ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

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Company of Proprietors for embanking Part of the *Lairy* near *Plymouth* are willing to undertake the same; but as the same 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 it shall and may be lawful to and for the said Company of Proprietors for embanking Part of the *Lairy* near *Plymouth*, incorporated by virtue of an Act of Parliament made in the Forty-second Year of the Reign of His present Majesty, intituled *An Act to enable His Majesty to grant certain Parcels of Land, situate between* Great Prince Rock *and the Village of* Crab Tree, *called* Tothill Bay *and* Lipson Bay, *near to the Borough of* Plymouth *in the County of* Devon, *to certain Persons therein named, for the Purpose of embanking and preserving the same from the Sea*, and their Successors, to make and maintain a Road or Way from a certain Place called *Efford Quay*, in the Parish of *Egg Buckland* in the said County of *Devon*, so as to communicate with the present Turnpike Road or Highway called the *Plymouth Eastern Turnpike Road* at *Efford Quay* aforesaid, and from thence over and through certain Marsh Lands lately embanked from the Sea called *Lipson Bay*, and from thence along and across the Highway leading from *Plymouth* to *Saltram* Point, and from thence over and through certain other Marsh Lands called *Tothill Bay*, and from thence over and through certain Lands situate, lying, and being in the Parish of *Charles* within the said Borough, and now in the Occupation of *John Culme* Esquire, into and through a certain Road or Highway adjoining to the said Lands, to a certain Place called *Coxside Cross*, in the Parish of *Charles* aforesaid, and from thence into and through a certain Field belonging to *John Bayly*, and from thence into a certain Road or Highway, situate near to certain Alms Houses, called *Colonel Jory's Alms Houses*, and from thence over and through a certain Place called the *Green*, in the said Parish of *Charles* within the said Borough, and from thence into and through a certain Street or Way within the said Borough called *Higher Street*, to the Western End thereof, and from Time to Time to repair, alter, and widen the same, and to carry the several Powers of this Act into execution; and such Road, when made, shall be and be deemed to be a Turnpike Road, and the said Company of Proprietors and their Successors shall in their Corporate Capacity be and be deemed to be the Trustees thereof.

Description of the Road.

Public Road.

II. And whereas the said Company of Proprietors were by virtue of the said recited Act limited to raise, by Contribution among themselves, or by Mortgage of the Lands thereby granted or of the Tolls thereby granted, Two several Sums of Eight thousand Pounds and Six thousand Pounds, for defraying the Expences of the said Undertaking: And whereas it is necessary that the said Company of Proprietors should be enabled to raise a further Sum of Money for the Purposes of making, maintaining, and supporting the said Road and the several Works thereunto belonging; be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered, to raise, either by Subscription amongst themselves, or by the Admission of new Subscribers, or otherwise, in manner herein-after mentioned, any further Sum or Sums of Money not exceeding in the whole the Sum of

Power to raise Money.

Twelve thousand Pounds; any thing in the said recited Act to the contrary thereof in anywise notwithstanding.

Money raised by Subscription to be divided into Shares.

III. And be it further enacted, That in case the said Sum of Twelve thousand Pounds or any Part thereof shall be raised by Subscription, then and in such Case such Sum, or such Parts thereof as shall be raised by Subscription, shall be divided into Shares of Fifty Pounds each; and all such Shares shall be and shall be deemed to be Personal Estate, and transmissible as such, and not of the Nature of Real Property; and all Persons who shall subscribe for or otherwise become entitled thereto, and their several and respective Executors, Administrators, and Assigns, shall be and they are hereby declared to be the Owners and Proprietors of the said Shares, and shall be and they are hereby united to and incorporated with the said Company of Proprietors; and the said Road so to be made, and the Works thereunto belonging, shall be and be deemed Part of the Undertaking mentioned and described in the said recited Act, as fully, largely, and amply, to all Intents and Purposes, as if such Road had been mentioned in the said recited Act.

Regulations as to the Acquisition and Transfer of Shares.

IV. And be it further enacted, That the several Powers, Directions, Regulations, Penalties, Forfeitures, and other Provisions contained in the said recited Act, (subject nevertheless to the Provisions, Directions, and Regulations in this Act contained,) shall extend to the calling for, raising, suing for, and recovering the several Sums to be subscribed for the said Shares, and for compelling and obliging the several Subscribers for or Proprietors of the said Shares to pay the respective Sums to be subscribed for as aforesaid, and for transferring and entering the same in like Manner as if the same were Part of the Money authorized to be raised by virtue of the said recited Act, or as if the said several Powers, Directions, Regulations, Penalties, Forfeitures, and other Provisions in the said recited Act were repeated and re-enacted in this Act; and that all and every the Persons, and their several and respective Executors, Administrators, and Assigns, who shall severally subscribe and pay for each and every of the said Shares, shall be entitled to and receive the entire and net Distribution of such proportionable Part of the Profits and Advantages that shall and may arise and accrue to the said Company of Proprietors by virtue of the said recited Act and this Act as the Share or Shares belonging to such Person or Persons as aforesaid shall bear to the whole Amount of the Shares subscribed for by virtue of the said recited Act and of this Act; and all and every the Persons respectively holding or entitled to any Shares by virtue of this Act shall be subject and liable to the like Regulations and Provisions, and shall have the like Right of voting and of appointing a Proxy to vote at any General or Special Assembly of the said Company of Proprietors in respect of such Shares, as the several Persons respectively holding or entitled to any Shares by virtue of the said recited Act.

Money may be raised by Mortgage of the Tolls.

V. Provided always, and be it enacted, That in case the said Company of Proprietors shall deem it right or expedient to raise the said Sum of Twelve thousand Pounds, or any Part thereof, by Mortgage of the Lands vested in the said Company of Proprietors by virtue of the said recited Act, or of any Part or Parts thereof, or of the Tolls granted by virtue of the said recited Act or this Act, instead of raising the said Sum

or

or Part thereof by Subscription amongst themselves, or by the Admission of new Subscribers, then and in such Case it shall and may be lawful to and for the said Company of Proprietors to borrow and take up at Interest, by any such Mortgage as aforesaid, the said Sum of Twelve thousand Pounds or any Part thereof from any Person or Persons who shall be willing to lend the same; and the said Company of Proprietors are hereby authorized and empowered to assign and make over their Interest and Property in such Lands so vested in them, or any Part thereof, and in the Tolls to arise by virtue of the said recited Act and of this Act, or any Part thereof, as a Security or Securities for any Sum or Sums of Money so to be borrowed, with Interest to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage, in like Manner and Form, and subject to the like Powers and Directions for transferring every such Mortgage and registering the same, and to the like Remedies, Regulations, and Provisions touching and concerning the same, and the Interest to be thereby secured, as are mentioned and contained in the said recited Act respecting the Money borrowed and the Securities to be made for the same.

For increasing the Number of the Committee appointed by the Act.

VI. And whereas the said Company of Proprietors are enabled by the said recited Act to nominate and appoint by Ballot Seven Persons to be a Committee for the Management of the Concerns of the said Company: And whereas such Number has been found insufficient for the Management of such Concerns; be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors to nominate and appoint, at the Time or Times and in manner directed by the said recited Act, Thirteen Persons of and out of the Proprietors of the said Company to be a Committee for the Management of the Concerns of the said Company; and such Thirteen Persons so nominated and appointed a Committee shall be subject and liable to the same Rules, Regulations, Restrictions, Penalties, and Forfeitures as the said Seven Persons are subject and liable to, and shall have the like Powers and Authorities for carrying the said recited Act into execution as are thereby given to the said Seven Persons.

Committee to execute this Act.

VII. And be it further enacted, That the Committee nominated and appointed from Time to Time by the said Company of Proprietors, in manner directed by the said recited Act and this Act, for managing the Concerns of the said Company, shall (subject to the Directions and Regulations in the said recited Act contained) have as full Power and Authority to carry the Provisions of this Act into execution as the said Committee have to carry the several Provisions of the said recited Act into execution.

Appointment of Officers.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and to and for their said Committee, to nominate and appoint a Surveyor or Surveyors and a Collector or Collectors of the Tolls hereby granted, and any other Officer or Officers for the due Execution of this Act, as to them respectively shall seem proper, and from Time to Time to remove him or them from his or their Office or Offices, and to nominate and appoint any other Person or Persons in his or their Stead, and to take Security from every such Person

son so nominated and appointed for the due Execution of his or their Office or Offices, in such and the same Manner as the said Company and their said Committee respectively are enabled to nominate and appoint any Clerk or Clerks by virtue of the said recited Act, and to remove him or them, and to take Security from him or them for the due Execution of his or their Office or Offices; and every such Surveyor and Collector so nominated and appointed shall account and deliver up all Books, Papers, and Writings relative to the Concerns of the said Company, in like Manner, and shall be subject and liable to the like Rules, Regulations, and Restrictions, and to the same Penalties and Forfeitures for not accounting or not delivering up such Books, Papers, and Writings, or any of them, or for Neglect or undue Performance of their respective Offices, as if they respectively had been appointed by virtue of the said recited Act.

Company may contract for the Purchase of Lands to make the Road.

IX. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby fully empowered, to make such Road as aforesaid, and from Time to Time as they shall think proper to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts thereof; and that any Variation of Road may be made of any Width not exceeding Sixty Feet through any Common or Waste Ground, without making any Satisfaction for the same, and through any private or inclosed Lands, 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 and may be lawful to and for the said Company of Proprietors, or for their Committee, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands, Tenements, or Hereditaments; and the said Lands, Tenements, or Hereditaments so purchased, or any Part thereof, shall or may, by Order and Direction of the said Company of Proprietors or of their Committee, be laid into and made Part of the said Road in such Manner as the said Company of Proprietors or their Committee shall think convenient, and shall, by such Person or Persons as they shall order and appoint, be sufficiently drained, ditched, and fenced out for that Purpose; and after the said Lands or Grounds shall be so drained, ditched, and fenced out, the same shall, to all Intents and Purposes whatsoever, become and be and be deemed and taken to be a public Road and common Highway, and to be Part of the Road to be amended, widened, and kept in repair by virtue of this Act, and shall be repaired and kept in repair by such Ways and Means and in such Manner as is directed by this Act; and after any such Lands shall be made Part of the said Road as aforesaid, the Lands and Grounds comprised in or constituting the former Road, in lieu whereof such Lands, Tenements, or Hereditaments shall be purchased as aforesaid, shall be sold by the said Company of Proprietors to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof for the best Price that can reasonably be gotten for the same.

Corporations, &c. empowered to treat.

X. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever for and on behalf of any Infants, Femes Covert, or Cestuique Trusts, Idiots, Lunatics, or other Person under any Disability of acting for themselves, and for all and every Person or Persons who is or are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, to treat and agree with the said Company of Proprietors or their said Committee for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to the said Company of Proprietors for the Purposes aforesaid; and that all Contracts, Agreements, Sales, and Conveyances which shall be made by virtue of this Act shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and that all such Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, and other Persons, is and are and shall be indemnified for what he, she, or they do by virtue or in pursuance of this Act.

Provision in case of Persons refusing to treat.

XI. And be it further enacted, That if any Owner, Proprietor, Occupier of or other Person or Persons interested in any Lands, Tenements, or Hereditaments which the said Company of Proprietors or their Committee shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees, or 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 Politic, Corporate, or Collegiate, or at the House of the Tenant in possession of the Premises, signed by the Clerk of the said Company of Proprietors or of their Committee, 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 with the said Committee in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors or their Committee to cause it to be inquired into and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the County of *Devon* or of the Borough of *Plymouth*, according to the Jurisdiction in which the Premises in question shall happen to lie (which Oath the said Committee 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; and in order thereto the said Committee are hereby empowered and required, by a Summons or Notice in Writing to be signed by any Four or more of the said Committee, 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

examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Committee or any Two or more of them are hereby empowered and required to administer), and they shall order and cause the said Jury to view the Place in question, and 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 so ascertained and settled such Damages and Recompence, they the said Committee 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 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 Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes whatsoever against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and for summoning and returning any such Jury the said Committee are hereby empowered to issue out their Warrant or Warrants, signed by any Four or more of them, to the Sheriff of the said County of *Devon*, or Mayor or Recorder of the said Borough of *Plymouth*, within their respective Jurisdictions, commanding and requiring such Sheriff, Mayor, or Recorder to impannel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Committee at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy, Mayor, or Recorder, is and are hereby required thereupon to impannel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Committee 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, Mayor, or Recorder, 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.

Provision for the Challenge of Jurymen.

XII. Provided always, and be it enacted, 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 Committee are hereby empowered to impose any reasonable Fine or Fines on such Sheriff, or his Deputy, Mayor, or Recorder, 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, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to 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 Person or Persons who being required to give Evidence before the said Jury touching the Premises shall refuse or neglect to appear at the Time and Place in such Summons as aforesaid appointed, or appearing shall refuse to be sworn, or to be examined, or give Evidence touching the Matter in question, but no such Fine shall exceed Ten Pounds upon any One Person for One Offence.

XIII. Pro-

Owner of the Land used in altering the Road to have the first Offer of the old Road.

XIII. Provided also, and be it enacted, That wherever the Course of any Part of the said Road shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of the Land which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the Committee of the said Company of Proprietors for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury in such Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money, upon Demand made thereof by the Clerk to the said Committee, and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Company of Proprietors by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Borough where such old Road shall be situated, stating that such Offer had been made by or on behalf of the said Company of Proprietors, and that such Owner had not agreed or had refused to purchase such old Road, as the Case may be; and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and not agreed to or refused by such Owner.

Expences of the Jury how to be paid.

XIV. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Money than shall by or on behalf of the said Company of Proprietors have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken by or on behalf of the said Company of Proprietors as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Company of Proprietors out of the Money arising by virtue of this Act; but in case such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall, by or on behalf of the said Company of Proprietors, have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute, which said Costs and Expences shall be ascertained and settled by some Justice of the Peace not interested in the Matter in question, and within whose Jurisdiction such

Controversy or Dispute shall arise, (who is hereby authorized and required to examine and settle the same,) and shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate; 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 Company of Proprietors by such Ways and Means as any Penalties and Forfeitures may be recovered by virtue of this Act: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating with the said Company of Proprietors or their Committee, such Costs and Expences shall be borne and paid by the said Company of Proprietors in manner aforesaid.

Houses and Gardens not to be injured except those mentioned in the Act.

XV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Company of Proprietors to take, use, injure, or damage any Dwelling House or other Building which was erected and built on or before the First Day of *January* last past, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House that shall have been made or planted on or before the said First Day of *January* last past, without the Consent of the Owner or Owners or Proprietor or Proprietors thereof, save and except the several Houses, Buildings, Gardens, Orchards, and Yards herein-after mentioned, situate, lying, and being on the Green, or in *Higher Street*, *White Cross Street*, and *Lower Street*, some or One of them, in the said Borough of *Plymouth*; (that is to say,) a certain Shed, or Shipwright's Workshop, in the Occupation of *Thomas* and *William Kerswill*; a Dwelling House, Outhouse, and Curtilage, in the Occupation of *John Blansom* and others; a Dwelling House in the Occupation of *Samuel Springfeld*; a Dwelling House in the Occupation of *Mary Ann Thomas* and others; a Dwelling House, Curtilage, and Stables, in the Occupation of *William Dunn* and others; a Dwelling House, Outhouse, and Curtilage, in the Occupation of *Henry Westcott*; a Dwelling House, Outhouses, and Curtilage, in the Occupation of *John Turner* and others; a Dwelling House, Cellar, and Curtilage, in the Occupation of *Charles Bennett*; a Dwelling House and Curtilage, in the Occupation of *Mary Clark* and others; a Dwelling House in the Occupation of *Thomas Sheldrick*; a Dwelling House in the Occupation of *John Sexton* and others; the Remains of a Dwelling House in the Possession of *Saville William Shepherd* Esquire; a Garden or Piece of Ground in the Occupation of *Samuel Bennett*; a Garden in the Occupation of *John Wiblin*; a Curtilage, Stable, and Outhouses, in the Occupation of *Richard Bennett* and others; a Tenement in the Occupation of *Thomasin Anson*; a Dwelling House and Curtilage, called *Teat's Court*, in the Occupation of *Robert Shepherd* and other Tenants; a Dwelling House in *Teat's Court*, in the Occupation of *Ann Derlingstone* and others; a Tenement in *Teat's Court*, in the Occupation of *Mary Tratan* and others; a Dwelling House and Curtilage, in the Occupation of *Thomasin Lintott* and others; a Dwelling House and Curtilage in the Occupation of *Ann Herring* and others; a Dwelling House, Outhouse, and Curtilage, in the Occupation of *John Hundrey* and others; a

Dwelling House and Curtilage in the Occupation of *Agness Came* and others; a Garden in the Occupation of *Hezekiah Pretty;* a Garden and Stable in the Occupation of *John Willton;* a Garden in the Occupation of *James Wall;* a Garden in the Occupation of *Rebecca Wallis* and others; a Garden in the Occupation of *Richard Jarvis;* a Garden in the Occupation of *Elizabeth Broad;* a Dwelling House, Curtilage, and Outhouses, in the Occupation of *Mary Widdicombe* and others; a Curtilage and Outhouse in the Occupation of *Phillip Watkins;* a Dwelling House and Garden in the Occupation of *Benjamin Chimmo;* a Dwelling House, Bakehouse, Curtilage, and Outhouses, in the Occupation of *Samuel Bulley;* a Dwelling House and Curtilage in the Occupation of *Richard Jones.*

Form of Conveyance of Lands.

XVI. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to the said Company of Proprietors shall be made at the Expence of the said Company of Proprietors in the Form following; (that is to say,)

'I *A. B.* in consideration of the Sum of to me paid by the Company of Proprietors 'for embanking Part of the *Lairy* near *Plymouth*, do hereby grant and 'release unto the said Company, all [*here describe the Premises*], and all my 'Right, Title, and Interest to and in the same and every Part thereof, to 'hold to the said Company of Proprietors and their Successors for ever, 'by virtue and according to the true Intent and Meaning of an Act made 'in the Forty-third Year of the Reign of His present Majesty, intituled '[*here insert the Title of the Act*]. In witness whereof I have hereunto 'set my Hand and Seal, this Day of 'in the Year of our Lord

And every such Sale, Conveyance, and Assurance shall be kept by the Clerk to the said Company of Proprietors, who shall, when and as often as thereunto required, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words; and every such Sale, Conveyance, or Assurance to be made by virtue of this Act in Form and Manner as aforesaid shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

On Payment of Money, Lands to vest in the Company.

XVII. And be it further enacted, That every Sum of Money so agreed for, awarded, or assessed as aforesaid shall be paid to the Party or Persons respectively entitled to receive the same, or their respective Agents, or (in case of Refusal to accept such Monies), upon Payment of the same into the Bank of *England* in case the same shall be equal to or exceed the Sum of One hundred Pounds, or upon leaving the same, in case the same shall be less than the Sum of One hundred Pounds, in the Hands of the Clerk to the said Company of Proprietors, for the Use of such Party or Persons respectively, and to be paid to them respectively on Demand, or otherwise disposing thereof in manner directed by this Act, for the Use of such Party or Persons respectively, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Party or Persons respectively for whose Use such Monies were so paid or so disposed of, in, to, or out of such Lands, Tenements, and Here-

Hereditaments, shall vest in the said Company of Proprietors for the Uses and Purposes of this Act, as fully and effectually as if such Lands, Tenements, and Hereditaments had been conveyed to the said Company of Proprietors by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other legal Conveyance whatsoever; and such Monies, being so paid or so disposed of, shall not only bar all Right, Title, Interest, Claim, and Demand of the Party or Parties, Person or Persons, for whose Use the same were so paid or so disposed of, but shall also extend to and be deemed and construed to bar the Dower or Dowers of the Wife or Wives of such Persons respectively, and all Estates Tail in Reversion or Remainder, and the Issue of such Persons respectively, and every Person claiming under them, as fully and effectually as a Fine or Recovery would bar such Right, Title, Interest, Claim, or Demand, if levied or suffered by the proper Parties in due Form of Law.

Provision for paying off Mortgages of Lands used by the Company

XVIII. Provided always, and be it enacted, That if any Lands, Tenements, or Hereditaments purchased by the said Company of Proprietors shall be in Mortgage to any Person or Persons whomsoever, then and in such Case the said Company of Proprietors shall and they are hereby required to pay or cause to be paid to the Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, upon Application in Writing made to the said Company of Proprietors, or to their Committee, or to their respective Clerks, signed by such Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, such Sum or Sums of Money as shall have been so agreed for, ascertained, and determined as aforesaid, for the Purchase of such Lands, Tenements, or Hereditaments, and such Sum or Sums of Money, when so paid, shall be and be deemed to be in discharge of Part of the Principal Money due on such Mortgage or Mortgages; and Acknowledgment of the Receipt thereof shall be made by Indorsement on the Mortgage Deed or Deeds, signed by such Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, in the Presence of One or more credible Witness or Witnesses; and such Indorsement shall be and be deemed to be a full and sufficient Discharge to the said Company of Proprietors from the Mortgagor or Mortgagors, his, her, or their Executors, Administrators, or Assigns, and also a full and sufficient Discharge to the Mortgagor or Mortgagors, his, her, or their Executors, Administrators, or Assigns, from the Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, for as much Money as shall be expressed in such Indorsement.

Tenants to give up Possession upon Notice.

XIX. And be it further enacted, That every Tenant at Will, or Lessee for a Year or from Year to Year only, in possession of any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be purchased by the said Company of Proprietors in manner aforesaid, shall deliver up the Possession of such Premises immediately to the said Company of Proprietors, or to such Person as the said Company or their Committee shall appoint to receive the same, in case the said Company or their Committee, or such Person so appointed by them respectively, shall pay or tender to him, her, or them Six Calendar Months Rent of the said Premises, or, in case the said Company or their said Committee shall cause to be given to him, her, or them Six Calendar Months Notice in Writing to quit such Possession, then such Person or Persons in possession shall, at the End of the

the said Six Calendar Months, or as soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Company of Proprietors or to their said Committee, or to any Person authorized by them respectively to take possession thereof in the Name of the said Company of Proprietors; and in case any such Person or Persons in possession as aforesaid shall refuse to give up such Possession as aforesaid, then and in such Case it shall and may be lawful to and for the said Company of Proprietors, or for their Committee, to issue a Precept or Precepts to the Sheriff of the said County of *Devon*, or to the Mayor or Recorder of the said Borough, within their respective Jurisdictions, commanding the said Sheriff or Mayor or Recorder, by virtue of this Act, to deliver Possession of the said Premises to such Person or Persons who shall in such Precept or Precepts be nominated to receive the same in the Name of the said Company of Proprietors for the Purposes of this Act; and the said Sheriff or Mayor or Recorder is and are hereby required to deliver such Possession of the said Premises accordingly.

Application of Money when equal to 200*l.*

XX. 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 Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limitted in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Company of Proprietors; 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 or Redemption of the Land Tax, or in the Discharge of any Debt or Debts, or of such other Incumbrance or of 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 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, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name,

Name in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Product 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 hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Money when less than 200*l.*

XXI. Provided always, and be it 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 any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to 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, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, 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 any Four or more of the Committee of the said Company of Proprietors (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so as the Case be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application of Money when less than 20*l.*

XXII. Provided also, and be it 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 Committee shall think fit; or in case of Infancy or Lunacy, then such Money shall be paid 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.

Plymouth paving Acts recited. Company to repair the Streets.

XXIII. And whereas by an Act made in the Tenth Year of the Reign of His present Majesty, intituled *An Act for paving, lighting, and watching the Town of* Plymouth *in the County of* Devon, *and for regulating the Carmen and Porters within the said Town*; and by one other Act, made in the Twelfth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Tenth Year of His present Majesty's*

Majesty's Reign, for paving, lighting, and watching the Town of Plymouth *in the County of* Devon, *and for regulating the Carmen and Porters within the said Town:* And whereas by one other Act, made in the Fourteenth Year of His present Majesty, intituled *An Act to explain and amend Two Acts made in the Tenth and Twelfth Years of His present Majesty's Reign, for paving, lighting, and watching the Town of* Plymouth *in the County of* Devon, *and for regulating the Carmen and Porters within the said Town,* certain Commissioners were appointed for carrying the several Purposes of the said Acts into execution; be it further enacted, That in case the said Company of Proprietors shall give Thirty Days Notice in Writing from Time to Time, signed by the Clerk to the said Company of Proprietors, to the Clerk of the said Commissioners, or cause to be left the same at his last or usual Place of Abode, of the Intention of the said Company of Proprietors to pave, repair, and maintain the several Streets, Lanes, and Passages within the said Town as are included in and made Part of the Road to be amended, widened, and repaired by virtue of this Act, or any Part or Parts thereof, Eastward of the said Street called *Whitecross Street,* then and in such Case, from and after the Expiration of the Time mentioned in such Notice or Notices all such Streets, Lanes, and Passages, or such Part or Parts thereof as shall be mentioned in such Notice or Notices, shall be paved and repaired by the said Company of Proprietors by virtue of this Act, and shall be from Time to Time altered, amended, repaired, and maintained by and at the Charges and Expences of the said Company of Proprietors; any thing in the said recited Acts or any of them to the contrary thereof in anywise notwithstanding.

Inhabitants to continue to pay Rates.

XXIV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to exempt, exonerate, or discharge the said Commissioners from continuing to light the same Streets, Lanes, and Passages, or to diminish, lessen, or take away any other of the Powers or Authorities granted by the said recited Acts or any of them to the said Commissioners within or in respect to such Streets, Lanes, or Passages, or to exempt, exonerate, or discharge any of the Owners or Proprietors of the Houses, Buildings, Lands, Tenements, or Hereditaments in the same Street or Streets, Lane or Lanes, Passage or Passages, or the Tenants or Occupiers of any such Houses, Buildings, Lands, Tenements, or Hereditaments, and other the Inhabitants thereof, from the Payment of such Rate or Rates, Assessment or Assessments, as is or are by the said recited Acts or some of them directed to be raised, levied, and collected by the said Commissioners for the several Purposes of such Acts.

Company to pave the Streets as now paved.

XXV. Provided also, and be it enacted, That the said Company of Proprietors shall and they are hereby required to pave, repair, and maintain the several Horse or Carriage Roads and Footpaths or Ways within such several Streets, Lanes, and Passages hereby made Part of the Road to be maintained by the said Company of Proprietors, in such and the like Manner as any other principal or main Streets and Footpaths or Ways within the said Town shall be paved, repaired, and maintained by the said Commissioners.

XXVI. And

For maintaining the Road from Water Lane to Higher Street.

XXVI. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, as soon as conveniently may be after the passing of this Act, at the sole Charges and Expences of the said Company of Proprietors, to cause that Part of the Road intended to be maintained by virtue of this Act, which Part leads and extends from the West End of *Water Lane* within the said Town to the West End of *Higher Street* aforesaid, as also the Footpaths or Ways thereof, to be wholly new laid and paved in a good, substantial, and workmanlike Manner; in consideration whereof the said Commissioners shall and they are hereby required to pay or cause to be paid to the said Company of Proprietors or to their Clerk, within Three Calendar Months next after such Part of the said Road extending from the said West End of *Water Lane* to the said West End of *Higher Street* shall have been so wholly new laid, paved, and completed as aforesaid, the Sum of One hundred and ninety-four Pounds and Seventeen Shillings.

Directing that the Commissioners for paving Plymouth shall make an annual Allowance for repairing the Road from Water Lane to Higher Street.

XXVII. And be it further enacted, That from and after the Time such Part of the said Road extending from the West End of *Water Lane* within the said Town to the West End of *Higher Street* aforesaid shall be used as a Turnpike Road, and be under the Management and Jurisdiction of the said Company of Proprietors, under and by virtue of this Act, the said Commissioners shall from thenceforth and they are hereby required to pay or cause to be paid to the said Company of Proprietors or to their Clerk the Sum of Seven Pounds in each and every Year by Two equal half-yearly Payments, the first half-yearly Payment to be made at the *Michaelmas Day* or the *Lady Day* which shall first happen next after the said Street so extending as last before mentioned shall have been used as a Turnpike Road, and be under the Management and Jurisdiction of the said Company of Proprietors, under and by virtue of this Act; in consideration whereof the said Commissioners shall be from thenceforth relieved from the Burthen of repairing the Pavement of the said Street called *Higher Street* so extending as aforesaid; and the said Company of Proprietors shall and they are hereby required, at their own Charges and Expences, to cause the same Part of the said Road so extending as aforesaid, as also the Footpaths or Ways thereof, to be at all Times thereafter and in every respect paved, repaired, maintained, and kept in good and proper Repair.

Directing that all Ways within the Borough of Plymouth made Part of the Roads to be repaired by this Act shall be paved in such Manner as the Streets within the Borough.

XXVIII. And be it further enacted, That in case any new Street, Lane, or Passage to the Eastward of the said Street called *Whitecross Street*, within the said Borough, shall at any Time hereafter be made and formed by the said Company of Proprietors under and by virtue of this Act, such new Street, Lane, or Passage, together with the Footpaths or Ways thereof, shall be wholly laid, paved, and completed in manner aforesaid at the sole Charge and Expences of the said Company of Proprietors; and from and after the Time such new Street, Lane, or Passage shall be so made and formed, and wholly laid, paved, and completed, with the Footpaths or Ways thereof, the said Company of Proprietors shall and they are hereby required thenceforth from Time to Time, at their own Charges and Expences, to cause such new Street, Lane, or Passage, and also the said Footpaths or Ways thereof, to be at all Times thereafter and in every respect paved, repaired, maintained, and kept in good

good and proper Repair; and in consideration that the said Commissioners shall not in anywise be burthened with the repairing of the Pavement of such new Street, Lane, or Passage, the said Commissioners shall and they are hereby required to pay or cause to be paid to the said Company of Proprietors, or to their Clerk, the Amount of such Sum or Sums of Money in each and every Year as shall or may for the Time being be rated or assessed as and for the Proprietors or Paving Rate upon the Owners and Proprietors of the several Houses, Buildings, Lands, Tenements, and Hereditaments situate, lying, and being in such new Street, Lane, or Passage, or so much of such Sum or Sums as the said Commissioners shall actually raise, collect, or recover for or on account of such Proprietors or Paving Rate so to be rated or assessed upon such Owners and Proprietors as aforesaid, the same Sum or Sums of Money to be paid by half-yearly Payments on *Michaelmas Day* and *Lady Day* in each and every Year, the first half-yearly Payment to be made at the first of the said Days which shall happen next after such new Street, Lane, or Passage, with the said Footpaths or Ways thereof, shall be properly paved and completed as aforesaid.

Enabling the Commissioners for paving Plymouth to repair the Road within the Borough, should the Company neglect to do it.

XXIX. And be it further enacted, That in case the said Street called *Higher Street*, or any of the Streets, Lanes, or Passages which are or shall be made Part of the Road to be maintained by the said Company of Proprietors by virtue of this Act, or any of the Footpaths or Ways thereof, shall at any Time or Times after such Part of the said Road extending from the West End of *Water Lane* within the said Town to the West End of *Higher Street* aforesaid shall be used as a Turnpike Road, and be under the Jurisdiction and Management of the said Company of Proprietors, by virtue of this Act, be out of Repair, and the said Company of Proprietors shall not well and properly repair the same within One Calendar Month after Notice in Writing shall have been given by the said Commissioners or their Clerk to the said Company of Proprietors or their Clerk, or left at his last or usual Place of Abode, of the same being out of Repair, it shall and may be lawful for the Commissioners to cause the same to be repaired at their Expence, and to recover all such Sum and Sums of Money as they shall from Time to Time expend in such Repairs from the said Company of Proprietors, with full Costs of Suit, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record, wherein no Essoign, Protection, Wager of Law, or any more than One Imparlance shall be allowed.

In case Payments shall not be made by the Commissioners.

XXX. And be it further enacted, That in case any such Payment or Payments to be made by the said Commissioners to the said Company of Proprietors shall remain due and unpaid for the Space of Fourteen Days next after the same shall respectively become due and payable, it shall and may be lawful to and for the said Company of Proprietors to recover the same, with full Costs of Suit, from the said Commissioners, by Action of Debt in any of His Majesty's Courts of Record, wherein no Essoign, Protection, Wager of Law, or any more than One Imparlance shall be allowed.

Regulations as to obtaining Posses-

XXXI. And be it further enacted, That if any Collector of the Tolls granted by this Act, who shall be discharged from his Office by the said Company

Company of Proprietors or their Committee, shall refuse to deliver up the Possession of the Toll House, Buildings, or Appurtenances which he or she enjoyed in Right of his or her Appointment to such Office within Two Days after being thereunto required by Notice in Writing, signed by any Two or more of the said Committee, given to him or her, or left at such Toll House, or if the Wife or Family of any such Collector who shall die, or any other Person or Persons 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 being thereunto required by Notice in Writing, signed by any Two or more of the said Committee, given to him, her, or them, or left at such Toll House, then and in either of the said Cases it shall and may be lawful to and for any Justice of the Peace for the County or Place where such Toll House shall stand or be, and he is hereby required, 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 Daytime, and to remove the several Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and other Premises, and to put any Person or Persons appointed by the said Company of Proprietors or their Committee for that Purpose in possession thereof.

Power to obtain possession of the Toll Gates, if the same is withheld.

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to erect or cause to be erected such and so many Turnpikes, to receive the Tolls hereby granted, upon or across the said Road, and on or near the Sides thereof, or in, near, upon, or across any Lanes or Ways leading or that may hereafter lead out of the same, as they shall think proper, and such and so many Toll Houses as they shall think proper, and shall and may, in manner herein directed, purchase and take Land sufficient for such Toll House or Toll Houses, with necessary Accommodations thereto, and from Time to Time to alter, remove, or discontinue such Turnpike or Toll Houses, or any of them, as the said Company of Proprietors shall think meet and expedient.

Power to erect Toll Houses, &c.

XXXIII. And in consideration of the great Charges and Expences that the said Company of Proprietors must incur by making, maintaining, and supporting the said Road; be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to demand and take, or cause to be demanded and taken, at the said Turnpikes the Tolls herein-after mentioned, any thing contained in an Act made in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*, or any thing contained in one other Act made in the Twenty-fifth Year of the Reign of His present Majesty, intituled, *An Act to exempt Carriages carrying the Mail from paying Tolls at any Turnpike Gate in* Great Britain, save and except such Part or Parts of the said recited Act, made in the Thirteenth Year of the Reign of His present Majesty, as grants or grant any Exemption or Exemptions from any Toll or Tolls on any Turnpike Road or Roads for or in

Power to collect Tolls.

in respect of any Waggon, Wain, Cart, or other Carriage having the Fellies of the Wheels thereof of the Dimensions therein mentioned, before any Horse or other Beast or Cattle shall be permitted to pass through the same; (that is to say,)

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

For every Carriage of the same Description, drawn by Four Horses or other Cattle, the Sum of One Shilling:

For every Carriage of the same Description, drawn by Two Horses or other Cattle, the Sum of Sixpence:

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

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

For every Carriage of the same Description, drawn by Five Horses or other Beasts, the Sum of Three Shillings:

For every Carriage of the same Description, drawn by Four Horses or other Beasts, the Sum of Two Shillings:

For every Carriage of the same Description, drawn by Three Horses or other Beasts, the Sum of One Shilling and Sixpence:

For every Carriage of the same Description, drawn by Two Horses or other Beasts, the Sum of Eight-pence:

For every Carriage of the same Description, drawn by One Horse or other Beast, the Sum of Four-pence:

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

And for every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any greater or 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 greater or less Number:

And for every Foot Passenger the Sum of One Halfpenny.

Sunday Toll. XXXIV. And be it further enacted, That it shall and may be lawful to and for the respective Toll Gatherers or Collectors of the said Tolls on the said Road, and they are hereby authorized and required, 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 Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, or Litter, and for and in respect of every Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, Double the Toll or Sum which the same respectively are hereby rendered liable to pay on any other Day.

No Gate erected on the Road leading from Ply XXXV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Company of Proprietors to erect or cause to be erected any Gate or Gates

Gates on the present Road leading from *Plymouth under Tothill* to *Saltram Point*.

mouth to Saltram.

XXXVI. Provided always, and be it enacted, That if any Person or Persons shall have paid on any Day the Tolls granted by this Act for or in respect of any Horse or Horses, Beast or Beasts, or Cattle, at any Gate to be erected by virtue of this Act, it shall and may be lawful to and for such Person or Persons to pass through all the Gates erected on the said Road with such Horse or Horses, Beast or Beasts, or Cattle, Toll-free, and also to return and repass through the same once on the same Day (such Day to be computed from Twelve of the Clock of one Night to Twelve of the Clock the succeeding Night), such Person or Persons producing a Ticket denoting that such Toll has been paid on that Day, which Ticket every Collector of the Tolls on the said Road is hereby required to deliver *gratis* on the Payment of such Tolls: Provided also, that nothing herein contained shall extend or be construed to extend so as to enable any Person or Persons having so paid the Tolls to pass and repass more than once on the same Day (to be computed as aforesaid) through any Gate or Gates erected by this Act, without paying a fresh or additional Toll or Tolls for or in respect of such Horse or Horses, Beast or Beasts, or other Cattle.

Persons to pass and repass once only for the Toll paid.

XXXVII. And for preventing the Evasion 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 Road, near unto any Turnpike to be erected thereon, shall permit or suffer any Person 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 public Way or Passage), or through or over any Lands adjoining to any Part of the said Road, or near to any Part 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 or Persons offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty on evading the Tolls.

XXXVIII. And be it further enacted, That a Table of the several Tolls hereby granted shall be put up and continued at each and every Turnpike Gate erected on the said Road, and it shall and may be lawful to and for the several Persons who shall by virtue of this Act be appointed Collectors of the said Tolls to demand and take the Tolls hereby granted; and if any Person or Persons subject to the Payment of the said Tolls or any of them shall, after Demand made thereof by any Collector appointed as aforesaid, neglect or refuse to pay the same or any Part thereof, it shall

Provision for Recovery of Tolls.

shall and may be lawful to and for such Collector to seize and distrain, or cause to be seized or distrained, any Horse or Horses, or other Beast or Cattle, chargeable with the said Tolls, and the Saddles, Bridles, Harness, or Accoutrements belonging to them or any of them; 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 after such Seizure and Distress made, it shall and may be lawful to and for the Collector so seizing and distraining to sell the Horse or Horses, Beast or Beasts, or Cattle, together with their Bridles, Saddles, Harness, or Accoutrements, so seized and distrained, or any Part thereof, rendering the Overplus, (if any,) upon Demand, to the Owner or Owners thereof, after such Tolls, and all reasonable Charges of such Distress and Sale, shall be deducted and paid.

Disputes to be settled by a Justice.

XXXIX. Provided always, and be it enacted, That if any Dispute or Difference shall arise about the Quantity of the Tolls due, or the Charges of keeping and selling any Distress, it shall and may be lawful to and for the Collector or Person distraining to retain the Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls, or Charges of distraining and selling the Distress, as the Case may be, shall be ascertained by some Justice of the Peace for the County or Place wherein such Dispute or Difference shall arise, who, upon Application made to him for that Purpose, shall examine the said Matter by Oath of the Parties or other Witness or Witnesses, and shall determine the Quantity of the 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 said Collector before he shall be obliged to return the said Distress, or the Overplus, after Sale thereof or of any Part thereof.

Toll Houses &c. vested in the Company.

XL. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houses and other Buildings, with the Ground, Fences, and Appurtenances thereto respectively belonging, and of all Mile Stones and Posts erected by virtue of this Act, and also of all Materials, Tools, and Implements which shall be provided by the said Company of Proprietors for making and repairing the said Road, shall be vested in the said Company of Proprietors, and they are hereby empowered to cause any Actions to be brought, and any Bills of Indictment to be preferred, against any Person or Persons who shall steal, break down, take away, injure, or spoil any such Turnpikes, Toll Houses, or other Buildings, Fences, Mile Stones, Posts, or any such Materials, Tools, or Implements as aforesaid.

Tolls may be reduced.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General or Special Assembly, from Time to Time to lower or reduce all or any of the Tolls granted by this Act, and again to raise the same to such Sum or Sums as they shall think proper, not exceeding the respective Sums before mentioned, as often as it shall be deemed by the said Company for the Interest of the said Undertaking.

XLII. And

Tolls may be farmed.

XLII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General or Special Assembly, 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 whomsoever, but the same shall not be let for more than Three Years at any One Time.

Farmers of the Tolls may appoint Persons to collect them.

XLIII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased or in Farm to any Person or Persons whomsoever, it shall and may be lawful to and 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 so leased or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Company of Proprietors is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Company of Proprietors is subject or liable to.

Company may compound for Tolls.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors from Time to Time to compound with any Person or Persons for any Period of Time not exceeding One Year for or in respect of the Tolls to be paid by virtue of this Act for any Carriages, Wains, Carts, Horses, Beasts, or other Cattle passing on the said Road, or on any Part or Parts thereof; and all such Composition Money shall be paid in advance quarterly or otherwise, as the said Company shall appoint; and in default of such Payment every such Composition shall be null and void to all Intents and Purposes whatsoever.

Power to get Materials to repair the Road.

XLV. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and to 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 Road, 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 Road 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 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 Persons as aforesaid, may, by Order of the said Company of Proprietors or of their Committee, (a Copy of such Order being given to such Surveyor or Surveyors, attested and signed by the Clerk to the

said Company of Proprietors or to their Committee,) search for, cut, dig, get, gather, and take away any such Materials as aforesaid in, off, from, and out of 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, 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 other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interest in such Ground, as the said Committee shall adjudge reasonable; and in case of any Difference between the said Committee, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and 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, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

Notice to be given to the Occupiers of Lands before Materials are taken for the Repair of the Road.

XLVI. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Road out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the 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 Residence, to appear before the Committee of the said Company of Proprietors, 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 the said Committee or such Justices shall and may 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 Committee or such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Committee or such Justices shall and 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.

Penalty on taking away Materials raised for the Use of the Road.

XLVII. And be it further enacted, That if any Person or Persons whomsoever shall take away any Gravel or Materials which shall have been dug or gathered by or by the Order of the said Surveyor or Surveyors in any Lands or Grounds, River or Brook, for the Purpose of amending the said Road, or any Part or Parts thereof, or get or take away any

Gravel or Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for amending the said Road, 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 any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale,) every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Power to cut Drains, &c.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Company of Proprietors or of their Committee, 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 Road, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in repair any Part of the said Road, and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road, (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any House,) to be made use of as a public Highway, whilst the narrow or ruinous Parts of the said Road are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively through and into which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Company of Proprietors or their Committee; and in case any Difference shall happen between such Owners or Occupiers and the said Company of Proprietors or their Committee touching any Damage, then the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the County of *Devon* or for the Borough of *Plymouth*, according to the Jurisdiction in which the Land shall lie, next after the Expiration of Thirty Days from the Time of doing such Damage, shall and are hereby authorized and required to hear, settle, and determine the same, and their Determination therein shall be final and conclusive.

Surveyor may remove Annoyances.

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by Direction of the said Company of Proprietors or of their Committee), from Time to Time to remove and prevent all Annoyances on any Part or Parts of the said Road by Rails, Steps, Sign Posts or other Posts, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of any Part of the said Road 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 Road, and to cut down, lop, or top any Trees or Bushes growing in any Part of the said Road or in the Hedges or Banks adjacent thereto, in case the Person or Persons occasioning such Annoyance, or who ought to remove the same, or to cleanse such Ditch

or

or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall refuse or neglect so to do for the Space of Five Days next after Notice in Writing given for that Purpose, signed by the Surveyor or Surveyors of the said Road, 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 shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person, 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 like Manner, every Person 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 to the Purposes of this Act.

Penalty for drawing Timber on the Road.

L. And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, 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 upon any Wheel Carriage to drag upon any Part of such Road to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Road to be measured, and Mile Stones placed.

LI. And be it further enacted, That the said Company of Proprietors shall and they are hereby required to measure or cause the said Road to be measured, and Mile Stones to be set up at or near the Sides thereof at the Distance of One Mile from each other, and Posts to be erected to denote the Distance of every such Post from any Town or Place, as the said Company of Proprietors shall think fit, and also to erect or cause to be erected Guide Posts upon such Parts of the said Road where the same is crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, or injure, destroy, obliterate, or deface any of the Stones or Posts erected or to be erected on any Parts of the said Road, or any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully break, throw down, or injure any of the Stones or Parapet Wall on the Sides of any of the Bridges or Arches, or on any Parts of the said Road, every such Person shall forfeit and pay 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.

Penalty for riding on Footpaths.

LII. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, 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 or Parts of the said Road; 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

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 Road, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Road, to the Prejudice thereof; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing, upon any Part of the said Road, to be made into Manure, or shall scrape off any Mud, Soil, or other Matter or Thing, which shall be or lie upon any Part of the said Road, with any Instrument so as to damage the said Road or any Part thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Sides of the said Road, either with or without any Horse or Beast harnessed or yoked thereto, without reasonable Cause, to be allowed by the Justice before whom such Person or Persons shall be brought or summoned, in order to his, her, or their Conviction, or shall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, 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 any Sum not less than Ten Shillings nor more than Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Unknown Offenders may be detained.

LIII. 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 and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any such Offence against this Act, and to convey him, her, or them before One or more Justice or Justices of the Peace for the County or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Persons liable to Statute Work to continue so.

LIV. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work, or are chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Devon* or Borough of *Plymouth*, in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Company of Proprietors or by their Committee, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Company of Proprietors, or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the

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 serving 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 so paid; which Lists of Names shall be made in manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in force and effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days, and at such Times (not being Hay Time or Harvest), and in such Parts of the said Road, as the said Company of Proprietors, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu or as a Composition for Statute Work as aforesaid to pay such Proportion thereof as the said Justices shall think proper to the said Company of Proprietors, or to their Treasurer, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall refuse or neglect 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 usual Place or Places of Abode, for that Purpose, by any Surveyor of the said Company of Proprietors, 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 is, are, or may be subject and liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Company of Proprietors, 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 Road; all which Forfeitures shall be paid to the Treasurer to the said Company of Proprietors, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse, or wilfully give in false Lists, every such Surveyor so offending

shall

shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Company may compound for Statute Work.

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

Expences of the Act.

LVI. And be it further enacted, That all the Costs, Charges, and Expences of obtaining this Act, and all other Costs, Charges, and Expences incident thereto, shall be borne, paid, and defrayed by the said Company of Proprietors out of any Monies subscribed or received by virtue of the said recited Act, or to be subscribed or received by virtue of this Act.

Fines and Penalties how to be recovered.

LVII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act (the levying or Recovery whereof is or are not herein-before particularly directed) shall, in case of Nonpayment thereof, on the Conviction of the Offenders respectively, on his, her, or their Confession, or on the Evidence of any credible Witness or Witnesses, before any Justice or Justices of the Peace for the County of *Devon*, or where the Offender shall be or reside, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hand and Seal of such Justice or Justices; and every such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same; and all such Fines, Penalties, and Forfeitures (the Application whereof is not herein-before particularly directed) shall be paid into the Hands of the Treasurer to the said Company of Proprietors, and shall be applied and disposed of for the Use of the said Company of Proprietors, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of such Goods and Chattels so distrained; and for Want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, and all reasonable Charges attending the Recovery thereof, it shall and may be lawful to and for such Justice by Warrant under his Hand and Seal to commit every such

such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Distress not unlawful for Want of Form.

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

Form of Conviction.

LIX. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form; (*videlicet*,)

'BE it remembered, That on the Day of
'in the Year of our Lord *A. B.* is
'convicted before One of His Majesty's
'Justices of the Peace for the County of
'[*specifying the Offence, and the Time and Place when and where committed, as the Case may be,*] contrary to an Act made in the Forty-
'third Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*]. Given under my Hand and Seal [*or*
'our Hands and Seals] the Day and Year first above mentioned.

Appeal granted.

LX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, then and in every such Case he, she, or they may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden in and for the County or Place in which the Cause of Appeal shall arise, first giving Ten Days Notice of such Appeal to the Person or Persons appealed against, or to the Clerk of the said Company of Proprietors, as the Case may be, and of the Nature thereof, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall, upon due Proof of such Notice and Recognizance having been given and entered into, either hear and determine the said Appeal at such General Quarter Sessions, or, if they think proper, may adjourn the hearing thereof to

to the next General Quarter Sessions to be holden for such County or Place; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order, Judgment, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary thereof notwithstanding.

Plaintiff to give Notice of Actions.

LXI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Body or Bodies Corporate, or any Person or Persons whomsoever, for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left with the Clerk or Clerks to such Body or Bodies Corporate, as the Case may be, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, nor recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made it shall and may be lawful to and for the Defendant or Defendants in 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 as he, she, or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXII. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons, Bodies Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the Court where the Matter in Dispute or Cause of Action shall arise, 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 so limited for bringing the same, or in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for other Costs of Suit in other Cases by Law.

Public Act.

LXIII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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