ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

****

Cap. xii.

An Act for repairing and improving the Roads leading to and from the City of *Exeter*, and for keeping in Repair *Exe Bridge* and *Counteſs Wear Bridge.*

[23d *March* 1815.]

WHEREAS an Act was paſſed in the Forty-third Year of the Reign of His preſent Majeſty King *George* the Third, intituled *An Act for more effectually repairing and improving the ſeveral* 43 G. 3. c. 122.
Roads leading to and from the City of Exeter, *and for keeping in Repair* Exe Bridge, *and* Counteſs Wear Bridge: And whereas by the ſaid Act divers Powers and Proviſions were given and made for repairing, widening, turning, altering, improving, and keeping in Repair the Highways or Roads leading from the lower End of *Paris Street*, in the County of the City of *Exeter*, through the Pariſhes of *Saint Sidwell*, in the County of the ſaid City of *Exeter*, *Heavitree*, *Sowton*, *Pinhoe*, *Cliſt Honiton* otherwiſe *Honiton's Cliſt*, *Broad Cliſt*, *Rockbear*, and *Whimple*, to a Place called *Straitway Head*, in the ſaid Pariſh of *Whimple;* and alſo the Highways leading from the late Gallows of the County of *Devon*, in the Pariſh of *Heavitree* aforeſaid, in the Way to *Straitway Head* aforeſaid, through the Pariſhes of *Sowton*, *Cliſt Saint Mary*, *Farringdon*, *Woodbury* and *Ayleſbear*, to a Place called *Ayleſbear Hill*, leading to *Newton Popleford*, in the Pariſh of *Ayleſbear* aforeſaid; and from a Place called *Cliſt Bridge*, through the ſeveral

Pariſhes of *Cliſt Saint Mary*, *Cliſt Saint George*, and *Woodbury*, to the Top of *Woodbury Hill* in the ſaid Pariſh of *Woodbury*; and from *Saint Agnes' Chapel*, in the County of the ſaid City of *Exeter*, through the Pariſhes of *Saint Sidwell* aforeſaid, *Heavitree*, *Pinhoe*, and *Broad Cliſt*, to *Withy Bridge* in the ſaid Pariſh of *Broad Cliſt*; and from the ſaid Chapel through the Pariſhes of *Saint Sidwell* aforeſaid, *Heavitree*, *Pinhoe*, *Huxham*, *Poltimore*, *Broad Cliſt*, *Silferton*, *Bradninch*, and *Cullompton*, to the Town of *Cullompton*; and from the Waypoſt on *Stoke Hill*, in the Pariſh of *Huxham* aforeſaid, in the Way to the Town of *Cullompton* aforeſaid, through the Pariſhes of *Stoke Cannon*, *Rew*, and *Silferton*, to the Town of *Silferton*; and from the Bottom of the Cauſeway neareſt *Northgate*, in the Pariſh of *Saint David*, in the County of the ſaid City of *Exeter*, through the Pariſhes of *Saint David*, *Brampford-ſpeke*, *Upton Pyne*, *Newton Saint Cyres*, and *Crediton*, to the Town of *Crediton*; and from thence to *Crediton Forches*; and from thence to *Barnſtaple Croſs* in the Pariſh of *Crediton*; and from thence to *Bow* otherwiſe called *Nymet Tracey*; and alſo the Road from *Crediton* aforeſaid to *New Buildings*; and from thence to *Morchard*, in the Road to *Chulmleigh*; and from *Pynes Bridge* in the Pariſh of *Upton Pyne* aforeſaid, (in the Way from *Saint David* to *Crediton* aforeſaid), to *Pollard Oak* otherwiſe *Starved Oak* in *Upton Pyne* aforeſaid; and from *New Bridge* in the ſaid Pariſh of *Newton Saint Cyres*, (in the Way alſo from *Saint David* to *Crediton* aforeſaid), to *Raddon Croſs* in the Pariſh of *Shobrooke*; and from the *Seven Stars* at the *Bridgefoot* in the Pariſh of *Saint Thomas the Apoſtle*, through the Pariſhes of *Whiteſtone*, *Tedburn*, *Saint Mary*, *Cheriton Biſhop*, and *Drewſteington*, to *Crockerton Well* in the Pariſh of *Cheriton Biſhop* aforeſaid; and from a Houſe diſtinguiſhed by the Name of the *Plymouth Inn*, in the ſaid Pariſh of *Saint Thomas the Apoſtle*, through the Pariſhes of *Saint Thomas the Apoſtle*, *Alphington*, *Exminſter*, *Shillingford*, *Kenn* and *Chudleigh*, to *Chudleigh Bridge* in the ſaid Pariſh of *Chudleigh*; and from the Head of *Alphington Town* in the Way to *Chudleigh Bridge* aforeſaid, through the Pariſhes of *Alphington*, *Exminſter*, *Kenn*, *Aſhcombe*, *Ideford* and *Chudleigh*, to the Top of the Hollow Way beyond Lord *Clifford's* Park, in the ſaid Pariſh of *Chudleigh*; and from *Alphington Church Town* leading through the Pariſhes of *Alphington* and *Exminſter*, to *Crab Lake* in the ſaid Pariſh of *Exminſter*; and from the Church of *Saint Thomas the Apoſtle* aforeſaid, through the Pariſhes of *Alphington*, *Holcombe Burnell*, and *Dunsford*, to the Town of *Dunsford*; and from *Little John's Croſs*, in the ſaid Pariſh of *Alphington*, (in the Way from the Church of *Saint Thomas the Apoſtle* to the Town of *Dunsford* aforeſaid), to the Smith's Shop near *Hall Down Houſe*, in the ſaid Pariſh of *Kenn*; and from the *Bound Stone* at *Larkbear*, in the Pariſh of the *Holy Trinity* in the ſaid County of the ſaid City of *Exeter*, through the Pariſhes of *Saint Leonard*, *Heavitree* and *Topſham*, to the Town of *Topſham*; and from the End of the ſaid Town of *Topſham* through *Pound Lane* to *Topſham Bridge*; and from thence through the Villages of *Ebford*, *Exton* otherwiſe *Exon*, *Higher Nutwell*, and *Gulliford*, to a Place called *Burnt Houſe* in the Pariſh of *Lympſton*, in the ſaid County of *Devon*; and from the Foot of *Magdalen Hill* in the Pariſh of the *Holy Trinity* aforeſaid, in the County of the ſaid City of *Exeter*, through the ſaid Pariſhes of *Saint Sidwell*, *Saint Leonard*, and *Heavitree*, to *Liverydole* in the ſaid Pariſh of *Heavitree*, in the County of *Devon*; and alſo for repairing the Road or Street called *Northgate*, and the Road or Street from the Cauſeway at the Bottom of *Saint David's Hill*, through Part of *Northgate Street*, to *Saint Paul's Street*; and alſo the

the ſeveral Roads leading from the Turnpike Gate at *Exeweeke Croſs* to *Cowley Croſs;* and alſo from the Turnpike Road at *Morchard*, through *Lapford*, to the Turnpike Road at or near *Chawley;* and alſo for building and repairing *Exe Bridge*, and making the Avenues leading thereto more commodious; and alſo for repairing the Highways or Roads from a certain Place in the Turnpike Road from *Exeter*, on the North Side of *Saint David's Hill*, by *Howell's Houſe*, through *Howell's Lane*, and to and through certain Fields, the Property of *Triſtram Whitter* Clerk, into *Pound Lane*, and Part of *Longbrook Street*, to the late *Oxford Inn*, near the Eaſt Gate of the ſaid City of *Exeter;* and alſo for repairing the Road branching off from the Turnpike Road leading from *Barnſtaple Croſs* in the Pariſh of *Crediton*, to a Place called *Copleſton Stone;* and the Road from a Gate near *Broadway* in the ſaid Pariſh of *Sandford*, through the Pariſhes of *Sandford*, *Kennerley*, *Waſhford Pyne*, *Woolfardiſworthy*, *Witheredge*, *Thelbridge*, and *Eaſt Worlington*, to a Place called *Drayford Bridge*, where the *Southmolton* Turnpike ends; and alſo the Road leading from *Cullompton* at a Place called the *Crabtree Alehouſe*, in the Pariſh of *Broad Cliſt Town*, to *Withy Bridge*, where the preſent *Exeter* Turnpike Road ends; and from the *Black Dog*, over and acroſs *Broad Cliſt Heath*, to the *Crown and Sceptre*, in the Great *London* Road; and from thence through the Pariſhes of *Rockbear* and *Ayleſbear*, to the *Lyme* Turnpike Road on *Ayleſbear Hill;* and alſo the Road leading from *Pin Pound* in the Pariſh of *Pinhoe*, through *Monkerton*, to the Great *London* Road, and through *Moor Lane* by *Sandy Gate*, to the Turnpike at the *Red Cow* Alehouſe near the Town of *Topſham;* and alſo for repairing the Road leading out of the ſaid Turnpike Road between *Alphington Church* aforeſaid and *Crab Lake* in the Pariſh of *Exminſter*, at or near a Lane called *Bear's Hill*, *Oak Corner*, to and through a Ford called *Counteſs Wear;* and from thence to the Turnpike Road leading from *Larkbear* aforeſaid to the Town of *Topſham*, at a Place called the *Red Poſt*, leading to *Riding Lane;* and for building and erecting a Bridge at *Counteſs Wear:* And whereas ſeveral conſiderable Sums of Money have been raiſed and borrowed under or by virtue of the ſaid recited Act, and of the former Act, (repealed by the ſaid recited Act), which ſtill remain due and owing, together with a large Arrear of Intereſt, and cannot be repaid, nor can the ſaid Roads and Bridges be properly amended, improved, and kept in Repair, unleſs the Powers and Proviſions of the ſaid recited Act are enlarged and amended, and ſome of the Tolls altered or increaſed: And whereas it would tend to facilitate the Execution of the Purpoſes of the ſaid recited Act if the ſame were repealed, and further and other Powers and Proviſions granted and made inſtead thereof: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, the ſaid recited Act paſſed in the Forty-third Year of the Reign of His preſent Majeſty ſhall be and the ſame is hereby declared to be repealed, and inſtead thereof this Act ſhall from thenceforth commence and take Effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpoſes of repairing, widening, turning, altering, improving, and keeping in Repair the ſeveral Roads herein-before mentioned and deſcribed; and alſo for repairing and keeping in Repair the ſaid Bridges called *Exe Bridge* and *Counteſs Wear Bridge*, and the Avenues leading thereto;

Act repealed.

thereto; and this Act, and the Term and Tolls hereby granted respectively shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the said recited Act, or of the former Act, (repealed by the said recited Act), with respect to the said Bridges and Roads, and of all Interest due and to grow thereon respectively, as fully to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or on account of this Act.

Trustees of Exeter Turnpike Roads.

II. And be it further enacted, That the Honourable *Robert Clifford*, the Honourable *Thomas Clifford*, Sir *Wilmot Prideaux* Baronet, Sir *John Chichester* Baronet, Sir *John Trevilyan* Baronet, Sir *Stafford Henry Northcote* Baronet, Sir *John Kennaway* Baronet, Sir *Harry Trelawney* Baronet, Sir *John Duntze* Baronet, Sir *Bourchier Wrey* Baronet, Sir *Charles Warwick Bampfylde* Baronet, the Right Worshipful the Mayor, Aldermen, and Common Council of the City of *Exeter* for the Time being, the Venerable the Dean, Canons Residentiary and Archdeacons of the Church of *Exeter* for the Time being, the Chancellor of the Diocese of *Exeter* for the Time being, *Nicholas Arthur*, *Robert Abraham*, *John Baring*, *Henry Brutton*, *Charles Baring*, *John Baring* the younger, *William Browne*, *Richard W. Bampfylde* Clerk, *Elijah Brooke*, *James Buller*, *Richard Blundell*, *John Buller*, *Gilbert Burrington* Clerk, *William Berry*, *William Browning*, *Samuel Banfill*, *Thomas Balle*, *Edward Back* Clerk, *Thomas Berry*, *John Eaton Boutflower*, *Barker* Clerk, *Henry Blackall*, *Robert Bartholomew* Clerk, *James T. Blunt*, *Charles Brown* Clerk, *John Browning*, *John Churchill* Clerk, *William Clapp*, *John Cove*, *Peter Churchill*, *John Pyne Coffin* Clerk, *James Carrington* Clerk, *John Buncombe Cockeram*, *George Hunt Clapp*, *George Cornish*, *John Bradford Copleston* Clerk, *Mark Cann*, *John Cole*, *Hubert Cornish*, *Philip Cornish*, *Richard Collins*, *William Collyns*, *John Bowden Creswell*, *William Comyns*, *Thomas Cowan* Clerk, *William Collyns*, *Charles H. Collyns* Clerk, *Samuel Codner*, *Henry Cleeve*, *Thomas Clack* Clerk, *Nathaniel Cole* Clerk, *Copleston Cross*, *John M. Collyns*, *William Cleeve*, *George Daniel* Doctor of Medicine, *Herman Drewe* Clerk, *Robert Davy*, *Samuel Davey*, *Joseph Donnett* Clerk, *John Dennis* Clerk, *Thomas Dowell*, *William Ellicombe* Clerk, *Richard Eales*, *William Eales* Clerk, *William Rous Ellicombe* Clerk, the Honourable *Newton Fellowes*, *John Inglett Fortescue*, *Daniel Follett*, *Edmund Granger*, *Anthony Gibbs*, *George Gregory* Clerk, *Nicholas Gay*, *Samuel Graves*, *Thomas Graves*, *William Graves*, *Edward Gattey*, *Thomas Granger*, *George Galloway*, *Charles Hole*, *Christopher Helyer*, *Richard Harrington*, *Christopher Hamlyn*, *William Holman*, *Richard Harrington* Clerk, *Edward Hore*, *William Holland*, *Simon S. Hore*, *David Horndon* Clerk, *Timothy Terry Jackson*, *William Jackson*, *James Jackson*, *Peter Ilbert* Clerk, *William Kennaway*, *Robert Kennaway*, *Abraham Kennaway*, *Arthur Kelly*, *John Kestle*, *Samuel Kingdon*, *James Lardner*, *Thomas Huckell Lee*, *John Lee* the younger, *Henry Ley*, *John Henry Ley*, *John Lambert*, *Josiah Lee*, *James Lee*, *John Lane*, *George Luke*, *Richard Lewis* Clerk, *Thomas Ley* Clerk, *John Fynes Luttrell*, *John Luke*, *John Langworthy*, *Thomas Lamacrafte*, *Samuel Luscombe*, *Edmund P. Lyon*, *William Ley*, *James Luke* of *Shilston*, *John Merivale*, *James Matthews*, *James Manning*, *George Moore* the younger Clerk, *John Moore*, *Aaron Moore*, *John Milford*, *John Merivale* Clerk, *Samuel Frederick Milford*, *William Nation*, *John Newcombe*, *William Oxnam* Clerk, *William Pidsley*, *Robert Palmer*, *William Ponsford* of *Drewsteignton*, *William*

William Ponsford of *Ford*, *Charles Pugh*, *William Mackworth Praed*, *Humphrey Prideaux*, *John Palmer*, *James Patch*, *William Palmer* Clerk, *Samuel Palmer*, *Frank Parker*, *James Pearse*, *J. D. Perkins* Clerk, *Philip Furse*, *John Periam*, *John Quicke*, *Henry Rowe*, *Robert Russell*, *William Roberts*, *Joseph Roberts*, *Edmund Roberts*, *John Read*, *William Rainforth*, *Robert Reed*, *Samuel Rudall*, *Thomas Russell*, *Ralph Rice*, *Joseph Sanders*, *John Sillifant*, *William Sanford*, *John Seale*, *George Gale Snelling*, *Francis Spicer*, *Richard Stephens*, *John Henry Southcote*, *Thomas Smith*, *John Swete* Clerk, *George Short*, *John Swete*, *William Short*, *Richard Smith*, *John Salter*, *George Shute*, *Abraham Smith*, *Henry Smith*, *Thomas Strong* Clerk, *Harry Skinner*, *Joseph Sanders* junior, *Robert Rogers Sanders*, *Thomas William Smerdon*, *Edward Lloyd Sanders*, *Francis South*, *E. A. Stapleton* Clerk, *Michael Stretch*, *Warwick Hely Tonkin*, *John Turner*, *Richard Tremlett*, *William Tanner*, *Robert Tothill*, *William Western*, *Newton Wolland*, *Samuel Ryder Weston* Clerk, *William White* of *Exminster*, *Francis Webber*, *Stephen Weston* Clerk, *James White*, *John Wreford* of *Clannaborough*, *John Wreford* of *Bow*, *John Welsford*, *Sylvanus Wreford*, *John Wolland*, *John Worth*, *John Thomas Wright*, *John Wolland* junior, *Hugh White*, *John Williams*, *Samuel Walkey*, *Charles Elliot Walkey* Clerk, *John White* Clerk, *John William Williams*, *Wakelin Welch*, *Charles W. B. Walker*, *James Wake*, and *John Yarde*, and their Succeſſors to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for repairing and keeping in Repair all the ſaid Roads herein-before particularly mentioned and deſcribed, (except the ſaid Road leading out of the Turnpike Road between *Alphington* Church and *Crab Lake* to and through a Ford called *Counteſs Wear*), and the ſaid Bridge called *Exe Bridge*, and the Avenues thereto, and for carrying this Act into Execution with reſpect to the ſaid Roads and Bridges.

Authoriſing all Perſons of certain Eſtates to act as Truſtees.

III. And be it further enacted, That each and every Perſon having at the Time of acting in his own Right, or in the Right of his Wife, a Freehold Eſtate in Lands, Tenements or Hereditaments, within the County of *Devon*, and the County of the City of *Exeter*, or either of them, of the clear yearly Value of Three hundred Pounds above Reprizes, and whoſe uſual Place of Abode or Reſidence ſhall be within the ſaid Counties, or either of them, or being Heir Apparent to ſome Perſon poſſeſſed of ſuch an Eſtate of Three hundred Pounds a Year as aforeſaid, ſhall be and is and are hereby declared to be a Truſtee and Truſtees for putting this Act in Execution, and he, they, and each and every of them, ſhall be and is and are hereby empowered to act as a Truſtee and Truſtees for carrying this Act into Execution, without any Election or Appointment whatſoever, in as full and ample Manner as if ſuch Perſons had been named Truſtees in and by this Act; any Thing herein contained to the contrary notwithſtanding.

For electing Truſtees.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at ſome annual Meeting to be held for that Purpoſe, to elect and appoint fit Perſons, qualified as aforeſaid, to be Truſtees in the ſtead of ſuch as ſhall die, reſign, or be diſqualified from acting; and every ſuch Perſon ſo from Time to Time elected and appointed ſhall be joined with the ſurviving and remaining Truſtees, and is hereby empowered to act, to all Intents and Purpoſes, in as full and ample Manner as if ſuch Perſon had been particularly named and appointed in and by this Act; but Notice in Writing of the Time

Notices how to be given.

and Place of Meeting for such Election shall be given by the Clerk or Clerks to the said Trustees on Eight of the principal Turnpike Gates nearest to the City of *Exeter*, at least Fourteen Days before the Meeting for such Election.

Qualification of Trustees.

V. Provided always, and be it further enacted, That no Person (except Persons herein-before declared to be Trustees in right of their Estates, or of being Heirs Apparent to such Estates) shall be qualified for or capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, lying and being within the County of *Devon*, and City or County of the City of *Exeter*, or either of them, of the yearly Value of Eighty Pounds, clear of all Reprizes; or be possessed of a Personal Estate to the Amount or Value of Two thousand Pounds, and whose usual Place of Abode and Residence shall be in the said City of *Exeter*, or within Twenty Miles thereof: Provided also, that no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath of Qualification herein-after mentioned) until he shall have taken and subscribed an Oath of his Qualification before any Five or more of the said Trustees, who are or either of whom is hereby authorized, empowered, and required to administer such Oath, and which Oath shall be in the Words or to the Effect following; (that is to say),

Oath.

'I *A. B.* do swear, That I am truly and *bonâ fide*, and in my own Right [*or*, in the Right of my Wife], in the actual Possession, or Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear yearly Value of Eighty Pounds, within the County of *Devon*, or City and County of the City of *Exeter* [*or*, One of them], or am possessed of Personal Estate alone to the Amount or Value of Two thousand Pounds [*or*, am truly and *bonâ fide*, and in my own Right, *or*, in the Right of my Wife], in the actual Possession [*or* Enjoyment or Receipt] of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear yearly Value of Three hundred Pounds, within the County of *Devon*, and City or County of the City of *Exeter* [*or*, One of them], [*or*, am Heir Apparent of *C. D.* having an Estate in Lands, Tenements or Hereditaments, within the County of *Devon*, and City or County of the City of *Exeter* [*or*, One of them], of the clear yearly Value of Three hundred Pounds (*as the Case shall be*)].

'So help me GOD.'

Penalty on Persons acting as Trustees not being duly qualified.

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act in any Case wherein he shall be personally concerned or interested, other than as a Creditor, nor while he holds any Place of Profit arising out of the Tolls or Duties hereby granted; or who shall sell any Wine, Cider, Ale, Beer, or Spirituous Liquors by Retail; and if any Person, not duly qualified as aforesaid, or any Person disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection, Wager of Law, or

more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he was at the Time of ſuch acting duly qualified according to the true Intent and Meaning of this Act, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

First Meeting.

VI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the *Guildhall* in the City of *Exeter*, within Thirty Days next after the paſſing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon, or as ſoon after as conveniently may be, and ſhall then and there proceed in the Execution of this Act, and ſhall and may adjourn ſuch Meeting to the ſame Place, or to ſuch other Place in *Exeter* aforeſaid, as the ſaid Truſtees, or any Three or more of them, ſhall think proper; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act, or to adjourn to another Day, (Three Truſtees being hereby declared ſufficient for the Purpoſe of Adjournment only), then and ſo often as the Caſe ſhall happen ſuch Meeting ſhall ſtand over and be deemed to be adjourned to the ſame Day in the following Week, and at the ſame Place, or until another Day ſhall be appointed by the ſaid Truſtees, or any Three or more of them; and that all Orders, in which the Majority of Truſtees preſent at any ſuch Meeting ſhall concur, ſhall be as good, valid, and effectual, as if ſuch Orders were made and concurred in by all the ſaid Truſtees; and in caſe of an Equality of Voices on any Queſtion at any ſuch Meeting, including the Voice of the Chairman, ſuch Chairman ſhall in all ſuch Caſes have another and the Caſting Voice; and the ſaid Truſtees ſhall at all their Meetings defray their own Expences.

Proceedings to be entered in Books.

VII. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Clerk or Clerks of the ſaid Truſtees, and ſuch Orders ſhall be deemed and taken to be original Orders; which ſaid Book or Books, and alſo the ſaid Books directed to be kept for regiſtering Mortgages, Aſſignments, or Transfers under this Act, ſhall and may be produced and read in Evidence in all Courts whatſoever.

No Order to be repealed, unleſs the Truſtees exceed the Number who made it.

VIII. And be it further enacted, That no Order or Reſolution duly made by the ſaid Truſtees, or any Five or more of them, at any General Meeting, of which Notice is required by and ſhall have been given according to the Directions of this Act, ſhall be revoked, repealed, or ſet aſide at any ſubſequent Meeting of the Truſtees, unleſs Notice of the Intention of repealing or altering ſuch Order, and of a Meeting to be held for that Purpoſe, ſhall have been given and entered in the Book of Proceedings of the ſaid Truſtees at the Meeting held previous to the Repeal or Alteration being made, and alſo affixed on Eight of the principal Turnpike Gates then ſtanding on the ſaid Roads, and inſerted in ſome Newſpaper circulated in the County of *Devon* or City of *Exeter*, Ten Days at leaſt before ſuch Meeting; nor unleſs a greater Number of Truſtees than were preſent when ſuch Order was made ſhall be preſent at ſuch ſubſequent Meeting, and conſent to ſuch Revocation or Alteration.

IX. And

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of any Meeting of the ſaid Truſtees, or after any Day on which any Meeting ought to have been held, and ſhall ſtand over or be deemed adjourned in purſuance of this Act, it ſhall upon any Emergency be neceſſary that an earlier Day of Meeting ſhould be appointed than the Day to which ſuch Meeting ſhall have been adjourned or ſtand adjourned, it ſhall be lawful for any Three or more of the ſaid Truſtees to appoint an earlier Day of Meeting; and the Clerk to the ſaid Truſtees, by an Order in Writing ſigned by Three or more of the ſaid Truſtees, which Order it ſhall be lawful for ſuch Truſtees to make, although not aſſembled at a Meeting, mentioning the Time and Place and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in Manner herein-before directed, reſpecting the Election of new Truſtees, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Three Truſtees (ſuch Time not being leſs than Four Days after ſuch Notice); and all Proceedings of the Truſtees at ſuch Meeting, the Number preſent not being leſs than Five, ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of any Adjournment.

Truſtees may appoint Committees.

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

For appointing Officers.

XI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, preſent at their Firſt or any ſubſequent Meeting or Meetings, by any Writing or Writings under their Hands, ſhall and may appoint One or more Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls hereby granted, and Surveyor or Surveyors of the ſaid Bridges and Roads, and ſuch other Officers as the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary; and ſhall and may from Time to Time remove ſuch Clerks, Treaſurers, Collectors, Receivers, and Surveyors, and other Officers, or any of them, as they ſhall ſee Occaſion, and appoint new ones in caſe of Death, Reſignation, or ſuch Removal; and ſuch Treaſurer or Treaſurers ſhall

ſhall keep clear and regular Accounts in ſuch Book or Books, and in ſuch Manner as the Truſtees ſhall think proper and direct; and all and every ſuch Collector and Collectors, Officers and Officer ſo appointed as aforeſaid, as often as required by the ſaid Truſtees, or any Five or more of them, ſhall deliver to the ſaid Truſtees, or any Five or more of them, or to their Treaſurer or Treaſurers, Clerk or Clerks, Surveyor or Surveyors, or any of them, for the Time being, a true, exact, and perfect Account in Writing under their reſpective Hands, with proper Vouchers of all Monies which he or they, and every or any of them, ſhall to ſuch Time have received, paid, and diſburſed by virtue of this Act, or by reaſon of their reſpective Offices; and in caſe any Monies ſo received ſhall remain in his or their Hands, the ſame ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall by any Writing or Writings under their Hands authorize and empower to receive the ſame, and ſhall be applied in the Execution of this Act; and in caſe any ſuch Officers ſhall not give in or make out ſuch Account or Payment as aforeſaid, that then any Juſtice or Juſtices of the Peace for the County where ſuch Officer ſhall dwell ſhall and may make Inquiry of and concerning ſuch Default as aforeſaid, in a ſummary Way, as well by Confeſſion of the Party, as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter without Fee or Reward); and if any ſuch Officer ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall upon ſuch Conviction commit the Party to the Common Gaol of the ſaid County of *Devon*, there to remain without Bail or Mainprize, until he ſhall have made a perfect Account and Payment as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees, or any Five or more of them, and have paid ſuch Compoſition Money (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby authorized and empowered to make and receive); and the ſaid Truſtees, or any Five or more of them, ſhall and may, out of the Monies ariſing by the Tolls or Duties to be received by virtue of this Act, make ſuch Allowance to ſuch Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, and other Officer and Officers, for and in Conſideration of his and their Care and Pains reſpectively taken in the Execution of his and their Office and Offices, and to ſuch other Perſon or Perſons as ſhall have been employed in the Execution of this Act, as to the ſaid Truſtees, or any Five or more of them, ſhall appear reaſonable; but no Perſon ſhall be capable of holding any Place of Profit under the ſaid Truſtees who ſhall ſell any Wine, Ale, or Spirituous Liquors by Retail.

Treaſurer, &c. to give Security.

XII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby authorized and required to take ſufficient Security from the Treaſurer or Treaſurers to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his and their Office and Offices; and ſhall alſo take ſuch Security from the other Officers to be appointed for the Purpoſes of this Act, for the due Execution of his and their reſpective Office and Offices, as to the ſaid Truſtees, or any Five or more of them, ſhall appear meet.

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

XIII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name or Names of their Clerk or Clerks for the Time being;

being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name or Names of their Clerk or Clerks, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Clerks, nor by the Act of the ſaid Clerk or Clerks, without the Conſent of the ſaid Truſtees, or any Five or more of them; but that the Clerk or Clerks for the Time being to the ſaid Truſtees ſhall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Caſe may be, in every ſuch Action: Provided always, that ſuch Clerk and Clerks ſhall be reimburſed and paid, out of the Monies to be received by virtue of this Act, all ſuch Coſts, Charges, and Expences as he ſhall be put unto, or become chargeable with or liable to, by reaſon of his being ſo made a Plaintiff or Defendant.

Truſtees may erect Turnpikes, &c. except on the Road from the Crown and Sceptre towards Lyme Turnpike.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to erect and continue, or cauſe to be erected and continued, ſuch and ſo many Gates or Turnpikes as they ſhall think proper, in, upon, or acroſs any Part or Parts of the ſaid Roads; and alſo any Gate or Gates upon the Side or Sides of any of the ſaid Roads, acroſs any Lane or Way leading into the ſame; and alſo a Toll Houſe or Toll Houſes adjoining to or near each of them reſpectively, with ſuitable Outbuildings and Conveniences at or near each Toll Gate; and alſo ſhall and may continue, or cauſe to be continued, ſuch and ſo many of the Gates and Toll Houſes already erected as the ſaid Truſtees, or any Five or more of them, ſhall think proper: Provided always, that no Stop Gate or other Gate ſhall be erected on any Part of the ſaid Road leading from the *Crown and Sceptre* through the Pariſhes of *Rockbear* and *Ayleſbear* to the *Lyme* Turnpike Road on *Ayleſbear Hill*.

Turnpikes, &c. veſted in Truſtees.

XV. And be it further enacted, That the Right and Property in all the Toll Gates or Turnpikes, and Toll Houſes already erected, or which ſhall be erected or continued by virtue of this Act, and the Materials of which the ſame do or ſhall conſiſt, and all Materials which ſhall be provided by the ſaid Truſtees, or by their Surveyor or Surveyors for repairing the ſaid Roads, or the ſaid Bridge, or the Avenues leading thereto, ſhall be and are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions, Suit or Suits, Indictment, or other Proſecution, in the Name or Names of their Clerk or Clerks, or to prefer or order and direct the preferring of Indictments againſt any Perſon who ſhall dig up, break or pull down, ſteal, take or carry away, ſpoil, injure or deſtroy, any Gate, Turnpike or Toll Houſe, which ſhall be erected or continued by virtue of this Act, or any Part thereof, or any Part of the ſaid Bridge, or other Works whatſoever, or any of the Materials of which the ſame ſhall be built or conſiſt, or any of the Materials provided or to be provided for repairing the ſaid Bridge or Roads, or for the other Purpoſes of this Act, or ſhall diſturb the ſaid Truſtees, or their Agents or Servants, in the Poſſeſſion thereof; and in all Actions and Proceedings whatſoever, whether civil or criminal, it ſhall be ſufficient to ſtate the ſame to be the Property of the Truſtees for carrying into Execution an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for repairing and improving the Roads leading to and from the City of* Exeter, *and for keeping in Repair* Exe Bridge *and* Counteſs Wear Bridge, without naming or otherwiſe deſcribing the ſame Truſtees;

and that in all civil and criminal Proceedings whatſoever, relating to the ſaid Roads, no Perſon or Perſons by reaſon of being Truſtee or Truſtees, Creditors and Mortgagees, Farmers, Leſſees, or Collectors of the Tolls, Clerks, Treaſurers, Surveyors, or other Officers or Servants of or other Perſons employed by the ſaid Truſtees, or any of their Officers, or any Inhabitant or Inhabitants of any Townſhip, Pariſh or Place, through which the ſaid Roads do or ſhall paſs, ſhall be incompetent to give Teſtimony or Evidence therein.

XVI. And be it further enacted, That the reſpective Tolls following ſhall and may be demanded and taken at every ſuch Gate now erected and continued, or to be erected and continued as aforeſaid, of and from the Perſon or Perſons uſing or attending any Cattle or Carriages herein-after mentioned, before any ſuch Cattle or Carriage ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe or Litter, drawn by Six Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday*, the Sum of Three Shillings; and on every other Day, Two Shillings:

For every Stage Coach drawn by Six Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday*, the Sum of Three Shillings; and on every other Day, the Sum of Two Shillings and Sixpence:

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe or Litter, drawn by Four Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday*, the Sum of Two Shillings; and on every other Day, One Shilling and Sixpence:

For every Stage Coach, drawn by Four Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday*, the Sum of Two Shillings and Sixpence; and on every other Day, the Sum of Two Shillings:

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe or Litter, drawn by Two Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday*, the Sum of One Shilling and Sixpence; and on every other Day, the Sum of One Shilling:

For every Stage Coach drawn by Two Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday*, the Sum of One Shilling and Sixpence; and on every other Day, One Shilling:

For every Stage Coach, having more than Six Inſide Paſſengers, the additional Sum of One Shilling:

For every Chaiſe, Car or Chair, drawn by One Horſe, Mare, Gelding, Mule, or other Beaſt, on a *Sunday*, the Sum of Nine-pence; and on every other Day, Sixpence:

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

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

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

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

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

For

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

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

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

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

For every Horſe, Mare, Gelding, Mule or Aſs, laden or unladen, and not drawing, on a *Sunday*, ſuch a Sum not exceeding the Sum of Three-pence; and on every other Day, ſuch a Sum, not exceeding the Sum of One Penny Halfpenny, as the Truſtees, or any Five or more of them, ſhall order:

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and ſo in Proportion for a greater or leſs Number:

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

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, drawn by Eight Horſes, or other Beaſts, the Sum of Four Shillings; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes, or other Beaſts, the Sum of Sixteen Shillings:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Seven Horſes, or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Three Shillings and Sixpence; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes, or other Beaſts, the Sum of Fourteen Shillings:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Six Horſes, or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Three Shillings; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes, or other Beaſts, the Sum of Twelve Shillings:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Five Horſes, or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Three Shillings; and having the Fellies of the Wheels of leſs than Six Inches in Breadth, drawn by the like Number of Horſes, or other Beaſts, the Sum of Twelve Shillings:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Four Horſes, or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Two Shillings and Sixpence; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes, or other Beaſts, the Sum of Eight Shillings:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Three Horſes, or other Beaſts, having the Fellies of the

the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of One Shilling and Sixpence; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes, or other Beaſts, the Sum of Five Shillings:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Two Horſes, or other Beaſts, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of One Shilling; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes, or other Beaſts, the Sum of Three Shillings:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by One Horſe, or other Beaſt, having the Fellies of the Wheels of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Eight-pence; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, the Sum of One Shilling and Sixpence:

Which Sum or Sums of Money reſpectively ſhall be demanded and taken in the Name of or as Toll, and the Money to be raiſed thereby ſhall be and the ſame is hereby veſted in the ſaid Truſtees, and the ſame and every Part thereof ſhall be paid and applied in ſuch Manner as is hereinafter mentioned and directed; and upon Payment of any of the ſaid Tolls, the Collector or Receiver ſhall and he is hereby required to deliver, *gratis*, to the Perſon paying Toll, a Note or Ticket denoting ſuch Payment, and which Tickets the ſaid Truſtees are hereby directed and required to provide, and the Names of the Gates which ſuch Tickets or Payment ſhall clear or paſs free ſhall be printed or inſerted thereon; and it ſhall be lawful for ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, under their Hands, ſhall from Time to Time nominate and appoint to collect the ſaid Tolls, to demand and take the Tolls hereby granted and made payable, and alſo to levy the ſame upon any Perſon or Perſons liable to pay the ſame, who ſhall, after Demand thereof made, neglect or refuſe to pay ſuch Tolls as aforeſaid, by Diſtreſs of any Carriage or Carriages, or Cattle, upon which ſuch Tolls are by this Act impoſed, and to detain and keep ſuch Diſtreſs until ſuch Tolls, with the reaſonable Charges of ſuch Diſtreſs and Detainer, ſhall be paid; and ſuch Perſon or Perſons ſo diſtraining, after the Space of Five Days after ſuch Diſtreſs made and taken, ſhall and may ſell the Horſes, Cattle, Beaſt, or Thing ſo diſtrained, or a ſufficient Part thereof, rendering the Overplus (if any be) upon Demand to the Owner thereof, after ſuch Tolls, and the reaſonable Charges for diſtraining, keeping, and ſelling ſuch Diſtreſs, ſhall be deducted and paid.

Collector to to deliver a Ticket denoting the Payment of Toll, and may diſtrain for the ſame.

XVII. And be it further enacted, That in caſe any Diſpute ſhall happen reſpecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping any Diſtreſs, ſuch Diſputes ſhall be heard and determined by ſome Juſtice of the Peace of the County in which the Cauſe of Diſpute ſhall ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the Matter upon Oath (which Oath any ſuch Juſtice is hereby authorized and empowered to adminiſter) of the Parties or other Witneſs or Witneſſes, and determine the Amount of the Tolls due, and other Matters in Diſpute between the Parties, and alſo aſſeſs the Charges of ſuch Diſtreſs, Keeping and Sale,

Diſputes concerning Tolls to be ſettled by a Juſtice.

and alſo of the Attendance of any Perſon or Perſons for that Purpoſe on ſuch Juſtice, and may alſo award ſuch Coſts to either Party as ſuch Juſtice ſhall think juſt and reaſonable, and ſuch Juſtice may by his Order or Warrant levy the Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of ſuch Collector or other Perſon, and for want of ſufficient Diſtreſs may commit ſuch Perſon or Perſons to any Houſe of Correction within the ſaid County, for any Term not exceeding One Calendar Month, or until Payment of ſuch Coſts; and that in caſe any Diſpute, Suit or Litigation, ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls or the Recovery thereof, the Perſon or Perſons appointed to collect the ſame, or the Leſſee or Farmer thereof, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not by reaſon thereof be or be deemed incompetent to give Evidence in any ſuch Diſpute, Suit or Litigation.

For preventing Toll Collectors from taking undue Tolls, or miſbehaving.

XVIII. And be it further enacted, That all and every Toll Collector, being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees, or by any ſuch Leſſee or Leſſees, to collect the Tolls payable at any Turnpike or Toll Gate, to be continued or erected by virtue of this Act, ſhall and he is hereby required to place his Chriſtian and Surname painted on a Board, in legible Characters, in the Front, or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed, during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon than he ſhall be authorized to do by virtue of the Powers of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof; or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption; or ſhall refuſe to permit or ſuffer, or ſhall in anyways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls, or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered, ſhall unneceſſarily detain or wilfully obſtruct, hinder or prevent, any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor, or other Officer, or any Paſſenger or Paſſengers, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge, and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Tolls to be paid on every new Hiring, except, &c.

XIX. And be it further enacted, That all Horſes or Carriages let out on Hire ſhall pay the ſaid Tolls as often as a new Hiring or Profit thereon ſhall be made or accrue: Provided always, that if Toll ſhall be paid for any Horſe or Horſes going for the Purpoſe of fetching or taking up any

Carriage, and which ſhall return or paſs through either of the ſaid Gates with any Carriage on one and the ſame Day, to be computed as aforeſaid, ſuch Payment ſhall be allowed and deducted on paying the Toll in reſpect of ſuch Carriage; and that no Toll ſhall be paid for any Horſe or Horſes returning after having ſet down any Carriage, for which Carriage the Toll had been before paid on the ſame Day, to be computed as aforeſaid.

Half Toll only at certain Gates.

XX. Provided always, and be it further enacted, That no more than Half of the reſpective Tolls aforeſaid ſhall be demanded or taken at the ſeveral and reſpective Gates or Turnpikes called *Howell Lane*, the *Three Horſe Shoes*, and *Upton Pyne Hill*, now ſtanding on Part of the ſaid Roads.

Reſpecting Half Toll on Narrow Wheels.

XXI. Provided always, and be it further enacted, That no Perſon who ſhall have paid the additional Tolls in and by this Act impoſed on Carriages with Narrow Wheels, ſhall be obliged to pay the Half Toll impoſed by an Act paſſed 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*, on Carriages with Narrow Wheels: Provided alſo, that it ſhall be lawful for all Waggons, Wains, and Carts, to paſs upon the ſaid Roads with double Shafts, and drawn by Horſes abreaſt, or in Pairs, although the Fellies of the Wheels of any ſuch Waggon, Wain or Cart, ſhall be of a leſs Breadth or Gauge than Six Inches, any Law or Statute to the contrary notwithſtanding.

Tolls to be payable but Once a Day for paſſing all the Gates, except on Branches after mentioned.

XXII. Provided always, and be it further enacted and declared, That if any Perſon or Perſons ſhall pay the reſpective Tolls or Duties by this Act granted and made payable, for the paſſing of any Carriage, Horſe, or Cattle whatſoever, at any Gate or Turnpike that ſhall by virtue of this Act be ſet up or erected, or be continued upon any of the ſaid Roads, ſuch Carriage, Horſe or Cattle, (the Property therein not having been changed, and no new Hiring thereof having been made, and ſuch Carriage being drawn by the ſame Horſe or Horſes), ſhall be permitted to paſs, return and repaſs, at any Time or Times during the ſame Day, to be computed and reckoned from Twelve of the Clock in one Night to Twelve of the Clock in the next Night, through the ſame Gate or Turnpike, or any other Gate or Turnpike upon any of the ſaid Roads, without paying a freſh Toll, (ſave and except in the ſeveral Caſes herein-after mentioned, or any of them), on producing a Note or Ticket of the Day denoting ſuch Payment, and which ſaid Notes or Tickets the ſaid Collectors or Receivers of the Tolls or Duties, at the ſeveral Gates or Turnpikes to be erected or ſet up by virtue of this Act, are hereby directed to give, *gratis*, on Receipt of the Toll.

No Tickets given on one Side of the River Exe, to free Gates on the other Side of the River Exe, except on Branches after mentioned.

XXIII. Provided alſo, and be it further enacted, That no ſuch Payment of Toll, nor any Ticket or Tickets to be taken as aforeſaid, at any of the Gates erected or to be erected on the Eaſtern or Northern Side of the River *Exe*, ſhall authorize the free Paſſage of any Horſe, Cattle or Carriage, through any Gate erected or to be erected on the Weſtern Side of the ſaid River, or through the Gate erected without the late North Gate of the ſaid City of *Exeter* (which Gate ſhall be deemed as erected on the Weſtern Side of the ſaid River); nor ſhall any ſuch Payment, nor any Ticket

Ticket or Tickets ſo taken at any Gate on the Weſtern Side of the ſaid River, or at the North Gate aforeſaid, authorize the free Paſſage of any Horſes, Cattle or Carriages, through any of the Gates erected or to be erected on the Eaſtern or Northern Side of the ſaid River *Exe*.

When a certain Proportion of the old Debts are paid, One Toll to clear both Sides of the River.

XXIV. Provided nevertheleſs, and be it further enacted, That if at any Time hereafter the ſaid Truſtees ſhall cauſe to be paid off and diſcharged the Sum of Fifteen thouſand Pounds, Part of the Sums which are now due on the Credit of the Tolls, over and beſides the Money to be borrowed by virtue of this Act, or if the Creditors to whom ſuch Sums ſhall be due and owing ſhall ſooner teſtify their Conſent thereto in Writing, the Tickets taken at any of the Gates erected or to be erected on the Eaſtern and Northern Sides of the River *Exe* ſhall free and diſcharge any Horſe, Cattle or Carriage, to paſs through any Gate erected or to be erected on the Weſtern Side of the ſaid River, or through the ſaid Gate erected without the late North Gate of the ſaid City of *Exeter*, or any Ticket taken on the Weſtern Side of the ſaid River, or at the Gate without the late North Gate aforeſaid, (which Gate is deemed as erected on the Weſtern Side of the ſaid River), ſhall free and diſcharge any Horſe, Cattle or Carriage, to paſs through any of the Gates erected or to be erected on the Eaſtern or Weſtern Sides of the ſaid River *Exe*.

No Tickets on the Crediton Road, except at or from any future Gates thereon.

XXV. And be it further enacted, That no Ticket given at a Gate or Turnpike called the *Barnſtaple Croſs Gate*, or at a Gate called the *Forches* or *Broadway Gate*, or a Stop Gate thereunto belonging, in the Town of *Sandford*, or at a Gate or Turnpike called the *Three Horſe Shoes*, or a Stop Gate at *Upton Pyne Hill*, ſhall authorize the Paſſage of any Horſe, Cattle or Carriage, to paſs Toll-free through a Gate adjoining the ſaid City of *Exeter*, called the *Crediton* or *Red Cow Gate*, or through any other Gate or Turnpike already erected, or which ſhall be erected upon any other Branch of the ſaid Roads; and that no Ticket given at the ſaid Gate called *Crediton* or *Red Cow Gate* ſhall authorize the Paſſage of any Horſe, Cattle or Carriage, Toll-free through the ſaid Gates called the *Barnſtaple Croſs*, *Forches* or *Broadway*, or the ſaid Stop Gate in the Town of *Sandford*, the *Three Horſe Shoes*, or Stop Gate at *Upton Pyne Hill*, or through any other Gate or Turnpike already erected, or which ſhall be erected upon any other Branch of the ſaid Roads; but each of the before-mentioned Gates ſhall be deemed and taken to be ſeparate and diſtinct Gates: Provided always, that in caſe any additional Gate or Gates ſhall at any Time or Times hereafter be erected by virtue of this Act upon the ſaid Roads from *Exeter* to *Bow*, to *Coppleſton Stone*, to *Chawleigh* through *Morchard*, to *Drayford Bridge*, to the *Starved Oak*, or to *Raddon Croſs*, whereon or on ſome Part of which Roads the ſeveral laſt-mentioned Gates are ſituate, the Erection of any ſuch additional Gate or Gates ſhall not extend to ſubject any Perſon or Perſons who ſhall have paid the aforeſaid Tolls at either of the ſaid Gates to the Payment of any additional Toll.

Kennerly or Broadway Gates to free each other.

XXVI. And be it further enacted, That all Perſons who ſhall have paid the Tolls granted by this Act for any Horſes, Cattle or Carriages, at the Gate called the *Kennerly Gate*, ſhall, on producing a Note or Ticket denoting ſuch Payment, be exempt from any Toll for the ſame Horſes, Cattle

Cattle and Carriages, for paſſing on the ſame Day through the Gate called the *Broadway Gate*, or the Stop Gate at *Sandford*; and that all Perſons who ſhall have paid ſuch Toll at the ſaid Gate called *Broadway Gate*, or the ſaid Stop Gate at *Sandford*, ſhall in like Manner be exempt from Payment of Toll at the ſaid Gate called the *Kennerly Gate*; any Thing herein contained to the contrary notwithſtanding.

Three Horſe Shoes and Upton Pine to free each other.

XXVII. And be it further enacted, That all Perſons who ſhall have paid the Tolls granted by this Act for any Horſes, Cattle or Carriages, at the Gate called the *Three Horſe Shoes Gate*, ſhall, on producing a Note or Ticket denoting ſuch Payment, be exempt from any Toll for the ſame Horſes, Cattle or Carriages, for paſſing on the ſame Day through the Gate called the *Upton Pine Gate*, or the Stop Gate at or near *Upton Pine*; and that all Perſons who ſhall have paid ſuch Toll at the ſaid Gate called *Upton Pine Gate*, or the Stop Gate at or near *Upton Pine*, ſhall in like Manner be exempt from the Payment of the Toll at the ſaid Gate called *Three Horſe Shoes Gate*; any Thing in this Act contained to the contrary notwithſtanding.

No Tickets at Stoke Hill or Black Boy Gates to free or be freed by Cullompton Town Gate.

XXVIII. And be it further enacted, That no Ticket given at a Gate or Turnpike called the *Stoke Hill Gate*, or at a Gate or Turnpike called the *Black Boy Gate*, or at any Stop Gate or Turnpike thereunto reſpectively belonging, ſhall authorize the Paſſage of any Horſe, Cattle or Carriage, to paſs Toll-free through a Gate adjoining the Town of *Cullompton* called the *Cullompton Town Gate*; and that no Ticket given at the ſaid Gate, called the *Cullompton Town Gate*, ſhall authorize the Paſſage of any Horſe, Cattle or Carriage, through the *Stoke Hill Gate* and *Black Boy Gate*, or any Stop Gate or Turnpike thereunto reſpectively belonging; but the ſaid Gate called the *Cullompton Town Gate* ſhall be deemed and taken to be a ſeparate and diſtinct Gate.

Payment at Black Boy or Stoke Hill Gate, to free and be freed by any future Gates.

XXIX. And be it further enacted, That all Perſons who ſhall have paid the Tolls granted by this Act for any Horſes, Cattle or Carriage, at the ſaid Gates, called the *Stoke Hill Gate*, the *Black Boy Gate*, or at any Stop Gate or Turnpike thereunto reſpectively belonging, ſhall, on producing a Note or Ticket denoting ſuch Payment, be exempt from any Toll for the ſame Horſes, Cattle or Carriage, for paſſing on the ſame Day through any additional Gate, Turnpike or Stop Gate, which may hereafter be erected upon ſuch Part of the ſaid Roads belonging to the ſaid Truſt, leading from *Exeter* to *Cullompton*; and that all Perſons who ſhall have paid ſuch Toll at ſuch additional Gate, Stop Gate or Turnpike, as ſhall or may be hereafter erected as aforeſaid, ſhall in like Manner be exempt from Payment of Toll at the ſaid Gates called *Stoke Hill Gate*, *Black Boy Gate*, or any Stop Gate or Turnpike thereunto reſpectively belonging; any Thing in this Act contained to the contrary notwithſtanding.

Payment at Cullompton Town Gate to free and be freed by any future Gate, and no additional Gate on this Branch to ſubject the

XXX. And be it further enacted, That after the Erection of ſuch additional Gate on any Part of the ſaid Road as aforeſaid, all Perſons who ſhall have paid the Tolls granted by this Act for any Horſes, Cattle or Carriages, at the ſaid Gate, called the *Cullompton Town Gate*, ſhall, on producing a Note or Ticket denoting ſuch Payment, be exempt from any Toll for the ſame Horſes, Cattle or Carriage, for paſſing on the ſame Day through ſuch additional Gate which may hereafter be erected as aforeſaid;

Travellers to more than Two Payments.

and that all Perſons who ſhall have paid ſuch Toll at ſuch additional Gate ſhall in like Manner be exempt from Payment of Toll at the ſaid Gate called *Cullompton Town Gate*, any Thing in this Act contained to the contrary notwithſtanding; and in caſe any additional Gate or Gates ſhall at any Time hereafter be erected by virtue of this Act upon the ſaid Roads whereon the ſeveral laſt-mentioned Gates are ſituate, the Erection of any ſuch additional Gate or Gates ſhall not extend to ſubject any Perſon or Perſons to the Payment of more than Two Tolls for paſſing through all the Gates at any Time ſtanding or being on the ſaid Roads.

No Tickets at Oakhampton Gate to free Taphouſe or Cheriton Croſs Gate.

XXXI. And be it further enacted, That no Ticket given at a Gate or Turnpike called the *Oakhampton Gate*, or any Stop Gate or Turnpike now thereunto belonging, ſhall authorize the Paſſage of any Horſe, Cattle or Carriage, to paſs Toll-free through a Gate called *Taphouſe*, or a Stop Gate at or near *Cheriton Croſs;* and that no Ticket given at the ſaid Gate called *Taphouſe*, or a Stop Gate at or near *Cheriton Croſs*, ſhall authorize the Paſſage of any Horſe, Cattle or Carriage, through the *Oakhampton Gate*, or any Stop Gate or Turnpike now thereunto belonging; but the ſaid Gate called *Taphouſe*, or Stop Gate at *Cheriton Croſs*, ſhall be deemed and taken to be ſeparate and diſtinct Gates.

Taphouſe and Cheriton Croſs Gates to free each other.

XXXII. Provided always, and be it further enacted, That all Perſons who ſhall have paid the Tolls granted by this Act for any Horſes, Cattle or Carriages, at the Gate called the *Taphouſe Gate*, ſhall, on producing a Note or Ticket denoting ſuch Payment, be exempt from any Toll for the ſame Horſes, Cattle or Carriages, for paſſing on the ſame Day through the Gate called the *Cheriton Croſs Gate*, or the Stop Gate at or near *Cheriton;* and that all Perſons who ſhall have paid ſuch Toll at the ſaid Gate called *Cheriton Croſs*, or the Stop Gate at or near *Cheriton Croſs*, ſhall in like Manner be exempt from the Payment of the Toll at the ſaid Gate called *Taphouſe Gate;* any Thing in this Act contained to the contrary notwithſtanding.

Payment at Oakhampton Gate to free and be freed by any future Gates, and no additional Gates on this Branch to ſubject the Traveller to more than Two Payments.

XXXIII. And be it further enacted, That all Perſons who ſhall have paid the Tolls granted by this Act for any Horſes, Cattle or Carriage, at the ſaid Gate called the *Oakhampton Gate*, or at any Stop Gate or Turnpike thereunto belonging, ſhall, on producing a Note or Ticket denoting ſuch Payment, be exempt from any Toll for the ſame Horſes, Cattle or Carriage, for paſſing on the ſame Day through any additional Gate which may hereafter be erected upon ſuch Parts of the ſaid Road as lead from *Exeter* to *Crockernwell;* and that all Perſons who ſhall have paid ſuch Toll at ſuch additional Gate, Turnpike or Stop Gate, as ſhall or may be hereafter erected as aforeſaid, ſhall in like Manner be exempt from Payment of Toll at the ſaid Gate called the *Oakhampton Gate*, or any Stop Gate thereunto belonging; and then and in that Caſe all Perſons who ſhall have paid the Tolls granted by this Act for any Horſes, Cattle or Carriage, at the ſaid Gate called *Taphouſe* and *Cheriton Croſs Gate*, or the Stop Gate at or near *Cheriton Croſs*, ſhall, on producing a Note or Ticket denoting ſuch Payment, be exempt from any Toll for the ſame Horſes, Cattle or Carriages, for paſſing on the ſame Day through ſuch additional Gate which may hereafter be erected as aforeſaid; and all Perſons who ſhall have paid ſuch Tolls at ſuch additional Gates ſhall in like Manner be exempt from Payment of Toll at the ſaid Gates called *Taphouſe* and *Cheriton Croſs*, and the Stop

Stop Gate at or near *Cheriton Croſs*, any Thing in this Act contained to the contrary notwithſtanding; and in caſe any additional Gate or Gates ſhall at any Time hereafter be erected by virtue of this Act upon the ſaid Road whereon the ſeveral laſt-mentioned Gates are ſituate, the Erection of any ſuch additional Gate or Gates ſhall not extend to ſubject any Perſon or Perſons to the Payment of more than Two Tolls for paſſing through all the Gates at any Time ſtanding or being on the ſaid Road.

To prevent the Tolls being evaded.

XXXIV. And be it further enacted, That if any Perſon or Perſons whomſoever, owning, renting, or occupying any Tenements, Lands or Grounds, near to the ſaid Roads, or any Part thereof, ſhall knowingly or wilfully permit or ſuffer any Perſon or Perſons to paſs through any Ground, Gate, Paſſage or private Way, with any Horſe, Beaſt, Cattle or Carriage, on or in reſpect of which a Toll is by this Act impoſed, in order to evade the Payment of the ſaid Toll; or if any Perſon or Perſons owning, going in, or driving any ſuch Carriage, or owning, riding, or driving any ſuch Horſe, Beaſt or Cattle, ſhall therewith paſs through any ſuch Ground, Gate, Paſſage or Private Way, in order to evade the Payment of the ſaid Toll, or any Part thereof; or if any Perſon or Perſons ſhall unload or cauſe to be unloaded any Goods or other Thing, or ſhall take off or cauſe to be taken off any Horſe or Beaſt of Draught from any Carriage, either before or after the ſame ſhall have paſſed through any of the Toll Gates now erected or hereafter to be erected by virtue of this Act, or having paſſed through any of the ſaid Toll Gates ſhall afterwards add or put any Horſe or Beaſt to any Carriage for the Purpoſe of drawing the ſame upon any Part of the ſaid Roads, in order to avoid or evade the Payment of any of the Tolls hereby impoſed, or ſhall forge, counterfeit or alter, or ſhall deliver to or receive from any other Perſon or Perſons (except the Perſon or Perſons appointed to receive the Tolls hereby made payable) any Note or Ticket in order to avoid or evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons liable to the Payment of any of the ſaid Tolls ſhall forcibly paſs or attempt to paſs any of the ſaid Toll Gates or Turnpikes without Payment thereof at ſuch Gate or Gates, each and every Perſon and Perſons in any Manner aforeſaid offending, and being thereof convicted, ſhall reſpectively for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety of which Fine, when raiſed, ſhall be paid to the Informer, and the other Moiety to the Treaſurer of the ſaid Truſtees, to be applied for the Purpoſes of this Act: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to ſubject to any Penalty any Perſon for paſſing through any Lands, Tenements, Grounds or Premiſes, of which he or ſhe ſhall be the Owner or Occupier, notwithſtanding the Tolls may be thereby evaded, nor any of the Family or Servants of any ſuch Owner or Occupier.

Exemptions from Tolls.

XXXV. Provided always, and be it further enacted, That no Perſon ſhall be charged with any Toll for any Horſe or other Cattle drawing or not drawing, which ſhall be employed in the Conveyance of any Stones, Gravel, or other Materials for the repairing of the ſaid Roads, or any of them, or of any Road or Highway in any Town or Pariſh through which the ſaid Roads lead; or in the Carriage of any Dung, Mould, Soil, or Compoſt of any Kind (Lime excepted), for the manuring of any Garden, or other Land or Ground; or for any Horſe or other Cattle employed in the

the ploughing, ſowing, tilling, cultivating, or ſtocking of any Land or Ground in ſuch Pariſhes; or in the Carriage of any Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of, nor carrying to be ſold or diſpoſed of, but to be laid up in the Houſes, Outhouſes, or Grounds of the Owner or Owners, or actual Occupiers of the Lands on which ſuch Hay, Straw, or Corn in the Straw, ſhall have grown; or drawing, conveying, or returning empty after having been laden with any Plough, Harrow, Drag, or other Implements of Huſbandry, or any Thing whatſoever that ſhall be uſed or employed in Huſbandry or manuring or ſtocking of Land (Lime excepted), or conveying, drawing or carrying of Serges, or any Woollen or other Goods, or Urine, or other Materials neceſſary for cleanſing and fulling the ſame, to or from any Fulling Mills, Leather Mills, Tenter or Rack uſed or occupied by any Inhabitant of the ſaid City of *Exeter* or County of *Devon*; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar or Curate, going to officiate or returning from officiating at any Church or other Place of Divine Worſhip; nor of or from any Perſon or Perſons reſiding in any Townſhip or Hamlet in which any of the ſaid Roads lie going to or from their proper Parochial Church, Chapel, or other Place of Religious Worſhip on *Sundays*, or on any other Day on which Divine Worſhip is ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die in any ſuch Townſhip or Hamlet, and be buried in the Pariſh or Place where ſuch Perſon or Perſons ſhall die; nor of or from the Miniſter of any ſuch Pariſhes going into any ſuch Townſhip or Hamlet within his Pariſh to viſit the Sick, or baptize any Child, or on other his Parochial or Miniſterial Duty; nor for any Horſe or other Cattle belonging to any Perſon or Perſons in ſuch Pariſhes where any of the ſaid Roads lie, going to or from Water or Paſture, or going to or returning from any Smith or Blackſmith's Shop to be ſhoed; or any Horſes or Carriages of whatſoever Deſcription employed or to be employed in conveying the Mails of Letters or Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or on returning therefrom; nor for the Horſes belonging to any Officers or Soldiers upon their March or upon Duty, nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, employed in conveying any Ordnance, or Barrack or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning empty from having been ſo employed; nor for any Horſe, Mare or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements, according to the Regulations of ſuch Corps at the Time of claiming the Exemption; nor for any Horſe or other Cattle, drawing or not drawing, which ſhall be employed in the paſſing of Vagrants travelling with lawful Paſſes; nor for any Horſe or other Cattle uſed by any Perſon or Perſons going to or returning from any Election of a Knight of the Shire, or Citizen or Burgeſs to ſerve in Parliament for the ſaid County of *Devon* or City of *Exeter*, or any Borough

within the ſaid County, on the Days of ſuch Election, or on the Day before or the Day after ſuch Election ſhall begin and be concluded; and if any Perſon or Perſons ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds: Provided nevertheleſs, that all Horſes, Carts, and other Carriages, carrying or conveying Lime for the Purpoſes of Manure, ſhall not be liable to pay Toll at more than any One Gate, or more than Once for the ſame Load of Lime, returning within Thirty-ſix Hours; and no ſuch Cart or other Carriages drawn by Two or more Horſes, ſo conveying Lime for the Purpoſes of Manure, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards, and the Fellies, or the Tire thereof, not deviating more than One Inch from a flat Surface, ſhall be charged with the Payment of any Toll whatſoever.

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

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

Carriages with Wheels of a certain Deſcription chargeable with leſs Tolls or Penalties for Overweight, if Truſtees think fit.

XXXVII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized, if they ſhall think fit, to exempt from the Payment of One-fourth Part of the Tolls hereby granted, and of all or any Part of the additional Tolls or Penalties for Overweight impoſed and granted by an Act paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, intituled *An Act for explaining and altering an Act made in the Thirteenth Year of His preſent Majeſty's Reign, intituled 'An Act to explain and amend, and 'reduce into one Act of Parliament, the general Laws now in being for re-'gulating of Turnpike Roads in that Part of* Great Britain *called* England, *'and for other Purpoſes, ſo far as the ſame relates to the Payment of addi-'tional Tolls at Weighing Engines, and the Number of Horſes to be uſed in 'Carriages drawn on Turnpike Roads; and for allowing certain Exemptions 'with reſpect to Weight and Payment of Tolls in particular Caſes,'* every Waggon, Wain, Cart, or other ſuch Carriages as aforeſaid, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, or of Nine Inches, or of Sixteen Inches or upwards; and being cylindrical, that is to ſay, of the ſame Diameter on the Inſide next the Carriage, and on the Outſide, ſo that when rolling on a flat Surface, the whole Breadth thereof ſhall bear equally on ſuch flat Surface; and that the oppoſite Ends of the Axletrees of ſuch Carriages, ſo far as the ſame ſhall be inſerted in the Naves of the Wheels, ſhall not form an Angle with each other, but ſhall be in the Continuance of one ſtraight Line, ſo

that in each Pair of Wheels belonging to ſuch Carriages, the lower Parts which ſhall reſt on the Ground, ſhall be at the ſame Diſtance from each other as the upper Parts of ſuch Pair of Wheels: Provided always, that no ſuch Exemption from additional Tolls or Penalties for Overweight ſhall be allowed for or in reſpect of any ſuch Waggon, Wain, Cart, or other Carriage, having the Fellies of ſuch Wheels of Six Inches and upwards in Breadth, and not being Nine Inches in Breadth, and the ſame being ſo placed, and the Axletrees ſo formed as aforeſaid, in caſe ſuch Overweight ſhall exceed Eight hundred Weight; nor ſhall any ſuch Exemptions be allowed for any ſuch Waggon, Wain, Cart, or other Carriage, having the Fellies of ſuch Wheels of Nine Inches and upwards in Breadth, and not being Sixteen Inches in Breadth, and the ſame being ſo placed, and having ſuch Axletrees ſo formed as aforeſaid, in caſe ſuch Overweight ſhall exceed Fifteen hundred Weight; nor for any ſuch Waggon, Wain, Cart, or other Carriage, having the Fellies of ſuch Wheels of Sixteen Inches and upwards in Breadth, and the ſame being ſo placed, and having ſuch Axletrees ſo formed as aforeſaid, in caſe ſuch Overweight ſhall exceed Thirty hundred Weight.

Truſtees may let the Tolls to farm.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, to let to farm or demiſe all or any of the Tolls granted by this Act, for any Term of Years not exceeding Three Years, at and under ſuch Rent, payable at ſuch Times, and under ſuch Covenants, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; the ſaid Truſtees taking ſuch ſufficient Security from the Perſon or Perſons to whom ſuch Tolls ſhall be leaſed or demiſed for Payment of ſuch Rents, and Performance of the ſaid Covenants, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; which Monies ſo to be paid ſhall be applied and diſpoſed of as the Tolls hereinbefore mentioned are directed to be applied and diſpoſed of, provided that Notice of the Time and Place of Meeting for ſuch Granting or Letting to Farm be given, by affixing the ſame upon the *Guildhall* and *Caſtle* of *Exeter*, and on Eight of the principal Gates or Turnpikes which are already erected or ſhall be erected neareſt to the ſaid City of *Exeter*, and by advertiſing the ſame in ſome or one of the *Devon* or *Exeter* Newſpapers, at leaſt Twenty Days before ſuch Meeting.

Leſſees, or Perſons appointed by them, may collect the Tolls.

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

Leaſe under former Acts to remain valid.

XL. And be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to prejudice, determine, or make void, the Leaſe of the Tolls made and entered into by the ſaid Truſtees, under and by virtue of the Powers contained in the ſaid recited Act, nor any of the Powers and Proviſions, Covenants, Clauſes, Matters, or Things contained

contained in the ſaid Leaſe, nor any Bond or Obligation made and entered into by the Leſſees of ſuch Tolls, or other Perſon or Perſons in reſpect thereof, but the ſame and every Part thereof ſhall be of Force, Effect, and as valid in every Reſpect, as if ſuch Leaſe, Bond or Obligation, were made and entered into, under, and by virtue of the Powers contained in this Act; and the Tolls now payable and received at the Gates erected on and by the Side of the ſaid Roads ſhall continue to be paid and received until the Expiration of the ſaid Leaſe.

Power to declare Leaſes of Tolls and Weighing Machines void in caſe of Nonpayment of Rent.

XLI. And be it further enacted, That if upon or after any Letting or Agreement for letting the ſaid Tolls, or any Part thereof, or any Weighing Machine or Machines to be erected on the ſaid Roads, any Default ſhall be made in Payment of the Rent agreed to be paid for the ſame, or any Part thereof, on the Days and Times appointed for the Payment thereof, then and in ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall and may and are hereby empowered, at any Meeting to be held after Seven Days previous Notice of the holding of ſuch Meeting ſhall be given to the Leſſee or Leſſees of the ſaid Tolls or Weighing Machine or Machines, to declare any Leaſe of the ſaid Tolls, or Weighing Machine or Machines, or any Contract or Agreement for letting the ſame, void, and the ſame ſhall be thereupon void to all Intents and Purpoſes from the Time of ſuch Declaration; but in ſuch Caſe the ſaid Leſſee or Leſſees, or his or their Surety or Sureties, ſhall nevertheleſs be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any ſuch Leaſe, Contract or Agreement, and for all Coſts, Charges, Damages and Expences, which the ſaid Truſtees, or their Treaſurer for the Time being, ſhall or may pay, ſuſtain, or be put unto by reaſon of the Non-performance of any Covenant or Agreement, Covenants or Agreements, to be contained in any ſuch Leaſe, Contract or Agreement, on the Part of ſuch Leſſee or Leſſees.

For expelling Leſſees of Tolls at Expiration of Leaſes, or on the ſame Leaſes being declared void.

XLII. And be it further enacted, That if the Leſſee or Leſſees of any of the Tolls hereby granted, or of any Weighing Machine or Machines to be erected on the ſaid Roads, or any Perſon or Perſons claiming under him or them, ſhall at or at any Time after the Expiration of the Term for which ſuch Tolls or Weighing Machine or Machines ſhall be leaſed, or for the Space of Four Days after the Demiſe of ſuch Tolls or Weighing Machine or Machines ſhall be declared void as aforeſaid, refuſe to deliver up the Poſſeſſion of the Toll Houſe or Toll Houſes, Buildings, and Premiſes which ſhall have been demiſed to him or them, with the Tolls ſo leaſed, or the Poſſeſſion of any ſuch Weighing Machine or Machines, with the Buildings and Appurtenances thereto belonging, it ſhall be lawful for any Juſtice of the Peace for the County, Liberty or Place, where ſuch Toll Houſe or Toll Houſes, Weighing Machine or Machines, Buildings and Premiſes, ſhall be ſituate reſpectively, by Warrant under his Hand and Seal, to order the Conſtables or other Peace Officers of the Pariſh or Place where ſuch Toll Houſe or Toll Houſes, Weighing Machine or Machines, Buildings and Premiſes ſhall be ſo ſituate, or any other Perſon or Perſons to whom ſuch Warrant ſhall be ſpecially directed, with proper Aſſiſtants, to enter ſuch Toll Houſe or Toll Houſes, Buildings and Premiſes reſpectively, in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of ſuch Toll Houſe or Toll Houſes, Buildings and Premiſes, and to put any Perſon or

Perſons

Perſons whom the ſaid Truſtees, or any Five or more of them, ſhall appoint in Poſſeſſion of the ſaid Toll Houſe or Toll Houſes, Weighing Machine or Machines, Buildings and Premiſes, ſo that the Tolls payable thereat may from thenceforth be received and taken for the uſe of the ſaid Truſtees, to be applied as by this Act is directed.

Power to leſſen Tolls.

XLIII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may and they are hereby authorized and empowered from Time to Time, as they ſhall think proper, to leſſen or reduce all or any Part or Parts of the ſeveral Tolls hereby granted, at all, any, or either of the ſaid Gates, and to raiſe them again to any Sum not exceeding the Tolls reſpectively hereby granted; and alſo wholly to ſuſpend and diſcontinue the Payment of all or any Part or Parts of the ſeveral Tolls hereby granted at any or either of the ſaid Gates, and to renew and collect them again, ſo that the ſame do not exceed the Tolls by this Act granted, and ſo that ſuch Reduction be made with the Conſent of the Perſons who ſhall be entitled to Five-ſixth Parts at leaſt of the Money then due on the Credit of ſuch Tolls; but ſuch Reduction or Suſpenſion ſhall not be made unleſs Notice in Writing be given of a Meeting to be held for that Purpoſe, by affixing the ſame on Eight of the principal Turnpike Gates then erected on the ſaid Roads, and by advertiſing the ſame in ſome Newſpaper uſually circulated in the Neighbourhood of the ſaid Roads, at leaſt Twenty Days before the Meeting for making ſuch Reduction or Suſpenſion; and ſuch Tolls ſo leſſened or reduced or raiſed again ſhall be veſted in the ſaid Truſtees, and ſhall be collected, recovered, levied, paid and applied, in the Manner the Tolls hereby granted are directed to be collected, recovered, and applied: Provided always, that it ſhall be lawful for the ſaid Truſtees, with ſuch Conſent of Five-ſixths in value of the Creditors as aforeſaid, and after ſuch Notice given as aforeſaid, if they ſhall think fit, at any Time hereafter to exempt from the Tolls hereby granted, or any of them, all or any Carts or other Carriages carrying Lime for Manure; any Thing herein-before contained to the contrary notwithſtanding.

Truſtees may compound for the Tolls.

XLIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, from Time to Time, as often as they ſhall think fit, to compound with any Perſon or Perſons (except Perſons carrying Goods or other Things for Hire) uſing to travel on the ſaid Roads with any Carriage or Cattle for any Sum of Money for and in lieu of the Payment of the Tolls hereby granted; which Compoſition Money ſhall always be paid in advance to the ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon as they ſhall appoint to receive the ſame, and ſhall be applied in the ſame Manner as the Tolls are in and by this Act directed to be applied.

For borrowing Money.

XLV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, upon the Credit of the Tolls hereby granted in ſuch Manner as they ſhall think proper, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they, or any Seven or more of them, ſhall think fit, and by Writing under their Hands and Seals to aſſign over the ſaid Tolls, or any Part or Parts thereof, (the Charges of ſuch Mortgages or Aſſignments to be paid out of ſuch Tolls), to any Perſon or Perſons for any Term during the Continuance of this Act, as a Security or Securities for the Re-payment of the ſeveral Sums that ſhall

be borrowed, with the Intereſt thereof, or to make the ſaid Tolls liable to the Repayment of the Monies ſo borrowed thereon in the Manner hereinafter mentioned; and Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, but no Money ſhall be borrowed, unleſs Notice in Writing be for that Purpoſe affixed upon Eight of the principal Turnpike Gates erected or continued, or to be erected or continued by virtue of this Act, neareſt to the ſaid City of *Exeter*, and advertiſed in ſome public Newſpaper printed or circulated in the County of *Devon*, at leaſt Fourteen Days before the borrowing thereof; and all and every Perſons and Perſon to whom any ſuch Aſſignment or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time, by Writing under his, her, and their Hand and Seal or Hands and Seals, aſſign or transfer his, her, or their Right, Title, Intereſt or Benefit, in the Principal or Intereſt thereby ſecured to any Perſon or Perſons whomſoever, by proper Words of Aſſignment, to be indorſed on the Back of ſuch Security, in the Preſence of One credible Witneſs, which ſaid Aſſignment or Transfer ſhall be produced and notified to the ſaid Clerk, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Date, Names of the Parties, and Sums of Money, in a Book or Books to be kept for that Purpoſe, for which the ſaid Clerk ſhall be paid ſuch Sum as the ſaid Truſtees, or any Five or more of them, ſhall appoint, not exceeding the Sum of Ten Shillings and Sixpence; and after ſuch Entry made, and not till then, ſuch Aſſignment ſhall entitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators and Aſſigns, to the Benefit thereof, and Payment thereon; and every ſuch Aſſignee may in like Manner aſſign again, and ſo *toties quoties*, and it ſhall not be in the Power of the Perſon or Perſons making ſuch Aſſignment to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof; and all and every Perſons and Perſon to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or to whom the Mortgages or Deeds Poll already made ſhall belong, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls, in equal Degree one with another, and ſhall have no Preference in reſpect to the Priority of advancing ſuch Monies, or to the Dates of ſuch Aſſignments.

For borrowing Money on Deeds Poll.

XLVI. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, if they ſhall think fit, purſue the Method herein-after preſcribed for borrowing and ſecuring Monies on the Credit of the ſaid Tolls, (that is to ſay), the ſaid Truſtees, or any Seven or more of them, ſhall and may reſolve and declare what groſs Sum of Money they ſhall think requiſite to be borrowed on the Security of the ſaid Tolls, and what Part of ſuch Sum ſhall be forthwith raiſed and paid in, and into whoſe Hands, and what Rate of Intereſt, not exceeding Five Pounds *per Centum per Annum*, ſhall be allowed for the ſame; and alſo in what Manner the Money ſo to be forthwith raiſed, or any Part thereof, ſhall be applied; which Reſolution and Declaration ſhall at the ſame Meeting be entered by the Clerk of the ſaid Truſtees in a Book to be provided for that Purpoſe, and ſhall at the ſame Meeting be ſigned by the ſaid Truſtees, or any Seven or more of them, ſo concurring in ſuch Reſolution or Declaration; and the Perſon or Perſons to whom ſuch Part of the ſaid groſs Sum ſhall be appointed to be paid as aforeſaid, may and are hereby

authorized to receive the ſame Money from ſuch Perſon or Perſons as ſhall be willing to advance the ſame, and upon Receipt thereof to execute reſpective Deeds Poll unto the Perſon or Perſons ſo advancing ſuch Money, in the reſpective Sums of Fifty Pounds each, according to the Amount of the Sums by them reſpectively advanced, each of which ſaid Deeds Poll ſhall purport that the Principal Sum of Fifty Pounds therein mentioned is Part of the Sum directed to be raiſed at ſuch Meeting of the ſaid Truſtees, on the Credit of the Tolls appointed to be collected for the Purpoſes of this Act, and that the ſaid Sum of Fifty Pounds, with Intereſt for the ſame, is payable out of the ſaid Tolls to the Perſon mentioned in ſuch reſpective Deeds Poll, or the Bearer thereof; and the ſaid Perſon or Perſons ſo appointed to receive ſuch Part of the ſaid groſs Sum ſhall, at the Time of iſſuing the ſaid Deeds Poll, or any of them, cauſe the ſame reſpectively to be ſealed with ſuch Seals as the ſaid Truſtees, or any Seven or more of them, ſhall direct, and the ſaid Truſtees, or any Three or more of them, as aforeſaid, ſhall ſign their Names to each of the ſaid Deeds Poll, which Signing and Sealing ſhall be atteſted by the Clerk of the ſaid Truſtees, or in any other Manner as the ſaid Truſtees, or any Three or more of them, ſhall think neceſſary and direct; and that at the General Meeting of the ſaid Truſtees, the Perſon appointed to receive ſuch Money as aforeſaid ſhall produce or account for the ſame to the ſaid Truſtees then aſſembled, and ſuch Part thereof as ſhall not be accounted for ſhall be diſpoſed of as the ſaid Truſtees, or any Seven or more of them, ſhall direct; at which Meeting the Perſons poſſeſſing the Deeds Poll ſhall produce the ſame before the Truſtees ſo aſſembled, and thereupon the Clerk to the ſaid Truſtees ſhall make Entries in the ſaid Book, wherein ſuch Reſolution and Declaration ſhall be entered as aforeſaid, of the reſpective Dates of the ſaid Deeds Poll, and the Names of the Perſons to whom they purport to be iſſued, and by whom they are ſigned or atteſted, and ſhall mark the ſaid Deeds Poll in Manner following:

Entered, No. 1, and ſo on, in Numerical Progreſſion, as they ſtand in courſe of ſuch Book.

A. B. Clerk to the Truſtees.

And after ſuch Entries ſhall be made in ſuch Book, in a Series one after another, the ſaid Truſtees at ſuch Meeting, or any Seven or more of them, ſhall ſubſcribe their Names thereto in the ſaid Book, in Manner as before directed, and may at the ſame or any other ſubſequent General Meeting or Meetings direct the Reſidue of the ſaid groſs Sum, or ſuch Part or Parts thereof as from Time to Time they ſhall think neceſſary to raiſe, to be borrowed and received by ſuch Perſons as at ſuch Meeting or Meetings ſhall by the ſaid Truſtees, or any Seven or more of them aſſembled, be appointed for that Purpoſe, who may and are hereby authorized accordingly to receive the ſame, and to execute reſpective Deeds Poll for the ſame, to the Purport and in Manner before directed, which Monies ſo from Time to Time received ſhall be produced or accounted for at the next General Meeting of the ſaid Truſtees after Receipt thereof, and ſuch Part thereof as ſhall not be accounted for, ſhall be diſpoſed of as the ſaid Truſtees ſhall direct, in Manner before mentioned; and the ſaid laſt-mentioned Deeds Poll ſhall be alſo then produced, and Entries ſhall be made in the ſaid Book of ſuch further Reſolution and Declaration, or Reſolutions and Declarations of the ſaid Truſtees, and of the ſaid Deeds Poll, in Manner before mentioned; and the Numbers to be marked as aforeſaid in

in the ſaid laſt-mentioned Deeds Poll ſhall go progreſſively from the laſt Number in the laſt preceding Entry: Provided always, that in borrowing any Sum or Sums of Money on the Security of the ſaid Tolls as aforeſaid, Preference ſhall always be given to ſuch Lenders as ſhall offer to advance or lend the ſame at the loweſt Rate of Intereſt, any Thing herein contained to the contrary notwithſtanding: Provided alſo, that all Mortgages, Deeds, and Aſſignments already made in the Manner preſcribed or allowed by the ſaid recited Act, ſhall be good, valid, and effectual to all Intents and Purpoſes whatſoever; and the Creditors under ſuch Act ſhall and may aſſign and transfer their reſpective Securities in like Manner as is herein-before directed.

Providing a Fund for buying up outſtanding Securities.

XLVII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and they are hereby directed and required, at ſome General or Adjourned Meeting to be held in purſuance of this Act, to order and direct ſuch Part or Proportion of the Tolls granted and made payable by this Act, as ſuch Truſtees or the major Part of them ſo preſent ſhall think proper, not leſs than Five Pounds *per Centum*, and not exceeding Ten Pounds *per Centum*, upon the clear Produce of ſuch Tolls, to be ſet aſide and appropriated for and towards the Reduction of the Debt which has been already incurred by virtue of the ſaid recited Act, or the former Act thereby repealed, or which ſhall or may ariſe or be incurred by virtue of this Act, and from Time to Time to apply and diſpoſe of the Monies ſo ſet aſide in the Redemption and Purchaſe of ſuch Deeds Poll and Securities, in ſuch Manner as the ſaid Truſtees, or any Seven or more of them, at any General or Adjourned Meeting think proper.

No Preference to be given to Creditors.

XLVIII. And be it further enacted, That there ſhall be no Preference given to the Perſons advancing any Part or Parts of the groſs Sums which ſhall be borrowed by virtue of this Act, or which have been borrowed by virtue of the ſaid recited Act, or the former Act thereby repealed, in reſpect of the Priority of advancing his, her or their, Part or Parts thereof; but that all ſuch Lenders and Proprietors of the ſaid Deeds Poll under this Act, or the ſaid recited Act, or the ſaid former Act thereby repealed, ſo far as the ſaid ſeveral groſs Sums ſhall extend, ſhall be and are hereby declared to be Creditors on the ſaid Tolls, in equal Degree one with another: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to charge or ſubject the ſaid Truſtees, or Perſons appointed to receive the ſaid Money, or any Part thereof, to any Payment of the ſame, by reaſon of their or any of their ſigning or ſealing the ſaid Deeds Poll, or any of them, or any other Deed or Contract relating to the ſaid Truſt.

Creditors to receive the Tolls, if not paid off.

XLIX. And be it further enacted, That in caſe any Perſon or Perſons who ſhall lend or advance any Money on the Credit of the Tolls hereby granted, or the Proprietor of any Deeds Poll or Securities under the ſaid recited Act or this Act, ſhall at any Time be deſirous to be repaid the Money due to him or them, and ſhall deliver a Notice in Writing ſigned by them, ſignifying ſuch their Deſire, to the Clerk or Clerks to the ſaid Truſtees, at any General Meeting of the ſaid Truſtees, then and in ſuch Caſe (unleſs the Principal and Intereſt due and to grow due to them on the Security of the ſaid Tolls ſhall be fully paid or tendered unto, and refuſed

to

to be accepted by, ſuch Creditors ſo ſigning ſuch Notice, within Three Calendar Months after the Delivery thereof as aforeſaid) it ſhall be lawful for the ſaid Creditors to receive and collect or cauſe to be received and collected the Tolls granted by this Act in reſpect of the ſaid Roads, and to apply the ſame rateably and in Proportion to the Payment of the Principal and Intereſt of their Debts.

Not more than additional 15,000*l.* to be borrowed.

L. Provided always, and be it further enacted, That nothing herein contained ſhall authorize the ſaid Truſtees to borrow more than the Sum of Fifteen thouſand Pounds, in addition to ſuch Sums of Money as now are due and owing on the Credit of the ſaid recited Act, or the ſaid former Act thereby repealed, unleſs the Majority of the Creditors preſent at any Meeting to be held for that Purpoſe ſhall conſent to the borrowing more, and Notice of ſuch Meeting ſhall have been firſt advertiſed in the *Devon* or *Exeter* Newſpapers, and affixed on Eight of the principal Turnpike Gates neareſt to the City of *Exeter*, One Calendar Month at leaſt before ſuch Meeting, or unleſs the Money due to ſuch Creditors as ſhall refuſe their Conſent to the borrowing more Money ſhall be firſt paid off and diſcharged, in either of which Caſes it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, at any of their Meetings aſſembled, to borrow ſuch further Sum or Sums of Money on the Security of the ſaid Tolls, and purſue ſuch Methods therein as they, or any Seven or more of them, ſhall think expedient, according to the Directions of this Act.

Monies, Tolls, &c. not to be applied in paving Streets.

LI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to empower the ſaid Truſtees to lay out and apply any of the ſaid Monies ariſing by the Tolls or Duties granted and made payable by this Act, in repairing any of the paved or pitched Streets of any Town or Village through which the ſaid Roads ſo to be amended by virtue of this Act ſhall lead and go, other than and except the Pavement on the ſaid Bridge called *Exe Bridge*, and the Road from thence to *Saint John's Church*, or *Saint Mary Arches' Lane*, and the Avenues leading to or from the ſame Bridge called *Exe Bridge*.

Tolls made liable to the Payment of Monies borrowed, and to be borrowed.

LII. And be it further enacted and declared, That as well the Tolls and Monies already collected or levied by virtue of the ſaid recited Act, as alſo the ſeveral and reſpective Tolls hereby granted and made payable, and which have been or ſhall be collected at any of the ſaid Turnpike Gates already erected, or which ſhall be erected or continued by virtue of this Act, upon any of the ſaid Roads, ſhall be ſubject and liable to the Payment of all Monies now due and owing on Mortgage, Deeds Poll, or otherwiſe howſoever, in ſuch Manner as if ſuch Monies were borrowed on the Credit of this Act, and all Intereſt due and to grow due for the ſame; and the ſaid Truſtees, or any Seven or more of them, are hereby authorized and required to pay and diſcharge the ſaid Monies due on Mortgage, Deeds Poll, or otherwiſe, and all Intereſt due and to grow due for the ſame out of the Tolls which have been or ſhall be collected and received at the Turnpikes already erected, or which ſhall be erected or continued by virtue of this Act.

Application of Money, &c.

LIII. And be it further enacted, That all Monies received under or by virtue of the ſaid recited Act, and alſo all the Tolls and Monies which

 ſhall

ſhall be collected, raiſed, or received under or by virtue of this Act, ſhall be veſted in the ſaid Truſtees, and ſhall be by them applied in Manner following; that is to ſay, that the ſaid Truſtees, or any Five or more of them, or their Treaſurer for the Time being, ſhall, in the firſt Place, pay and diſcharge ſuch Part of the Coſts, Charges, and Expences of procuring and paſſing this Act, and of the Coſts, Charges, and Expences incident thereto, (together with legal Intereſt for Money advanced by any Perſon or Perſons for that Purpoſe), ſuch Part not being leſs than Seven-eighths of the Whole of ſuch Coſts and Charges as ſhall be agreed on by the ſaid Truſtees, and the Truſtees herein-after appointed on the *Counteſs Wear* Truſt, or any Three or more of them reſpectively; and after the ſame ſhall be ſo paid and diſcharged, the ſaid Truſtees, or any Five or more of them, ſhall apply the Remainder of the Monies ſo raiſed or received in the Re-payment of all Principal Monies due and owing, or to become due and owing, on the Credit of the ſaid recited Act or this Act, with the Intereſt thereon; and in inveſting a Sum of Money annually for the Purpoſe of redeeming the Debt as by this Act directed, and in erecting Gates or Turnpikes, and Toll Houſes (if neceſſary), and in repairing and keeping in Repair the ſeveral Roads and the Bridge called *Exe Bridge*, and Avenues thereto, and defraying the neceſſary Coſts, Charges, and Expences attending the ſame, and otherwiſe in carrying this Act into Execution.

Corporation to pay Rent of their Eſtates to the Truſtees.

LIV. And whereas the Rents and Profits of certain Lands, Tenements, and Hereditaments, called the *Bridge Eſtate*, belonging to the Mayor, Bailiffs, and Commonalty of the City of *Exeter*, are applicable, and have been paid to the Truſtees of the ſaid Roads and Bridge, to and for repairing the ſaid Roads and Bridge; be it therefore further enacted, That the Mayor, Bailiffs, and Commonalty of the ſaid City, and their Succeſſors, ſhall and they are hereby required, annually and every Year, on the Twenty-fifth Day of *December*, (the Firſt Payment to be made on the Twenty-fifth Day of *December* next), to account for and pay unto the ſaid Truſtees, or unto ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, the whole Produce of ſuch annual and other Rents and Profits, as alſo of all Fines on Renewals of Leaſes, and ſhall alſo in like Manner and at the ſame Time account for and pay the Rents and Profits of all ſuch other Meſſuages, Lands, Tenements and Hereditaments, whereof they are now ſeiſed or entitled unto, as have been or ought to be applied to the Repair of the ſaid Bridge, and a Weir formerly near to the ſaid Bridge: Provided always, that the ſaid Mayor, Bailiffs, and Commonalty of the ſaid City, ſhall and they are hereby directed and required at all Times hereafter to ſecure, by proper Covenants in any Leaſes to be granted for Years abſolute, or for Years determinable upon One, Two, or Three Lives, the full annual Rent, or Fine on Renewal, according to the Value of the Premiſes to be leaſed as aforeſaid.

Truſtees may contract for the Purchaſe of Lands;

LV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall be and they are hereby fully empowered to widen, divert, turn, or alter the Courſe or Path of any Part or Parts of the ſaid Roads through any Moor, Common or Waſte Ground, without making any Satisfaction for the ſame; and alſo through any private Lands, Grounds or Hereditaments, not exceeding One hundred Yards; or to take in any Parcel of Ground next adjoining to any Turnpike Houſe, not exceeding

in the whole One-fourth Part of an Acre, for a Garden Spot or Yard, or for erecting neceſſary Outbuildings for the Uſe of the Collector of the Tolls, making Satisfaction to the Owners of ſuch private Lands or Grounds, and the Perſons intereſted therein, for the Loſs and Damage they may thereby ſuſtain; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to contract and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by the widening, turning, diverting, or altering the Courſe or Path of any Part or Parts of ſuch Road through ſuch Lands, Grounds or Hereditaments, or by taking in ſuch Parcels of Ground for Garden Spots, Yards, or other Conveniencies; and it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and alſo for all Perſons whomſoever ſeiſed of or intereſted in, or entitled unto ſuch Lands, Tenements or Hereditaments in Mortmain, or under any Eccleſiaſtical or other Right; and alſo for Huſbands, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, but alſo for and on Behalf of their *Ceſtuique* Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons whomſoever, and to and for all Femes Covert, who are or ſhall be ſeiſed or intereſted in their own Right, and to and for all and every other Perſons and Perſon whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Hereditaments, under any Manner of Right or Title whatſoever, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them, or any Five or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid; or to contract for or give in Exchange any Part or Parts of the Roads or Paths ſo to be widened, diverted, or altered as aforeſaid; and all Contracts, Exchanges, Sales and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter whatſoever, to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed in Mortmain, or in right of the Church or otherwiſe, and Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be hereby indemnified for what they ſhall do by virtue of this Act; and if any ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed or entitled in Mortmain, or in right of the Church or otherwiſe, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given, or in Writing left at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or the principal Officer or Officers of any ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Roads intended to be widened, turned or altered, or which ſhall be taken as aforeſaid, ſhall, for the Space of One Calendar Month next after ſuch Notice ſo given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage or Recompence

Bodies Politic, &c. empowered to treat; and where Perſons refuſe to treat, the Damages to be ſettled by a Jury.

Recompence to be enquired into and aſcertained by a Jury of Twelve indifferent Men in the County wherein ſuch Lands or Hereditaments do lie; and in order thereto the ſaid Truſtees, or any Five or more of them, are hereby required and empowered, from Time to Time as Occaſion ſhall require, to ſummon and call before ſuch Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary and proper to be examined concerning the Premiſes, which Oath any One or more of the ſaid Truſtees are hereby empowered to adminiſter; and ſuch Truſtees, or any Five or more of them, ſhall, by ordering a View or otherwiſe, uſe all 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 enquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners and other Perſons intereſted in the ſaid Lands or Hereditaments according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgment, Order, or Determination thereupon, ſhall be binding, final and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any other Diſability whatſoever, Bodies Politic, Corporate and Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed or entitled in Mortmain, or in right of the Church, or otherwiſe, as well as all and every other Perſon and Perſons whomſoever; and for ſummoning and returning ſuch Juries, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant to the Sheriff of the County wherein ſuch Lands or Hereditaments do lie, commanding him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons qualified to ſerve upon Juries, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to ſummon and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby empowered and required to ſwear or cauſe to be ſworn Twelve ſuch Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men, either of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Five or more of them, acting in the Premiſes, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making default in the Premiſes, and on the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear without ſufficient Excuſe, or that ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or ſhall not give their Verdict, or in any other Manner wilfully neglecting their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury ſhall refuſe or neglect to appear without ſufficient Excuſe,

Excuſe, or appearing ſhall refuſe to be examined or to give Evidence, and which Fine or Fines ſhall be levied and applied in ſuch Manner as the Penalties and Forfeitures are herein-after directed to be levied and applied; provided that no ſuch Fine ſhall be more than Twenty Pounds on any ſuch Sheriff, nor more than Ten Pounds on any one other Perſon for one Offence.

Expences of Jury, how to be borne.

LVI. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Monies as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons, in any Lands or Hereditaments, or for any ſuch Loſs than what ſhall have been agreed to or offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt or Property, or any Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne by the ſaid Truſtees, or any Five or more of them, out of any Money to ariſe by virtue of this Act; and if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more, or for leſs Money, than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Intereſt or Property, or any Loſs or Damage as aforeſaid, that then the Coſts and Expences of ſummoning the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute, or on whoſe account ſuch Jury ſhall have been ſummoned: Provided always, that in caſe any Perſon ſhall by reaſon of Abſence from *England* have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees out of any Money to be raiſed or received under or by virtue of this Act.

Money allowed for Land, how to be charged and tendered.

LVII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid ſhall be paid out of the Monies ariſing by virtue of this Act to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents, and upon Payment thereof, or on depoſiting the ſame in the Bank of *England* under the Direction of the Court of Chancery, in Manner by this Act directed, it ſhall be lawful for any Perſon or Perſons authorized by Writing under the Hands of the ſaid Truſtees, or any Five or more of them, to widen, divert, or turn ſuch Road through ſuch Lands or Hereditaments, and to take in ſuch Land and Ground, and to do all and every ſuch Act, Matter or Thing, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Parts of the ſaid Roads as ſhall be widened, diverted, or turned through any private Grounds, to be ditched and fenced from the adjoining Lands, and all Lands and Hereditaments which ſhall be made a Part or Parts of the ſaid Roads by virtue of this Act, ſhall be for ever thereafter, to all Intents and Purpoſes, a Common Highway, and ſhall be repaired and kept in Repair in ſuch Manner as the Roads hereby appointed to be repaired are by Law or by this Act to be amended; and from thenceforth all Parties and Perſons whatſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and after any new Road ſhall be completed, the Lands conſtituting the former Road, unleſs

leading over ſome Moor or Waſte Ground, or to ſome Village, Town or Place, to which ſuch new Roads do not lead, ſhall be veſted in and ſhall and may be ſold and conveyed by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can be gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied to the Repair of the Roads by this Act directed to be repaired; or the ſaid Truſtees, or any Five or more of them, may and are hereby empowered to give in Exchange any Part or Parts of the Lands ſo conſtituting the former Roads for any Part or Parts of ſuch new Road; but nothing in this Act contained ſhall extend to enable the ſaid Truſtees to take or make uſe of, for any of the Purpoſes of this Act, any Dwelling Houſe or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk or Avenue to a Houſe, (except as herein-before mentioned), without the Conſent of the Owner or Proprietor thereof; any Thing herein contained to the contrary notwithſtanding.

First Offer to whom to be made.

LVIII. Provided always, and be it further enacted, That the ſaid Truſtees, before they ſhall ſell or diſpoſe of any Piece or Pieces of Ground not wanted for the Purpoſes of this Act, ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Pieces of old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit, to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the ſaid County, (who are hereby reſpectively empowered to take ſuch Affidavit), by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed, or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe or they, and the ſaid Truſtees, ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices of the Peace for the County of *Devon*, at their General Quarter Seſſion of the Peace holden for the ſaid County, next after ſuch Difference ſhall ariſe, and on Ten Days clear Notice thereof to be given by the ſaid Truſtees, to ſuch Owner or Owners, Occupier or Occupiers, or be left at his, her, or their reſpective Places of Abode, the ſaid Juſtices ſhall hear, ſettle, and determine the Matter of the ſaid Difference, and alſo the Coſts attending the hearing and determining the ſame, whoſe Judgment and Order therein ſhall be final and concluſive to all Parties; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Road or Ground as aforeſaid ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Application of Compenſation if

LIX. And be it further enacted, That if any Money ſhall be paid, or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or

amounting to 200l.

or Hereditaments to be 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, Idiot, Lunatic, Feme Covert, or other *Ceſtuique* Truſt, or to any Perſon or Perſons whoſe Lands, Tenements or Hereditaments, are limited 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 or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, 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 or towards the Diſcharge of any Debt or Debts, or other Incumbrances affecting the ſame Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents or Purpoſes, as the ſaid High Court of Chancery ſhall authorize to be purchaſed or paid, or ſuch Part thereof as ſhall be neceſſary; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements or Hereditaments, which ſhall be conveyed, limited 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 or capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High Court of Chancery upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or Intereſt, and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities, ſhall from Time to Time be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and above 20l.

LX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements or Hereditaments, to be purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or amount 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,

Tenements, or Hereditaments ſo purchaſed, taken or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, Lunacy, or other Incapacity, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends and Produce ariſing thereon and therefrom, may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Where under 20*l.*

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

In caſe of not making out a good Title, or Perſons cannot be found, the Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery on Petition.

LXII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed, taken or uſed, under or by virtue of the Powers of this Act for the Purpoſes aforeſaid, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments [deſcribing them], ſubject to the Order, Control, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order

in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Recept or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying therein for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank of *England* as aforeſaid.

In caſe of diſputed Titles.

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

Court may order reaſonable Expences to be paid by the Truſtees.

LXIV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements or Hereditaments, to be purchaſed, taken or uſed, under the Authority of this Act, for the Purpoſes aforeſaid, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and be applied in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, to be paid by the ſaid Truſtees, or any Five or more of them, out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Surveyors to dig Gravel in Waſte Grounds without paying for the ſame, making Satisfaction to the Owners.

LXV. And be it further enacted, That the Surveyor or Surveyors appointed or to be appointed by the ſaid Truſtees, or any Five or more of them, and ſuch Perſon and Perſons as ſhall be employed by ſuch Surveyor or Surveyors, is and are hereby empowered, under the Reſtrictions mentioned in an Act paſſed 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 Turn-*

pike

pike Roads in that Part of Great Britain *called* England, *and for other Purpoſes*, to cut, dig, gather, take and carry away, any Stones, Chalk, Flint, Gravel, Sand, or other Materials for repairing the ſaid Roads, or any of them; and for the making or repairing the Road over the ſaid Bridge called *Exe Bridge*, and the ſaid Road from thence to *Saint John's Church*, or *Saint Mary Archers Lane*, and other Avenues to the ſaid Bridge, out of and from any Waſte Grounds, Commons, Common Rivers or Brooks, in any Pariſh, Town, or Place in which any Part of the ſaid Roads lie, without paying any Thing for the ſame; ſuch Surveyor or other Perſons filling up the Pits, and levelling the Ground from whence ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame ſhall not be dangerous to Paſſengers or Cattle, and alſo by Order of the ſaid Truſtees, or any Five or more of them, but under ſuch Reſtrictions as aforeſaid, to cut, dig, gather, take and carry away, any ſuch Materials as aforeſaid, in, upon, or out of, from and over the Lands of any Perſon or Perſons, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any Houſe, or any incloſed Ground, planted and ſet apart as a Nurſery for Trees), filling up the Pits, and levelling the Ground from which ſuch Materials ſhall be taken, and paying or tendering Payment of ſuch Rates for the Materials, and for the Damage done to the Owners or Occupiers of ſuch Lands and Grounds where and from whence the ſame ſhall be digged, drawn, gathered, taken and carried away, or over which the ſame, or any other Materials gotten in any Waſte Ground, Common, River or Brook, or private Ground, ſhall be conveyed, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe the Owners or Occupiers of ſuch Lands ſhall refuſe to accept the Sum offered, the Juſtices of the Peace for the ſaid County of *Devon*, and the Juſtices of the Peace for the City and County of the City of *Exeter*, at their reſpective next General Quarter Seſſions to be holden for the ſaid County of *Devon* and City and County aforeſaid, in which the ſaid Premiſes ſhall lie, ſhall and may aſſeſs, adjudge, and finally determine the ſame.

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

LXVI. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or any other Perſon or Perſons under the Authority of this Act, to dig, gather, take, and carry away Gravel or other Materials for making or repairing the ſaid Roads, or for the Purpoſes aforeſaid, out of or from any incloſed Lands or Grounds, unleſs Ten Days Notice in Writing 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 by himſelf or herſelf, or his or her Agent, before any Two Juſtices of the Peace acting for the County or Limit where ſuch Lands are ſituated, to ſhew cauſe why ſuch Materials ſhall not be had or taken out of or from ſuch Lands and Grounds; and in caſe ſuch Occupier, or his or her Agent, ſhall attend purſuant to ſuch Notice, and ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtices, if they ſhall ſo think proper, ſhall and may authorize ſuch Surveyor or Surveyors, or other Perſon or Perſons, to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, before ſuch Juſtices as aforeſaid, then and in ſuch Caſe ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and

effectually to all Intents and Purpoſes as if ſuch Occupier or his or her Agent had attended.

No Perſon to take away Materials.

LXVII. And be it further enacted, That if the Owner or Occupier of any Ground or Soil, or any Perſon whatſoever, ſhall take away any Materials which ſhall be dug or gathered in any Lands, Fields, Waſtes or Grounds, River or Brook, for the Purpoſe of repairing the ſaid Roads or Bridges, or any of them, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall be made for the Purpoſe of getting ſuch Materials for repairing the ſaid Roads or Bridges, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Ten Days, (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupiers to get Materials therein for his, her, or their own private Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Forty Shillings.

Surveyors may remove Annoyances.

LXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time (ſuch Surveyor or Surveyors having a general Order for that Purpoſe from the ſaid Truſtees, or any Three or more of them) to remove and prevent all Annoyances and Obſtructions on any Part of the ſaid Roads by Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and to depoſit the ſame, and to carry the Soil or other Materials neceſſary to be removed for the above Purpoſes into any of the adjoining Lands, (not being a Garden, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a Houſe), paying or tendering Payment of ſuch Rates for the Damage done thereby to the Owners or Occupiers of ſuch Lands and Grounds as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable, in all Caſes in which the Occupiers of ſuch Lands are not by Law obliged to remove the ſame; and to turn any Ditches, Watercourſes, Sinks, or Drains running into, along, or out of the ſaid Roads to the Prejudice thereof, and open, ſcour, cleanſe, widen, or make deeper any Ditches, Watercourſes, or Drains running into or out of the ſaid Roads to the Prejudice thereof, and make the ſame as deep and large as he or they ſhall think neceſſary.

Regulations as to cutting Hedges, &c. and removing Annoyances.

LXIX. And whereas by an Act paſſed in the Thirteenth Year of His preſent Majeſty's Reign, intituled *An Act to explain, amend, and reduce into one Act of Parliament the Statutes now in being for the Amendment and Preſervation of the Public Highways within that Part of* Great Britain *called* England, *and for other Purpoſes*, Power is given to Surveyors to cauſe the Hedges, Buſhes, and Trees to be cut, pruned, plaſhed and lopped, at any Time between the laſt Day of *September* and the laſt Day of *March*, and great Injury is ſuſtained by the ſaid Roads, for want of a preciſe Time being fixed as well for the Completion of the ſaid cutting, pruning, plaſhing and lopping, as for the clearing, ſcouring, and cleanſing of the Ditches, Drains, and Watercourſes adjoining to the ſaid Roads, and for carrying off the Soil ariſing from the ſaid clearing, ſcouring, and cleanſing; be it therefore further enacted, That the cutting, pruning, plaſhing, and lopping of all Hedges, Buſhes and Trees, as directed by the aforeſaid Act for the Amendment of the Highways, ſhall be perfected and completed on or before the Fifteenth Day of *October* in each and every Year; and

the clearing, ſcouring, and cleanſing of all Drains, Ditches and Watercourſes, and the Removal of the Soil ariſing from ſuch clearing, ſcouring and cleanſing, ſhall take place Twice in the Year at the leaſt, Once in the Month of *October* or *November*, to be completed before the Fifteenth of the latter Month, and Once in the Month of *February*, to be completed before the Firſt Day of *March* on general Notice, and as much oftener as to ſuch Surveyor ſhall appear neceſſary, on giving particular Notice to the Occupiers of Lands according to the Proviſions of the above-mentioned Act: Provided always, that general Notice to be given by the Surveyor to the Occupiers of Lands, and affixed ſome Time in the Months of *January* and *September*, or either of them, as the Caſe may require, on the Doors of the Church of each Pariſh through which ſuch Roads ſhall paſs, ſhall be deemed ſufficient Notice to compel the Performance of ſuch periodical Duties to be completed in the Months of *February*, *October*, and *November* reſpectively; and the Penalties enacted by the before recited Act for Non-performance of ſuch Duties ſhall immediately attach on the Occupiers of Lands adjoining to thoſe Roads, if the ſaid Duties of cutting, pruning and lopping, and of clearing, ſcouring, and cleanſing the Ditches, Drains and Watercourſes, and of carrying off the Soil and other Matters ariſing therefrom, are not completed within the Periods hereby preſcribed; and if any Perſon or Perſons to whom any Hedge or Trees ſtanding, or that ſhall ſtand, in or by the Side of any of the ſaid Roads to the Prejudice or Annoyance of the ſame, ſhall belong, or who of right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe lying or which ſhall lie in or lead into or out of any of the ſaid Roads, or any Part or Parts thereof, or who ought to remove any other Annoyance or Obſtruction, or any Filth, Dung, Aſhes, Rubbiſh, Straw or other Matter, ſhall not in a proper and effectual Manner cut down ſuch Hedges, and lop ſuch Trees, ſo that the Sun and Air may have free acceſs to the ſaid Roads, and ſhall not ſufficiently ſcour and cleanſe ſuch Ditches, Drains and Watercourſes, and carry off the Soil and other Matter ariſing from the ſame, and remove ſuch Annoyances and Obſtructions as aforeſaid, within the Space of Ten Days next after Notice ſhall for that Purpoſe be given unto him, her, or them reſpectively, or left at his, her, or their reſpective Places of Abode, or with the reſpective Tenant or Tenants, Occupier or Occupiers of the Lands upon which ſuch Hedges or Trees ſhall grow, or to which ſuch Ditch, Drain, or Watercourſe ſhall belong, or on which ſuch Annoyances or Obſtructions ſhall have been occaſioned, (ſuch Notice to be given either under a General or a Special Order of the ſaid Truſtees, or any Three or more of them), then and in either of ſuch Caſes the ſaid Surveyor or Surveyors may and he and they is and are hereby authorized and required to cauſe ſuch Hedges and Trees to be properly and effectually cut and lopped, and ſuch Ditches, Drains and Watercourſes, to be ſcoured and cleanſed, and ſuch Annoyances and Obſtructions to be removed, and to pay for the cutting, lopping, ſcouring, and cleanſing the ſame, and carrying away the Soil and other Matters ariſing therefrom, over and above all Penalties enacted by the aforementioned Act; and if the Perſon or Perſons, whether Owner, Tenant or Occupier, ſhall not repay the Money ſo paid upon Demand thereof to him, her, or them reſpectively made, either in Perſon, or in Writing to be left at his, her, or their reſpective Place or Places of Abode, together with the Amount of the ſaid Penalties, the ſame ſhall be levied and recovered in ſuch Manner as all other the Penalties and Forfeitures are herein-after directed to be

levied

levied and recovered: Provided always, that the acting Surveyor or Surveyors who ſhall be charged with the Repair and Maintenance of any Part of the ſaid Roads ſhall and is hereby made liable to double the Amount of the Penalties attaching upon the Occupiers of Lands, and on other Perſons offending againſt the Proviſions of this Act in all the aforeſaid Caſes, if he ſhall wilfully neglect to enforce the Performance of the ſaid Duties, or the Removal of the ſaid Annoyances and Obſtructions, after receiving due Notice, either in Perſon, or in Writing to be left at his or their Place or Places of Abode from any Perſon, of ſuch Annoyance, Obſtruction, Omiſſion or Neglect, within the Diſtrict committed to his care, for the Space of double the Number of Days required to be given as Notice in ſimilar Caſes to the Occupiers of Land, or other Perſons liable to perform or remove the ſame, ſuch Notice ſpecifying in a particular Manner the Duty neglected, or the Annoyance or Obſtruction requiring to be removed.

Make Cauſeways, erecting Bridges, &c.

LXX. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Roads, or any of them, and ſuch Perſon or Perſons as he or they ſhall appoint, (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them), to make Cauſeways and Footpaths, and alſo Ditches or Drains in and upon the ſaid Roads, and alſo through any Grounds lying contiguous thereto; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the ſaid Roads, or acroſs any Ditch or Drain where neceſſary; and alſo to widen any narrow Parts of the ſaid Roads, by opening, clearing, and laying into the ſame any Grounds of any Perſon or Perſons lying contiguous thereto, ſo as to make ſuch Parts of the ſaid Roads, not exceeding Thirty Feet in Width; and alſo to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Parts of the ſaid Roads, (ſuch Grounds reſpectively not being the Grounds whereon any Houſe ſtands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees), to be made uſe of as a Public Highway whilſt the old Road is repairing or widening, making ſuch Recompence to the Owners and Occupiers of the private Grounds reſpectively for the Damages they ſhall or may thereby ſuſtain, as ſhall be judged reaſonable by the ſaid Truſtees, or any Five or more of them; but no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid upon or through any Moor or Waſte Ground.

Roads to be meaſured, and Mileſtones erected.

LXXI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required to cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in, upon, or near the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place as they ſhall think fit; and alſo to erect Guide or Direction Poſts, with ſuch Inſcriptions thereon, as the ſaid Truſtees, or any Five or more of them, ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull down, dig up, break, or damage any ſuch Stone or Poſt, or obliterate or deface any Inſcription which ſhall have been made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted upon Oath by any One or more credible Witneſs or Witneſſes, or by his or her own Confeſſion before any Juſtice of the Peace for the County

County or Place wherein ſuch Offence ſhall be committed, (which Oath the ſaid Juſtice is hereby empowered and required to adminiſter without any Fee or Reward), every ſuch Perſon ſo offending ſhall forfeit any Sum not exceeding Five Pounds for every ſuch Stone or Poſt ſo pulled down, dug up, broken or damaged, or Inſcription ſo obliterated or defaced, whereof one Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein-after directed to be applied; and in caſe ſuch Penalties ſhall not be forthwith paid, ſuch Juſtice of the Peace ſhall commit ſuch Perſon or Perſons to the Common Gaol, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Forfeitures and all reaſonable Charges ſhall be ſooner paid; and every ſuch Offender in any or either of the ſaid Caſes ſhall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Perſon or Perſons who ſhall ſee ſuch Offence committed, and ſhall be delivered to a Conſtable or other Peace Officer, who ſhall convey ſuch Offender before any Juſtice of the Peace as ſoon as conveniently may be, to be dealt with according to Law, and the Directions of this Act.

Statute Labour.

LXXII. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do or perform Statute Work or Duty, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof, ſhall ſtill be and remain liable thereto in like Manner as heretofore; and that it ſhall be lawful for any Two or more Juſtices of the Peace for the County of *Devon*, or for the County of the City of *Exeter*, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Surveyor, by their Order) yearly to adjudge, apportion, and determine what Part or Proportion, and how much of the Statute Work or Duty ſhall every Year be done and performed upon the ſaid Roads, by the Inhabitants of the reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions, or Places in which the ſaid Roads do lie; and alſo what Proportion and how much of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion or Place, in lieu of or as a Compoſition for ſuch Statute Work or Duty, ſhall by him, her or them, be paid to the ſaid Truſtees, or to their Treaſurer; and in order thereunto it ſhall be lawful for ſuch Juſtices reſpectively from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion or Place, to bring in Liſts unto and before ſuch Juſtices, at ſome Place and Time to be expreſſed in ſuch Summons, (within Ten Days after the ſerving of ſuch Summons), containing the Names of the ſeveral Perſons who within ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion or Place, are by Law ſubject and liable to do and perform Statute Work or Duty for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work or Duty, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and ſpecifying the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as is, are, or may be limited, directed, and appointed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of ſuch Liſts the ſaid Juſtices reſpectively ſhall or may allot, appoint, order and direct, ſuch and ſo many of the Perſons

who ſhall appear to be ſubject and liable to Statute Work or Duty as aforeſaid, to do and perform ſuch Number of Days Statute Work or Duty in every Year upon the ſaid Roads, as the ſaid Juſtices ſhall reſpectively think reaſonable and proper; and the ſame ſhall be done on ſuch Days, and at ſuch Times, (not being Hay-time or Harveſt), and on ſuch Part or Parts of the ſaid Roads, as the ſaid Truſtees, or their Surveyor or Surveyors for the Time being, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices reſpectively may alſo order, apportion, direct and appoint, the Perſons, who by ſuch Liſts ſhall appear to be ſubject or liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work or Duty as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Truſtees ſhall direct, and in default of Payment thereof the ſame ſhall or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Perſon who ſhall neglect or refuſe to do and perform ſuch Statute Work as aforeſaid, (after Notice in Writing given to or left for him, her or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees), ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her or them, be ſubject and liable to ſuch Pains, Penalties and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught, Horſe or Beaſt, to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe the Perſon ſo coming to work, or ſending ſuch Labourer as aforeſaid, ſhall be ſubject and liable to the reſpective Forfeitures and Penalties aforeſaid as if he had neglected or refuſed to come, or ſend a Labourer, or furniſh ſuch Team or Draught, Horſe or Beaſt, to work on any Part of the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions, or Places in which the ſaid Roads lie, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads.

Bridges, &c. to be repaired as heretofore.

LXXIII. And be it further enacted, That where any Bridge, Drain or Sewer, being in and upon any Part or Parts of the ſaid Roads by this Act directed to be repaired, hath been accuſtomed or ought to be repaired and maintained by any particular Perſon or Perſons, Body Politic or Corporate, by reaſon of the Tenure of any of the Lands, Tenements or Hereditaments, or by any County, Townſhip or Place, every ſuch Bridge, Drain or Sewer, ſhall from Time to Time be maintained and kept in Repair by ſuch Perſon or Perſons, Body Politic or Corporate, County, Townſhip or Place, and in ſuch Manner as the ſame were or ought to have been

been respectively maintained and kept in Repair before the passing of this Act.

Trustees may compound for Statute Duty.

LXXIV. And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby authorized and empowered to compound with any Person or Persons, Bodies Politic or Corporate, for the Repairs to be by him or them done upon the said Roads, or any Part thereof, and also with the several Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments in the several Towns, Parishes and Places, in which the said Roads lie, for the several Days Statute Work to be by them respectively done upon the said Roads, at and for such Sum or Sums of Money, by the Year or otherwise, as they the said Trustees, or any Five or more of them, and such Person or Persons, Bodies Politic or Corporate, or Inhabitants or Occupiers respectively shall agree upon, which said Money shall be forthwith paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint.

For recovering Composition Money.

LXXV. And be it further enacted, That in case the Composition Money agreed to be paid for or in lieu of any of such Repairs or Statute Work as aforesaid, or any Part or Parts thereof, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for any Justice or Justices of the Peace as aforesaid, by Writing under their Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Justice or Justices that the same hath been demanded and remains due, which Oath such Justice or Justices is and are hereby empowered to administer) to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Person or Persons, Bodies Politic or Corporate, or of the Churchwardens or Overseers of the Poor, or Surveyor or Surveyors of the Highways, or other Person or Persons having so compounded or agreed to pay such Composition as aforesaid, returning the Overplus (if any) upon Demand, after deducting such Composition Money, and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof: Provided always, that the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means, and in such Manner, as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees to Countess Wear Bridge and Roads.

LXXVI. And be it further enacted, That Sir *Bourchier Wrey* Baronet, Sir *Charles Warwicke Bampfylde* Baronet, Sir *Stafford Henry Northcote* Baronet, Sir *John Duntze* Baronet, Sir *John Kennaway* Baronet, *Nicholas Arthur*, *John Baring*, *Charles Baring*, *William Barter* Clerk, *Richard Bampfylde* Clerk, *John Baring* the younger, *William Berry*, *Ralph Barnes* Clerk, *George Hunt Clapp*, *James Carrington* Clerk, *Charles Collyns*, *Richard Collins*, *John Cole*, *Thomas Clack* Clerk, *William Collyns*, *John Bowden Cresswell*, *Charles Henry Collyns*, *John Bradford Copleston* Clerk, *Herman Drewe*, *George Daniel* Doctor of Medicine, *John Dennis*, *William Ellicombe* Clerk, *Richard Eales*, *Thomas Floud*, *John Inglett Fortescue*, *Joseph Gattey*,

Gattey, Anthony Gibbs, Joſeph Greenway, Edmund Granger, John Gullett, William Gaitey, William Baring Gould, Chriſtopher Hamlyn, John Hore, John James Hirtzel, George Hirtzell, John Hogg, William Jackſon, James Jackſon, Abraham Kennaway, William Kennaway, Robert Kennaway, Thomas Kennaway, Samuel Kekewich, John Lee, Joſiah Lee, Henry Ley, Thomas Huckell Lee, George Moore Clerk, *William Marler, James Manning, John Milford, William Nation, Timothy Napleton* Clerk, *Reuben Phillips, Nicholas Peters, Gayer Patch* Clerk, *John Pidſley, Edward Pridham, John Quicke, William Ranney, William Roberts, George Roberts, John Reed, John Henry Southcote, Joſeph Sanders, John Stephens, Francis Spicer, George Short, Henry Smith, Richard Stephens, Joſeph Sanders* the younger, *Robert Sanders, Charles Sanders, James Templer, Samuel Triſt* the younger, *Robert Trewman, Samuel Templer, Samuel Tremlett, Richard Tremlett, Warwick Hele Tonkin, Samuel Walkey, James White, John Thomas Wright, Charles Elliott Walkey, Benjamin Honeycomb Walker, Jonathan Worthy* and *George Weſtlake*, ſhall be and they are hereby nominated and appointed Truſtees for repairing and maintaining in Repair the Bridge at *Counteſs Wear*, and the Roads and Avenues leading thereto; and for widening, turning, and maintaining in Repair the Road leading out of the Turnpike Road between *Alphington* Church aforeſaid and *Crab Lake* in the Pariſh of *Exminſter*, at or near a Lane called *Bear's Hill Oak Corner*, to and through a Ford called *Counteſs Wear*, and from thence to the Turnpike Road leading from *Larkbear* aforeſaid to the Town of *Topſham*, at a Place called the *Red Poſt*, and through *Riding Lane* to the *Exeter* Turnpike Road near *Sandy Gate*; and the ſaid Truſtees and their Succeſſors ſhall have and are hereby declared to have the ſame Powers and Authorities for collecting and levying the Tolls herein-after granted, and for keeping in Repair the Bridge and Cauſeway at *Counteſs Wear*, and the Roads and Avenues leading thereto, and for widening, turning, making, and maintaining in Repair the Roads laſtly herein-before deſcribed, and for executing the Purpoſes of this Act, as the Truſtees herein firſt-named, and their Succeſſors, are inveſted with for repairing and keeping in Repair the ſaid Bridge called *Exe Bridge*, and the Avenues leading thereto, and the Roads herein-before firſt mentioned and directed to be repaired.

Power to appoint additional Truſtees.

LXXVII. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Ten in the Whole, to be Truſtees for the Purpoſes of this Act, in addition to the Truſtees hereby nominated, and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authorities for executing this Act as if they had been herein named and appointed.

For electing Truſtees for Counteſs Wear.

LXXVIII. And be it further enacted, That when any of the ſaid Truſtees for repairing and maintaining the ſaid *Counteſs Wear* Bridge and Roads ſhall die, remove, reſign, or be diſqualified to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, from Time to Time to elect and appoint one other fit Perſon (qualified as aforeſaid) to be a Truſtee in the ſtead of ſuch Truſtee ſo deceaſed, reſigning, refuſing, or being diſqualified to act, and every ſuch Perſon ſo from Time to Time elected and appointed ſhall be joined with the ſurviving or remain-

ing Truſtees, and is hereby empowered to act to all Intents and Purpoſes in as full and ample Manner as if ſuch Perſon had been particularly named and appointed in and by this Act a Truſtee for repairing and maintaining the ſaid *Counteſs Wear* Bridge and Roads, but Notice in Writing of the Time and Place of Meeting for the Election of every ſuch new Truſtee ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by a Writing affixed on the Gate or Gates erected or to be erected upon the ſaid laſt-mentioned Road, at leaſt Fourteen Days before the Meeting for ſuch Election.

Qualification of Truſtees.

LXXIX. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee for repairing and maintaining the ſaid *Counteſs Wear* Bridge and Roads, unleſs he ſhall be duly qualified and ſworn, as is herein-before required in relation to the Truſtees firſt herein-before nominated or appointed; and every ſuch Perſon ſhall be ſubject to the ſame Penalty and Proceſs for acting if not qualified, or if diſqualified, as ſuch Truſtees ſo firſt appointed are herein-before made ſubject to.

First Meeting.

LXXX. And be it further enacted, That the ſaid Truſtees, or any Five of them, ſhall meet together at the Caſtle of *Exeter*, on the *Wedneſday* Fortnight next after the paſſing of this Act, or as ſoon after as conveniently may be, and proceed in the Execution of this Act with reſpect to the ſaid *Counteſs Wear* Bridge and Roads laſt mentioned, and may adjourn and meet again from Time to Time for doing and tranſacting of the Buſineſs relative to the ſaid laſt-mentioned Truſt to the ſaid Place, or to any Place or Places, either within the Pariſhes of *Topſham*, *Exminſter*, *Kenton*, or the City of *Exeter*, as they ſhall deem neceſſary or convenient; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act at ſuch Meeting, or to adjourn to another Day, then and ſo often as the Caſe ſhall happen ſuch Meeting ſhall ſtand over and be deemed to be adjourned to the ſame Place on the ſame Day in every ſucceeding Week, until another Day ſhall be appointed by the ſaid Truſtees, or any Five or more of them; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences; and all and every the Regulations, Directions, Proviſions, and Reſtrictions herein-before made or preſcribed with reſpect to Meetings, Proceedings, and Orders of the Truſtees herein-before firſt appointed, ſhall be and are hereby extended to and ſhall be obſerved and acted under by the Truſtees of the *Counteſs Wear* Bridge and Roads in all and every the Meetings, Proceedings, and Orders of the ſaid laſt-mentioned Truſtees, with reſpect to the Buſineſs and Concerns of the ſaid *Counteſs Wear* Bridge and Roads; and all Orders entered in the Books of Proceedings of the ſaid laſt-mentioned Truſtees, and ſigned by the Clerk or Clerks of the ſaid Truſtees, ſhall be deemed and taken to be original Orders; and all ſuch Books of Proceedings, and Books for entering Mortgages, Aſſignments, and Transfers under the ſaid laſt-mentioned Truſtees, ſhall and may be produced, read, and admitted in Evidence in all Courts whatſoever.

For appointing Officers.

LXXXI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to appoint a Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, or other Officer or Officers, according to the Proviſions herein-before contained for appointing Officers, and taking ſufficient Secu-

rity as herein-before directed; and all and every of such Treasurers, Clerks, Collectors, or other Officers, shall be accountable and amenable in the same Manner, and shall be subject and liable to the same Regulations, Penalties, and Punishments as herein-before mentioned, with respect to Treasurers, Clerks, Collectors, or other Officers herein-before authorized to be appointed; and the said Trustees for the *Countess Wear* Bridge and Roads may sue and be sued in the Name of their Clerk for the Time being in all such Cases, and in such Manner as is herein-before provided with respect to Suits brought by or against the Trustees first herein-before appointed.

Trustees may order Turnpikes and Tolls.

LXXXII. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall order and direct, shall and may continue or build, erect, and continue any Gate or Gates, Turnpike or Turnpikes, and also a Toll House or Toll Houses, in and upon any Part of the said Bridge or Roads, and shall and may demand, receive, and take the respective Tolls following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, or Carriage whatsoever, shall be permitted to pass through any Gate or Gates, Turnpike or Turnpikes so continued, or to be erected or continued as aforesaid; (that is to say),

Tolls.

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

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

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

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

For every Waggon, Wain, Cart, Dray, or other Carriage, drawn by Five or more Horses or Oxen, or other Beasts, the Sum of One Shilling:

For every Waggon, Wain, Cart, Dray, or other Carriage, drawn by Three or Four Horses or Oxen, or other Beasts, the Sum of Eight-pence; and by Two Horses or Oxen, or other Beasts, the Sum of Four-pence; and by One Horse, or other Beast, the Sum of Two-pence:

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

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

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 Person passing on Foot over the said Bridge, the Sum of One Penny:

All which Tolls or Sums of Money shall be vested in the said Trustees, and applied for the Purposes of this Act, and shall and may be collected, levied, distrained for and recovered in the same or the like Manner, and

by the ſame or the like Means and Methods, as are herein-before mentioned, provided or directed, with reſpect to the ſeveral Tolls and Duties firſt herein-before granted and made payable; and all Turnpikes continued or erected on the ſaid *Counteſs Wear* Bridge or Roads ſhall be veſted in the ſaid Truſtees.

Penalty on Gate Keepers miſbehaving.

LXXXIII. And be it further enacted, That each and every Toll Gatherer, or Perſon appointed to collect any of the ſaid Tolls, or any Leſſee of the ſaid Tolls, or any Perſon or Perſons appointed by him or them to receive or collect the ſame, ſhall obſerve and be ſubject to all the Directions and Regulations, and be ſubject to the like Penalties for Neglect or for Miſbehaviour, as are herein-before preſcribed or impoſed for or upon the Collectors of the Tolls herein-before granted upon the *Exeter* Roads.

Tolls to be paid but Once a Day.

LXXXIV. Provided always, and be it further enacted, That no Perſon ſhall be ſubject to the Payment of any of the Tolls hereby made payable more than Once in One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, for paſſing or repaſſing any Number of Times on Foot over the ſaid Bridge, or with the ſame Cattle or Carriages through the Gate or Turnpike, or Gates or Turnpikes erected or to be erected on the ſaid laſt-mentioned Roads, ſuch Perſon or Perſons producing a Note or Ticket, denoting that the ſaid Toll had been paid on ſuch Day, which Notes or Tickets the Collectors of the ſaid Tolls are hereby required to deliver, *gratis*, on the Receipt of ſuch Tolls; any Thing herein contained to the contrary notwithſtanding.

Exemptions.

LXXXV. Provided alſo, and be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance or Barrack or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, be ſubject to any Penalty or Forfeiture for Overweight in reſpect of ſuch Stores; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes, Oxen, Beaſts, or other Cattle drawing the ſame while ſo employed, be ſtopped or detained by reaſon or on account of any Weight in or upon any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes, Oxen, Beaſts, or other Cattle, but it ſhall be lawful for the Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes, Oxen, Beaſts, or other Cattle, to ſuch Waggon, Wain, Cart, or other Carriage, for the Purpoſe of drawing the ſame; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

Truſtees empowered to borrow Money.

LXXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they or any Five or more of them are hereby empowered, from Time to Time as Occaſion ſhall require, to borrow and take up at Intereſt, on the Credit of the ſaid Tolls ariſing on the ſaid *Counteſs Wear* Bridge and Roads, ſuch Sum or Sums of Money as they ſhall think fit, ſo as that the ſame, together with the Sums now due and owing on account of the ſaid Bridge and Roads, do not in the Whole exceed the Sum of Five thouſand Pounds, (except under the Reſtrictions and

and Regulations herein-before mentioned for borrowing more than Fifteen thouſand Pounds on the Credit of the other Tolls granted for the other Purpoſes of this Act), for the Purpoſe of repairing and maintaining the ſaid *Counteſs Wear* Bridge and Roads, and the ſaid Sum or Sums ſo to be borrowed, and all other Sums which have been or ſhall be borrowed, not exceeding Five thouſand Pounds in the Whole, with Intereſt, ſhall be charged on the Tolls ariſing on the ſaid *Counteſs Wear* Bridge and Roads, or Turnpike Gate or Gates laſt mentioned, erected or to be erected upon the ſaid *Counteſs Wear* Bridge or Roads aforeſaid, and ſhall be ſecured and taken up in like Manner as in and by this Act is directed for ſecuring any Money herein-before authorized to be borrowed, and ſhall be applied, laid out, and expended for the Purpoſes aforeſaid, and the Lenders thereof, together with the Perſons entitled to the Money already due, ſhall be and are hereby declared to be Creditors in an equal Degree.

For paying the Expences of the Act.

LXXXVII. Provided always, and be it further enacted, That out of the Monies to be received by virtue or to be borrowed on the Credit of this Act, the ſaid laſt-mentioned Truſtees, or any Three or more of them, ſhall, in the firſt Place, pay and diſcharge ſuch Part of the Expences and Charges of procuring and paſſing this Act as ſhall be agreed on by and between the ſaid laſt-mentioned Truſtees, or any Three or more of them, and the Truſtees firſt herein-before appointed, or any Five or more of them, and other Coſts, Charges, and Expences incident thereto, ſuch Part not being more than One-eighth of the Whole of ſuch Coſts and Charges.

Hayne Drawbridge, &c. to be kept in Repair by the Truſtees.

LXXXVIII. And be it further enacted, That the Drawbridge acroſs the Cut, called the *Haven* or *Hayne*, and alſo the Bridge over, and the Valve againſt *Alphington Brook*, ſhall be repaired, maintained, and kept in Repair by the ſaid Truſtees hereby appointed for the Care and Management of the ſaid *Counteſs Wear* Bridge and Roads, out of the Tolls ariſing and to ariſe, and to be collected and taken at or upon the ſaid Bridge and Roads: Provided always, that in caſe the Mayor, Bailiffs, and Commonalty of the ſaid City of *Exeter*, ſhall refuſe or neglect to pay to the ſaid laſt-mentioned Truſtees, yearly and every Year, the Sum of Ten Pounds heretofore and now payable to the ſaid Truſtees, for the Purpoſe of indemnifying and ſaving harmleſs the ſaid Mayor, Bailiffs, and Commonalty from the Repairs of the ſaid Drawbridge, then and in ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five of them, to ſue for and recover the ſaid Sum of Ten Pounds of and from the ſaid Mayor, Bailiffs and Commonalty, by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, in the ſame Manner as any other Matter or Penalty is, can, or may be recovered by virtue of this Act, any Thing herein contained to the contrary notwithſtanding: Provided always, that if any Perſon opening the ſaid Drawbridge ſhall permit the ſame to remain open for any longer Time than ſhall be neceſſary for the Paſſage of Barges or Veſſels, ſo as to obſtruct the Paſſage over the ſame, every Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, and that it ſhall and may be lawful for the Toll Gatherer, or other Perſon employed by the ſaid Truſtees, upon neglect of the Perſon employed by the ſaid Mayor, Bailiffs and Commonalty, to ſhut the ſaid Drawbridge as often as there ſhall be occaſion.

Truſtees empowered to ſue the Corporation for the Rent of 10l.

LXXXIX. And

Penalty for Riding on Footways, &c.

LXXXIX. And be it further enacted, That if any Perſon ſhall ride upon any Footway or Path, or ſhall wilfully drive any Carriage upon any Footway or Path adjoining to or on the Side of any of the ſaid reſpective Roads by this Act directed to be repaired, or ſhall wilfully cauſe any Damage to be done to any ſuch Footway; or if any Perſon driving any Pigs, Swine, Sheep, or Cattle upon the ſaid Roads, ſhall ſuffer the ſame to root up and damage the ſame, or any Part thereof, or the Hedges, Fences or Banks on either Side thereof; or if any Perſon or Perſons ſhall turn any Horſes, Aſſes, Sheep, Swine, or Cattle to depaſture in any of the ſaid Roads; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage upon the ſaid Road, ſhall not keep his Carriage on the Left Side of the ſaid Roads; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, commonly called *Bonfires*, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part of the ſaid Roads, to the Prejudice or Annoyance of any Perſon travelling thereon, every Perſon ſo offending in any or either of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalties on drawing Timber otherwiſe than on Wheel Carriages.

XC. 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 reſpective Roads, any Tree or Piece of Timber, or any Stones (Mill Stones excepted), otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be drawn upon Wheel Carriages to drag upon any Part of the ſaid Roads to the Injury thereof, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Penalties how to be recovered.

XCI. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be impoſed, the Manner of levying and recovering whereof is not otherwiſe hereby particularly directed, ſhall, upon Proof of the Offences reſpectively before any One Juſtice of the Peace for the County or Place wherein the Offender ſhall be or reſide, or wherein the Offence ſhall be committed, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more Witneſs or Witneſſes, (which Oath the ſaid Juſtice of the Peace is hereby empowered and required to adminiſter without Fee or Reward), be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, (which Warrant or Warrants ſuch Juſtice is hereby empowered to grant for thoſe Purpoſes), and the Overplus, after ſuch Penalties, Forfeitures and Fines, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels, and the Penalties, Forfeitures and Fines, when paid or levied, ſhall be (if not otherwiſe directed to be applied by this Act) from Time to Time paid One Half to the Informer, and the other Half to the Treaſurer of the ſaid Roads, and applied in the Repair of the ſaid Roads; and in every Caſe where Diſtreſs is directed to be taken by this Act, and ſufficient Diſtreſs ſhould not be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the common Gaol or Houſe of Correc-

tion, there to remain without Bail or Mainprize, for any Time not exceeding One Calendar Month for the First Offence; and for the Second, and every other Offence of the same Kind, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

For securing transient Offenders.

XCII. And be it further enacted, That it shall be and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or other Officers) who shall commit any Offence or Offences against this Act, and take him, her or them, before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice or Justices shall and is and are hereby required to proceed and act, with respect to such Offender or Offenders, according to the Provisions of this Act.

XCIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect:

Form of Conviction.

'BE it remembered, That on the Day of
'in the Year of His Majesty's Reign, *A. B.* is convicted
'before of His Majesty's Justices of the Peace for
'the County of by virtue of an Act passed in the Fifty-fifth
'Year of the Reign of King *George* the Third, for [*specifying*
'*the Offence, and Time and Place when and where the same was committed,*
'*as the Case shall be*]. Given under our Hands and Seals [*or*, my Hand
'and Seal] the Day and Year aforesaid.'

Persons aggrieved may appeal to the Quarter Sessions.

XCIV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief shall have been already appointed, in any Case where the Determination of the said Trustees is not declared final, such Person may appeal to the Justices of the Peace at the First or Second General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise; but within Twenty Days after the Cause of such Complaint shall have arisen, such Appellant shall give or cause to be given Fourteen clear Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, in Sums not less than Forty Pounds in the Whole, conditioned to try such Appeal at and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at the said Sessions, upon due Proof of such Notice being given as aforesaid, and of entering into such Recognizance, shall hear and finally

finally determine the Cauſes and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper, and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes; and the ſaid Juſtices in ſuch Seſſion may, by their Order or Warrant, levy the Coſts by them awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to obey the ſame; and for want of ſufficient Diſtreſs may commit ſuch Perſon or Perſons to any Houſe of Correction within the ſaid County, for any Term not exceeding the Term of Six Calendar Months, or until Payment of ſuch Coſts.

Diſtreſs not to be deemed unlawful for want of Form.

XCV. 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 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, Notice, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

Proceedings not to be quaſhed for want of Form.

XCVI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be liable to be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary notwithſtanding.

Limitation of Actions.

XCVII. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act until Fourteen Days Notice ſhall be given thereof to the Clerk or Clerks to the ſaid Truſtees, or after a ſufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the County or Place in which the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant and Defendants in every ſuch Action ſhall and may at his Election plead ſpecially, or the General Iſſue, and give this Act, and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before Fourteen Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or ſhall be brought in any other County or Place, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch

Remedy

Remedy for recovering the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

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

Commencement and Duration of the Act. XCIX. And be it further enacted, That this Act ſhall commence and have Continuance upon and from the paſſing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1815.