travelling for Hire, drawing or having drawn any Post Chaise or other Carriage, for which Horses any Toll shall have been paid at any Turnpike to be erected on the said Roads, shall, on returning without the Stamp Office Ticket being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

Post Chaise Horses returning.

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

Table of Tolls to be affixed on Toll Houses.

XVI. And be it further enacted, That upon Payment of the Tolls hereby granted, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis*, on Request, to the Person paying such Tolls, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees or their Lessee or Lessees, and there shall be printed and specified thereon the Name of the Gate where such Payment shall have been made, and the Names of the several Gates freed by such Payment.

Tickets to be provided.

XVII. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

Carriages attending the Royal Family exempted.

XVIII. Provided always, and be it further enacted, That none of the Tolls granted by this Act 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,

General Exemptions from Tolls.

Bricks, Timber, Wood, Gravel, or other Materials, for making or repairing the said Roads, or any Bridge or Bridges thereon, or any of the Roads in the 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, not sold or disposed of, or passing to be sold and 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 Plough, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure employed in Husbandry for manuring or improving Land, 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 going to or returning from any Parish Pound, or Penfold; or from any Person or Persons 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 for any Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for any Horse or Carriage attending His Majesty, or any of the Royal Family, or returning after having been so attending; 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 Barrack or Commissariat or other Public Stores, 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 be equipped with and have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps at the Time of claiming the Exemptions; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or Prisoners in Custody under any legal Warrant, 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 the 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 to the Purposes of the said recited Act and this Act.



XIX. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject or liable to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horses or other Cattle 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 other Cattle, 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 other Cattle 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.

Carriages employed in His Majesty's Service not liable for Overweight.

XX. And whereas in the Exemptions contained in the said Act, it is provided, that no Carriage, Horse, Cattle, or Beast employed in carrying or conveying Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads doth lie, shall be liable to the Payment of any Toll imposed by the said Act, but such Tolls are now, nevertheless, in many Instances, demanded and made payable, inasmuch as it is provided that the Carriage, Horse, Cattle, or Beast shall only have the Benefit of such Exemption when solely employed on the same Day in carrying or conveying the Articles so exempted; be it therefore enacted, That from and after the passing of this Act, the Carriage, Horse, Cattle, or Beast employed in carrying or conveying such exempted Articles, shall not be liable to the Payment of any Toll for the Articles so exempted, though the same Carriage, Horse, Cattle, or Beast shall be employed in the same Day in the carrying or conveying of Articles for which Toll is payable.

No Toll payable for Carts drawing Stone, Timber, &c. for repairing Roads.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses, and the Conveniencies and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon Public Bidding to the highest Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable Two Calendar Months in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees or any Five or more of them shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees, or any Five or more of them, to accept a private Tender for the same for such Letting, and to demise or let to farm, or agree to demise or let to farm, all or any of such

Tolls may be leased.

Tolls; at any Sum not less than the Sum at or for which they shall have been then last let, any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Tolls are directed to be applied by the said recited Act and this Act.

An Action of Ejectment may be supported by One Mortgagee.

XXII. And be it further enacted, That if any Mortgagee or Mortgagees, or Assignees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of such Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees or Assignees.

For settling Disputes concerning Tolls.

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

Regulations as to Toll Collectors.

XXIV. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees or by any Lessee or Lessees for the Time being to collect the Tolls payable at any Turnpike Gate or Toll Gate already erected or hereafter to be erected on the said Roads, shall, and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his beginning to collect such Tolls or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole of the Time such Collector shall collect such Tolls or be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a greater or less Toll from any Person than he or she shall be autho-

ized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption; or shall refuse to permit or suffer any Person or Persons to read, or shall in anywise hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his or her Christian and Surname to any Person or Persons who shall demand the same, on being paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the Gate at which such Payment shall have been made, the Toll Gate or Toll Gates (if any) freed by such Payment; or upon the legal Toll paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered, paid, and applied as other Penalties are by the said recited Act directed to be recovered, paid, and applied.

XXV. And be it further enacted, That if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector or Collectors of the said Tolls, or any Surveyor or Surveyors of the said Roads, who shall or may be employed by virtue of or in Execution of the said recited Act or this Act, in the Performance of his or her Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on  
Persons  
assaulting  
Collector  
of Tolls.

XXVI. Provided also, and be it further enacted, That the several Privileges and Exemptions contained and expressed in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be extended to and be applicable to Waggon, Carts, or other Carriages passing along or over the said Roads or any of them, and the several Horses or other Beasts drawing the same; any thing in this Act to the contrary notwithstanding.

55G.3.c.119.  
to extend to  
this Act.

XXVII. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Act or this Act, shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Instalments thereof, shall be in arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case any Collector or Receiver of the Tolls, who shall be discharged from his said Office by virtue of the said recited Act or this Act, or the Wife or Widow, or any of the Children or Family or other Representative of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House

Enabling  
Trustees to  
take Possession  
of Toll  
Houses when  
let to farm.

or

or Toll Houses, Weighing Machine or Weighing Machines, with the Buildings, Gardens, and Appurtenances thereto respectively belonging, erected or set up, or to be erected or set up by virtue of the said recited Act or this Act, for the Space of Three Days next after any Demand thereof made in Writing, signed by any Three or more of the said Trustees, or by their Clerk or Treasurer, and left at such Toll House, or in any Toll Houses, Weighing Machine or Weighing Machines; or in case such Lease or Agreement shall in any other Manner become void, then and in any of the said Cases it shall and may be lawful for any Justice of the Peace for the County, Liberty, or Place in which such Toll House or Turnpike Gate, Toll Bar, Chain, or Weighing Machine, with their Appurtenances shall be situate, upon Application made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter in the Day-time upon, and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising therefrom respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Contract, and Agreement for demising or letting the said Tolls and Duties to such Lessee or Lessees, Farmer or Farmers; and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for the Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Lease, Contract, Demise, or Agreement had never been made; and it shall and may be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto: Provided always, that in case the Collector of the said Tolls, who shall be so put out of Possession as aforesaid, shall also be the Lessee or Farmer of the said Tolls, then it shall be lawful for any Justice of the Peace acting for the County wherein such Toll House shall be situate, upon Complaint made to him by the said Trustees, or by their Order, and upon Proof on Oath that any Part of the Rent due from such Collector, as Lessee or Farmer of the said Tolls, is unpaid, to issue his Warrant for levying any Arrear of Rent that may be due to the said Trustees by Distress and Sale of the Goods and Chattels of such Lessee or Farmer as aforesaid, so found in such Toll House, rendering the Overplus (if any) to the Owner thereof, after deducting the Charges and Expences of such Distress and Sale.

Trustees in diverting the Roads not to deviate more than 100 Yards from the present Line.

XXVIII. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part of the said Roads, to deviate more than One hundred Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners and Occupiers, for the Time being, of the Lands or Grounds which may be affected by any such Diversion or Alteration.

XXIX. And

XXIX. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Roads, and to or for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away, any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Roads, out of or from any Commons or Waste Grounds, common River, Brook, or Pit, in any Parish, Township, or Place in which any Part of the said Roads shall lie, or in any adjoining Parish, Township, or Place without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits, or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by order of any Two or more Justices of the Peace for the County or Place in which the said Roads do lie, search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Paddock, Walk or Walks, or Avenue to an House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners or Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and taken, or carried away, or over which the same, or any other Materials for repairing the said Roads, shall be carried according to their respective Rights and Interests in such Ground and Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall and may be lawful for any Two Justices of the Peace for the County or Place in which the said Roads do lie, on Ten Days Notice thereof in Writing being given by either Party to the other, and left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages.

For getting  
Materials to  
make and  
repair the  
Roads.

XXX. And be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of the said recited Act and this Act, or either of them, to dig, gather, get, take, or carry away any Materials for repairing the said Roads, out of or from any inclosed Lands or Grounds, until Twenty-one Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her last or usual Place of Residence, to appear before any One or more Justice or Justices of the Peace acting for the County 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 Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall and may be lawful for the said Justice or Justices, by his or their Order or Orders, to authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justice or Justices

Notices to  
be given to  
Occupiers of  
inclosed  
Lands before  
Materials are  
taken there-  
from.

[Local.]

shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended; any thing in the said recited Act contained to the contrary notwithstanding.

Penalty on taking away Materials.

XXXI. Provided always, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing, amending, or improving the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days (except the Owner or Occupier of any Private Ground, and any Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale); every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds to be recovered, levied, and applied in Manner by the said recited Act mentioned.

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

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

Present Contract with the Lessee to cease on the 24th June next.

XXXIII. And whereas the Tolls granted by the said recited Act are now farmed by the Lessee for a Term of One Year, which Term will expire on the Twenty-fourth Day of *September* next; be it enacted, That the said Term shall cease and determine on the Twenty-fourth Day of

*June* next, and the said Trustees shall be at liberty to collect or farm the Tolls hereby granted from the said Twenty-fourth Day of *June* next, unless the said Lessee shall, within One Calendar Month after the passing of this Act, signify in Writing to the Clerk of the said Trustees her Desire to become the Farmer of the said Tolls for and during the Remainder of the said Term, at the increased Rate of Two-third Parts, in addition to the Sum she now pays as a monthly Rent for the said Tolls.

XXXIV. And be it further enacted, That in case the Lessee of the Tolls shall claim to be entitled to any Compensation for or on account of such Determination of her Lease as aforesaid, then if the said Trustees and such Lessee cannot agree as to the Amount of such Compensation or Satisfaction, such Lessee may sue for and recover the same by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; or such Lessee may apply to any Two or more Justices of the Peace for the said County of *Devon*; and such Justices, on Proof of Ten Days Notice of the Intention of such Lessee having been given in Writing by such Lessee to or left at the Office of the Clerk to the said Trustees, shall inquire into, hear, and adjudge such Difference, and settle and determine what Compensation shall be paid to such Lessee.

Differences  
on vacating  
Leases how  
to be settled.

XXXV. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal, on or adjoining the said Roads, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast, to be and remain loose on the said Roads, or any Footway or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway, or Path, formed upon or on the Side of or belonging to the said Roads, or shall drive any Horse, Beast, Cattle, or Swine, or any Carriage upon, or cause any Damage to be done to any Footway, Causeway, or Path; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag upon the said Roads, to the Prejudice thereof; or if any Person, driving any Waggon, Wain, Cart, or other Carriage, shall ride on the Shafts or other Part of such Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving, or having the Care of any Coach, Chaise, or other such like Carriage, upon the said Roads, shall drive the same without holding the Reins; or if any Person driving, or having the Care of any Carriage whatsoever, and meeting any other Carriage, shall not keep his Carriage on the Left or Near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person riding, attending, or driving any Horse or other Beast on the said Roads, and carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place any such Bar or Rod, Basket or Pannier, or other Matter or Thing across such Horse or other Beast, in such Manner as that the same or any of them shall project more than Thirty Inches from either Side of such Horse or other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person or Persons, or any Horse, Beast, Cattle, or Carriage travelling or going along the said Roads; or if any Hawker, Pedlar, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon or by

For prevent-  
ing Nui-  
sances.

by the Side or Sides of the said Roads, or any Part thereof; or if any Blacksmith, or other Person occupying a Blacksmith's Shop having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop reflecting or shining into or upon the said Roads; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads; or if any Person shall make, or assist in making, any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Fire-work whatsoever, on the said Roads, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game or Games on the said Roads, or on any Part or Parts thereof, or on any Footway or Path belonging thereto, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage (except in Cases of Accident) upon or on the Side of the said Roads, without a proper Person in the Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same, during the Time of loading or unloading thereof, as near to the Side of the said Roads as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person, after having blocked any Waggon, Wain, Cart, or other Carriage whatsoever, in going up any Hill or rising Ground, shall leave on the said Roads the Stone or other Matter or Thing used in such blocking; or shall scrape off any Soil or other Thing from the said Roads, or the Side or Sides thereof, or shall take up or carry away any Scrapings thereof, without Leave of the said Trustees, or their Surveyor or Surveyors; or if any Person or Persons shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof, to the Prejudice, Annoyance, or Interruption of any Person or Persons passing or travelling thereon; every Person so offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on  
Persons set-  
ting Poles  
and Lines  
out of  
Windows.

XXXVI. And whereas Annoyances are frequently committed by the Inhabitants of Houses adjoining the said Roads, by the Erection of Poles and Lines projecting from the Windows of such Houses, and extending over and across the Footpaths of such Roads, on which wearing Apparel, Bed Clothes, and other Things are suspended in a wet State, for the Purpose of being dried, to the great Annoyance of Passengers, and to the great Danger of the Lives of Persons passing on Horseback through the said Roads, and have also obstructed the Footpaths of the said Roads, by placing and keeping thereon large Quantities of Goods, Wares, and Merchandize for Sale, and also by the Projection of Scrapers at the Doors of such Houses into the said Footpaths; be it therefore enacted, That if any Person or Persons shall place or erect any Pole or Poles, Line or Lines, projecting or extending into, over, or across the said Footpaths, or any Part thereof, or shall suspend thereon any Bed Clothes, wearing Apparel, or any other Thing, or shall obstruct the said Footpaths, by placing and keeping thereon any Goods, Wares, or Merchandize, or shall erect or continue to use any Scraper which shall project into the said Footpath; every Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, one  
Moiety



Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

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

Gates not to open into the Road.

XXXVIII. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other live Stock or Cattle, shall at any Time be found tied or fastened, or wandering, straying, or lying upon, about, or on the Sides of the said Roads, or any Part thereof respectively, it shall be lawful for the Surveyor of the said Roads for the Time being, or other Person or Persons whomsoever, to seize and impound every such Cow, Horse, Ass, Swine, or other live Stock or Cattle, in the Common Pound (if any) of the Parish or Place in which the same shall be found tied or fastened, or wandering, straying, or lying about or on the Sides of the said Roads, or any Part thereof, or in case there shall be no Parish Pound, in which the same shall be found tied or fastened, or wandering, straying, or lying about or on the Sides of the said Roads, or any Part thereof, or in case there shall be no Parish Pound, then in such other Place or Places as the said Trustees, or any Two or more of them, or the said Surveyor, shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Swine, or other live Stock or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such Impounding, it shall be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, or other live Stock or Cattle, to be sold, and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, or

For impounding Cattle or Swine straying on the Road.

other live Stock or Cattle, and all Expences respecting the same, shall (on Demand) be paid to the Person whose Property the same so sold shall appear to have been: Provided always, that nothing in this Act contained shall extend or be construed to extend to destroy, take away, or in any way prejudice the Right of any Lord or Lords, Lady or Ladies of any Manor or Manors through which the said Roads pass, to any Estrays to which such Lord or Lords, Lady or Ladies, now hath or have, or might or would have been entitled to in case this Act had not been passed.

Punishment  
of Persons  
guilty of  
Pound  
Breach.

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

For securing  
transient  
Offenders.

XL. And whereas Offences may be committed against the said recited Act and this Act, or either of them, by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the said Act and this Act in Execution; be it therefore enacted, That it shall and may be lawful for any of the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Authority or Warrant than this Act, to seize or detain such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place where the Offence shall have been committed, and such Justice is hereby empowered and directed to proceed to the hearing and determining of the said Complaint.

Officers not  
incompetent  
Witnesses.

XLI. And be it further enacted, That in all Cases of Dispute, Suit, or Litigation, touching or in anywise relating to the said Tolls, or to the Execution of this Act and the said recited Act, no Person being a Trustee, Clerk, Treasurer, Surveyor, or other Officer or Servant of or other Person employed by the said Trustees or any of their Officers, nor any Inhabitant of any Township, Parish, or Place, through or into which the said Roads or any Part thereof do or shall pass, shall be incompetent to give Testimony or Evidence therein, by reason of his or her being such Trustee, Clerk, Treasurer, Surveyor, Officer, or Servant, or Person employed as aforesaid, or being an Inhabitant as aforesaid.

XLII. And be it further enacted, That all such Parts of the Turnpikes, Toll Houses, and other Buildings, Mile Stones, Posts, and Materials, which may have been made and provided by or under the said recited Act or this Act, as shall become or be rendered useless to the said Trustees, or unnecessary for the Purposes of the said Act and this Act, shall and may be sold, either by public Sale or private Contract, for the best Price that can or may be gotten for the same, and the Money arising by such Sale shall be applied to the repairing of the said Roads; but the Purchaser or Purchasers thereof shall not be answerable for the Misapplication or Non-application of such Money.

Turnpikes,  
&c. may be  
sold.

XLIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby and by the said recited Act inflicted or authorized to be imposed (if the Manner of levying and recovering thereof is not therein or herein otherwise directed), upon Proof of the Offences respectively before any one Justice of the Peace of the County or Place wherein the Offence shall be committed, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes, and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines when paid or recovered shall be, if not otherwise directed to be applied by the said recited Act, from Time to Time paid, Half to the Informer and Half to the said Trustees, or to their Treasurer or Clerk, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if, upon the Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Recovery  
and Appli-  
cation of  
Penalties.

XLIV. And whereas certain Parts of the said Roads are now paved, and it may be hereafter thought advisable that the same shall be discontinued as a paved Road; be it further enacted, That it shall be lawful for the said Trustees, duly convened at a Special Meeting to be held for that Purpose, and of which, and for the Purpose of the Meeting, Fourteen

Trustees  
may discon-  
tinue the  
Pavement of  
certain Parts  
of the pre-  
sent Roads.

Days Notice shall have been given, as is required in the said Act, to cause the Pavement of such Parts of the said Roads to be taken up, and to be discontinued as a paved Road, and likewise that it shall be lawful for the Trustees at such Meeting to refrain from paving any Part of the said Roads, which by the said Act is directed to be paved; any thing in the said Act or in this Act to the contrary thereof in anywise notwithstanding.

Trustees  
may appoint  
Committees.

XLV. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby empowered, at any Meeting or Meetings to be held in pursuance of the said recited Act or of this Act, to nominate and appoint any Number of the said Trustees, not being less than Three, as a Committee or Committees, to examine into, inspect, regulate, or state any Matter or Business directed to be done by the said Trustees in Execution of this Act, as the said Trustees or any Five or more of them shall entrust them with; and they shall be accountable at any General Meeting for what they shall do therein, but no Money shall be expended or laid out by such Committee or Committees, without the Order or Direction of such General Meeting; and such Committee or Committees shall report what they have done therein from Time to Time, at the next or some other Meeting of the said Trustees, and shall meet at and adjourn themselves, from Time to Time, to any Time or Place, as they shall see Occasion; and the Report of such Committee or Committees shall be signed by them, and entered in the General Minute Book of Proceedings kept by the Clerk to the said Trustees or in a separate Book or Books, as the said Trustees or any Five or more of them shall think fit, and be referred to from the General Minute Book; and the Orders from Time to Time made in pursuance of such Report or Reports, shall refer to the Report on which the same was grounded.

Expences  
of this Act.

XLVI. And be it further enacted, That all Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, shall be paid out of the Monies already collected or to be collected or borrowed by virtue of the said recited Act, or of this present Act.

Public Act.

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

Continuance  
of Act.

XLVIII. And be it further enacted, That the Term granted by the said recited Act shall; from and after the passing of this Act, cease and determine; and that the said recited Act (subject to the Alterations and Amendments herein contained) and this Act, shall from thenceforth commence and take effect and be executed, 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.