ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 2.

An Act for enlarging the Powers of an Act of His present Majesty, for repairing Roads leading to and from *Tiverton*, in the County of *Devon*, and for making a new Road to communicate therewith. [23d *March* 1813.]

WHEREAS an Act was passed in the Fifty-first Year of the Reign of His present Majesty, intituled *An Act for repairing and improving the Roads leading to and from* Tiverton, *in the County of* Devon: And whereas the making, maintaining, and keeping in Repair a Turnpike Road from the Town of *Tiverton*, in the said County of *Devon*, to *Bampton*, by way of *Bolham* and *Cove*, and from *Chapman's Bridge*, in the Parish of *Bampton* aforesaid, by way of *Duval*, *Westbrooke* and *Wonham*, into the Road near *Exebridge* Turnpike Gate leading towards *Dulverton*, and which Road passes or is intended to pass through or into the Parishes of *Tiverton*, *Bampton* and *Morebath*, in the said County of *Devon*; and also a Turnpike Road from the Toll House, near *Bickleigh Bridge*, into the present Road from *Tiverton* to *Exeter*, between the Fourth and Fifth Mile Stones, and from the Bottom of *Cobland Cross Hill* in the Parish of *Bickleigh*, into the said Road from *Tiverton* to *Exeter*, near the Sixth Mile Stone, and from the Corner of the said Road near *Moony Banks Lane*, through the said Lane into the *Exeter* Turnpike Road near the Fifth Mile Stone, and from *Stoke Bridge* in the Parish of *Stoke Cannon*, to *Mary Pole Head*, and from thence to the City of *Exeter*, and which last-mentioned Road passes, or is intended to pass, into or through the Parishes of *Bickleigh*, *Silverton*, *Rew*, *Stoke Cannon*, and *Heavitree*, all in the County of *Devon*, and the Parishes of *Saint David* and *Saint Sidwell*, in the County of the City of *Exeter*, will be of great Benefit and Convenience to the Inhabitants of the said several Parishes, and will also

51 G. 3. c. 48.

be of general Public Utility: And whereas the Line of the said proposed new Roads lies in some Parts contiguous to, and is in other Parts connected with the Line of Road comprized in the said recited Act, and it would be of much greater Convenience to the Public, and Benefit to the said several Roads, if the Trustees for executing the said recited Act were empowered to make the said new Roads: But as the said Purposes cannot be effected without the Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Clauses, Powers, Authorities, Trusts, Provisions, Directions, Rules, Tolls, Exemptions, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatsoever therein contained (except such as are by this Act varied, altered, or repealed), shall be, continue, and remain in full force and effect, and together with this present Act, shall be put in Execution for and during the Term by the said Act granted, as well for the Purpose of amending, widening, improving, and keeping in Repair, the Roads included in the said recited Act, as for amending, making, widening, turning, altering, improving and keeping in Repair, the new Road and new Diversion of Road by this Act authorized to be made and repaired, as fully and effectually in all Respects, and to all Intents and Purposes, as if the said recited Act, and all the Clauses, Powers, Trusts, Authorities and Provisions, Matters and Things therein contained, were expressly repeated and re-enacted in this Act, and as if the said new Road, and new Diversion of Road, had been Part of the Roads included in the said recited Act; subject nevertheless to the Alterations and Amendments herein contained, and which shall commence and take Effect upon the Twenty-fourth Day of *June* next; and that this Act, and the Tolls and Powers hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or which may hereafter become due and owing, on the Credit of the said recited Act and this Act, or either of them, and all Interest due and to become due for the same respectively.

Former Act continued.

Trustees may erect Turnpikes on new Roads.

II. And be it further enacted, That it shall and may be lawful for the Trustees appointed by or by virtue of the said recited Act, or any Five or more of them, or such Person or Persons as they or any Five or more of them shall appoint, when and so soon as the new Roads by this Act authorized to be made or repaired, shall be respectively made and completed for the Passage of Cattle and Carriages, to erect and set up, or cause to be erected and set up, one or more Gate or Gates, Turnpike or Turnpikes, upon or across such new Road between *Tiverton* and *Bampton*, or between *Tiverton* and *Exebridge*, and one or more Gate or Gates, Turnpike or Turnpikes, upon or across such new Road, or Diversion of Road, between *Bickleigh Bridge* and *Exeter*; and the said Gates, Turnpikes, and Toll Houses, and the Materials thereof, shall be vested in the said Trustees, with and under the same Powers and Provisions as are contained in the said recited Act, with respect to the Gates and Toll Houses thereby authorized to be made or continued.

The same Tolls as under the former

III. And be it further enacted, That when and so soon as the said new Road, and new Diversion of Road, by this Act authorized to be made or repaired,

repaired, shall respectively be made and completed for the Passage of Cattle and Carriages, the several and respective Tolls granted and made payable or authorized to be taken by the said recited Act, upon the Roads comprized in the said recited Act, shall and may be demanded and taken at each and every Toll Gate, Bar, or Turnpike, which shall be erected and set upon or across the said new Diversion of Road between *Bickleigh Bridge* and *Exeter*, before any Horse, Beast, Carriage or Cattle, be permitted to pass through such Turnpike or Toll Gate; and also that the several and respective Tolls granted and made payable or authorized to be taken by the said recited Act, upon the Roads comprized in the said recited Act, shall and may be demanded and taken at each and every Gate, Bar, or Turnpike, which shall be erected and set up on or across the said new Road between *Tiverton* and *Bampton*, or between *Chapman's Bridge* and *Exebridge*, before any Horse, Beast, Carriage or Cattle, be permitted to pass through the same respectively; and upon Payment of any of the said respective Tolls, the Collector or Person receiving the same shall and he is hereby required to deliver *gratis* to the Person or Persons paying such Tolls a Note or Ticket, or Notes or Tickets, denoting the Payment of the same respectively, and which said respective Tolls by this Act granted, shall be and the same are hereby vested in the Trustees appointed under or by virtue of the said recited Act; and the said Trustees, or any Five or more of them, shall have, and are hereby invested with such and the same Powers and Authorities for collecting, receiving, levying, recovering, varying, mortgaging, transferring, and leasing the Tolls hereby granted or made payable, as are given and expressed in and by the said recited Act, with respect to the Tolls thereby granted or authorized to be taken.

Act to be taken on the new Road.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, from Time to Time, when and as often as they shall think proper, to increase and raise all or any of the Tolls hereby granted or made payable upon the said new Roads between *Tiverton* and *Bampton*, or between *Chapman's Bridge* and *Exebridge*, so as the same Toll do not at any Time exceed or amount to more than double the Tolls hereby granted or made payable upon the same last-mentioned Road; but no such Advance or Increase shall be made unless Twenty-one Days previous Notice thereof shall be given by affixing the same upon all the Turnpikes or Toll Gates then erected upon the said Road, and also inserted in one or more of the Newspapers published or generally circulated in the County of *Devon*.

Power to increase the Tolls on the Bampton Road.

V. And be it further enacted, That all and every Person and Persons having paid the respective Tolls 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 upon the new Road between *Tiverton* and *Bampton*, or between *Chapman's Bridge* and *Exebridge*, and producing a Note or Ticket of the Day, denoting such Payment, such Carriage, Horse or Cattle, (the Property therein not having been changed, and no new Hiring thereof having been made) 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 all the Gates or Turnpikes to be erected or set up on the said new Road between *Tiverton* and *Bampton*, or between *Chapman's Bridge* and *Exebridge*, or on the old Road

Limitation of the Tolls payable on each Line of New Road in One Day.

between *Tiverton* and *Bampton*, without paying any further Toll; and that all and every Perſon and Perſons having paid the reſpective Tolls 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 upon the new Diverſion of Road between *Bickleigh Bridge* and *Exeter*, and producing a Note or Ticket of the Day denoting ſuch Payment, ſuch Carriage, Horſe or Cattle, (the Property therein not having been changed, and no new Hiring thereof having been made), ſhall be permitted to paſs, return, and repaſs at any Time or Times during the ſame Day, to be computed as aforeſaid, through all the Gates or Turnpikes to be erected or ſet up on the ſaid new Diverſion of Road between *Bickleigh Bridge* and *Exeter*, provided that in all ſuch Caſes ſuch Carriages be drawn by the ſame Horſe or Horſes; ſave and except only, that Horſes and Carriages let out on Hire, ſhall pay ſuch Tolls as often as a new Hiring or Profit thereon ſhall be made or accrue.

Limitation of Tolls on the old Road, not to extend to the new Road.

VI. Provided always, and be it further enacted, That the Payment of Toll by any Perſon or Perſons for or in reſpect of any Horſe, Beaſt, Carriage or Cattle, at any Gate or Turnpike erected or ſet up by virtue of the ſaid recited Act, ſhall not extend or be conſtrued to extend to exempt ſuch Perſon or Perſons in reſpect of ſuch Horſes, Beaſts, Carriages or Cattle from Payment of the Toll granted by this Act upon the new Road and new Diverſion of Road hereby authorized to be made; any Thing in the ſaid recited Act or this Act contained to the contrary notwithſtanding.

Exemptions to be the ſame as in the former Act, except where altered by this Act.

VII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken of or from any Perſon or Perſons for or in reſpect of any Horſe, Beaſt or Carriage, in any Caſe where an Exemption is granted or allowed by the ſaid recited Act; but that all and every the Exemptions from Toll granted and allowed by the ſaid recited Act, ſhall extend and be deemed and conſtrued to extend to this Act, and to the Perſons, Horſes, Beaſts, Cattle, and Carriages, otherwiſe liable to the Tolls hereby granted and made payable, in the ſame Manner as if the ſame were herein and hereby particularly repeated and re-enacted, ſave and except only in ſuch Caſes where the ſaid Exemptions are ſpecified by this Act to be varied, altered, or repealed.

Owners, &c. of Caſtle Barton to be exempt from Toll.

VIII. Provided alſo, and be it further enacted, That no Toll ſhall be demanded or taken from the Owners or Occupiers of the *Caſtle Barton*, in the Pariſh of *Tiverton* aforeſaid, or the Lands thereto belonging, or any Part thereof, at any Gate or Turnpike on the new Road between *Tiverton* and *Bampton*, that may be ſet up or erected between the Town of *Tiverton* and the ſaid *Barton*, or Eſtate and Lands, for any Cattle or Carriage whatſoever going to or returning from ſuch *Caſtle Barton* Eſtate or Lands only.

Explaining the Deſcription of Cylindrical Tire of Wheels in former Act.

IX. And whereas by the ſaid recited Act it is enacted, That no Waggon, Wain, Cart, or Dray, drawn by more than One Horſe, ſhall have the Benefit of certain Exemptions from Toll in the ſaid Act mentioned, unleſs ſuch Waggon, Wain, Cart, or Dray, have the Sole of the Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards, and unleſs the Tire of ſuch Fellies ſhall be flat and cylindrical; and that no Cart or Dray, drawn by One Horſe or other

other Beaſt, ſhall have the Benefit of ſuch Exemption unleſs ſuch Cart or Dray ſhall have the Sole of the Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Four Inches, and unleſs the Tire of ſuch Fellies ſhall be flat and cylindrical: And whereas ſome Difficulty has ariſen in complying with the Terms of ſuch Exemptions, with regard to the cylindrical Tire of the Fellies of the Wheels of ſuch Waggons, Wains, Carts, and Drays; to the end, therefore, that all Perſons who ſhall endeavour to comply with the ſaid Proviſions, may receive the Benefit of ſuch Exemptions; be it further enacted, That from and after the Twenty-fourth Day of *June* next, all Wheels of Waggons, Wains, Carts, and Drays, the Tire of the Fellies of which ſhall not deviate more than One Inch from a flat Surface, ſhall be deemed and taken to be flat and cylindrical within the true Intent and Meaning of the ſaid recited Act and this Act.

The Limitation of Tolls under former Act, varied in reſpect to the White Ball Gate.

X. And whereas by the ſaid Act, any Perſon paying the Tolls thereby granted at any Gate or Turnpike ſet up or continued by virtue of the ſaid Act, upon producing a Ticket denoting ſuch Payment, is permitted to paſs and repaſs at any Time or Times during that Day, through all the ſaid Gates or Turnpikes, without paying a freſh Toll, ſubject to the Reſtrictions therein contained: And whereas the Gate or Turnpike called *The White Ball Gate*, upon the ſaid Road, is at the Diſtance of Eleven Miles or thereabouts from the Town of *Tiverton*, and Nine Miles or thereabouts from the Town of *Cullompton*; and it is become neceſſary, in order to maintain the ſaid Roads in Repair, that Perſons and Carriages travelling and paſſing ſo far upon the ſaid Roads ſhall pay Toll both at the *White Ball Gate*, and alſo at *Tiverton*, or *Cullompton*; be it therefore enacted, That from and after the Twenty-fourth Day of *June* next, the Payment of Toll at the ſaid Gate called *The White Ball Gate*, by any Perſon or Perſons, ſhall not exempt ſuch Perſon or Perſons from the Payment of Toll at any other Gate on the ſaid Roads on the ſame Day, except ſuch which ſhall or may be erected or ſet up on the ſaid Road nearer thereto than the Gate called *Huntshouſe Gate* in *Tiverton*, or the Gate called *College Gate* in *Cullompton*; and that the Payment of Toll at either of the ſaid laſt-mentioned Gates called *Huntshouſe Gate* and *College Gate*, or at any other Gate on the ſaid Roads, except ſuch as ſhall or may be erected or ſet up on the ſaid Road nearer to the *White Ball Gate* than the ſaid Gates called *Huntshouſe Gate* and *College Gate* reſpectively, by any Perſon or Perſons, ſhall not exempt ſuch Perſon or Perſons from the Payment of Toll on the ſame Day, at the ſaid Gate called *The White Ball Gate*; any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

Money to be borrowed, and how to be applied.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time, upon the Credit of the ſaid recited Act and this Act, and of the Tolls hereby granted, to borrow and take up at Intereſt any ſuch Sum or Sums of Money as they may judge requiſite for carrying into Execution the ſeveral Purpoſes and Powers of the ſaid recited Act and this Act; and that all the Tolls collected or levied, and all the Monies ſo to be borrowed, and alſo all other Monies which ſhall come to the Hands of the ſaid Truſtees, by virtue of and under the Authority of this Act, ſhall be applied (after Payment of the Coſts and Expences of obtaining and paſſing this Act, as hereinafter mentioned) in defraying the Coſts, Charges, and Expences, of amending, diverting, making, altering, and improving the ſaid new Road and new

Diverſion of Road, and then in maintaining and improving all the ſaid Roads, and all other Coſts, Charges, and Expences incurred or to be incurred in putting the ſaid recited Act and this Act into Execution, and in repaying the Monies borrowed or to be borrowed on the Credit thereof, and the Intereſt due and to grow due thereupon reſpectively, and to no other Uſe or Purpoſe whatſoever; (that is to ſay), That when and ſo ſoon as the ſaid new Road and new Diverſion of Road, hereby authorized to be made, ſhall be made and completed for the Paſſage of Travellers and Carriages, then, and not before, the Tolls directed to be taken on the ſaid Roads comprized in the ſaid recited Act, and on the ſaid new Road and new Diverſion of Road authorized to be made by this Act, ſhall be conſolidated, and ſhall form one Joint Fund for the Purpoſes of the ſaid recited Act and this Act, and be paid and applied in Diſcharge of the Intereſt due to the old and new Mortgagees reſpectively; the Intereſt to the new Mortgagees to commence from the Time of advancing their reſpective Monies, without any Preference or Priority whatſoever.

When the new Road is completed, the Funds of the Two Truſts to be conſolidated.

XII. And be it further enacted, That all the Coſts, Charges, and Expences, incident to and attending the obtaining and paſſing of this Act, with lawful Intereſt from the Time of advancing the ſame to the Time of Payment, ſhall be paid and ſatisfied by the ſaid Truſtees out of the firſt Monies that ſhall be collected, borrowed, or received by virtue of the ſaid recited Act or this Act, in preference to all other Payments and Diſburſements whatſoever.

For Payment of the Expences of this Act.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees appointed under or by virtue of the ſaid recited Act, or any Five or more of them, or for ſuch Perſon or Perſons as any Five or more of them ſhall employ for that Purpoſe, and they are hereby fully authorized and empowered to ſet, ſtake out, form, make and complete the ſaid new Road and new Diverſion of Road within the Limits herein-after mentioned, through or over any Commons or Waſte Grounds, without making any Satisfaction for the ſame, and alſo in, upon, through or over any private Lands, Grounds, Tenements or Hereditaments, firſt making Satisfaction to all Parties intereſted therein in Manner directed by the ſaid recited Act, for the Damage ſuch Parties may ſuſtain thereby, and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, their Surveyor or Surveyors, Officers, Servants and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon the Lands and Premiſes through which or whereupon the ſaid new Road and new Diverſion of Road is or are intended to paſs, or the Lands or Grounds adjoining thereto, and to continue thereupon as long as may be neceſſary for the Purpoſes of this Act, without being deemed a Treſpaſſer or Treſpaſſers for entering or continuing upon ſuch Lands or Premiſes, and to cut and make ſuch Drains, Gutters and Tunnels, in and upon the Lands adjoining or near ſuch new Road and new Diverſion of Road as ſhall be by them thought neceſſary and proper for draining the Water from ſuch new Road and new Diverſion of Road, according to the true Intent and Meaning of this Act, doing as little Damage as may be in the Execution of the Powers and Authorities hereby given; and in caſe any Difference ſhall ariſe concerning the Satisfaction to be made for Damages which ſhall be ſuſtained by the Owners or Proprietors or Perſons intereſted in ſuch Lands, the ſame ſhall be aſcertained and ſettled by a Jury in Manner directed by the ſaid recited Act, with reſpect to the Valuation of Land thereby authorized

Power to make the new Roads and to enter Lands.

rized to be purchaſed by the ſaid Truſtees, and which ſaid new Road and new Diverſion of Road ſhall be of the Breadth of Twenty Feet at the leaſt, but of not more than Thirty Feet.

Roads to be fenced off.

XIV. And be it further enacted, That in all Places where the Courſe of any Part of the preſent Road ſhall be diverted from the old Line of Road, or a new Road ſhall be made (except over and through any Common or Waſte Ground) or where the old Road ſhall be widened, in all ſuch Caſes the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required to cauſe good and ſufficient Mounds, Rails and Fences to be made and provided, and Quickſets to be planted in an Huſbandlike Manner, and ſhall ſupport ſuch Mounds, Rails and Fences for and during the Term of Seven Years from the firſt Making thereof.

Plans and Books of Reference to remain with Clerk of the Peace.

XV. And whereas Maps or Plans deſcribing the Lines of the ſaid new Road and new Diverſion of Road, and the Lands through which the ſame are to be reſpectively carried, together with Books of Reference containing Liſts of the Names of the Owners or reputed Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of *Devon*; be it therefore enacted, That the ſaid Maps or Plans and Books of Reference ſhall remain in the Cuſtody of the Clerk of the Peace in whoſe Office the ſame are depoſited, to the End that all Perſons may at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts; and that the ſaid Truſtees, in making the ſaid new Road and new Diverſion of Road, ſhall not deviate more than One hundred Yards from the Lines deſcribed in the ſaid Maps or Plans, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate or Collegiate, into or through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Reſpecting Errors in the Book of Reference.

XVI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid new Road and the ſaid new Diverſion of Road, into, through, acroſs or over the Lands and Grounds of any Perſon or Perſons over which the ſame is ſet out and deſcribed in the ſaid Maps or Plans as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to have been omitted or miſtated in the ſaid Books of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County of *Devon*, and be certified under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Truſtees reſtrained from taking down Dwelling Houſes, &c. not in the Plan, without Conſent of the Owners.

XVII. Provided always, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend, or be conſtrued to extend, to empower or authorize the ſaid Truſtees to take or pull down any Dwelling Houſe or other Building, or to take in or make uſe of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a Houſe, or any incloſed Ground planted or ſet apart as a Nurſery for Trees, or any Part thereof, reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained, other than and except ſuch as are marked and deſcribed in the ſaid Plans and Books of Reference; any Thing in this Act contained to the contrary notwithſtanding.

XVIII. And

Application of Compenſation Money if amounting to 200 l.

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

Where leſs than 200l. and exceeding 20l.

XIX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchaſed, taken or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs then the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments ſo purchaſed, taken or uſed, or of his, her or their Guardian or Guardians, Committee or Committees, in caſes of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant

General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing the ſaid recited Act and this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Where under 20l.

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

In caſe of not making out Titles.

XXI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act or the ſaid recited Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any 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 to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery, which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the 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 hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles.

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

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

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

New Bridges to be repaired out of Tolls taken on the new Diverſion of Road.

XXIV. And be it further enacted, That all and every Bridge and Bridges which it may be deemed neceſſary and expedient to erect over or acroſs any Brooks or Rivulets running upon the ſaid new Road or new Diverſion of Road, ſhall be made, amended, improved, ſupported, repaired, and kept in repair, by the ſaid Truſtees, out of the Tolls authorized to be taken on the ſaid new Road or new Diverſion of Road.

Perſons chargeable to Statute Work to continue ſo.

XXV. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or who are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Devon*, and for any Two or more Juſtices of the Peace for the Liberty of *Tiverton*, within their reſpective Juriſdictions, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute

Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees or to their Treaſurer; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject or liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and on ſuch Parts of the ſaid Roads, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, (after Notice in Writing given to or left for him, her, or them at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, 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 to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor

veyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Work.

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

For compelling Payment of Subſcription Money.

XXVII. And be it further enacted, That the ſeveral Perſons who have ſubſcribed or ſhall ſubſcribe to pay Money for or towards making, amending or repairing the ſaid new Road or new Diverſion of Road, ſhall and are hereby required to pay ſuch Money within ſuch Time, in ſuch Parts and Proportions, and to ſuch Perſon or Perſons as the ſaid Truſtees ſhall direct or appoint; and in Default of ſuch Payment ſuch Money ſhall be recovered by Action of Law to be brought by or on behalf of the ſaid Truſtees, in any of His Majeſty's Courts of Record at *Weſtminſter*; and that ſuch Subſcribers ſhall have an Option on what Branch of the ſaid new Roads their reſpective Subſcriptions ſhall be laid out and expended; and the ſaid Truſtees ſhall, as far as the ſame can be done without Prejudice to the Completion of the whole Work, direct ſuch Subſcriptions to be ſo laid out and expended accordingly.

Public Act.

XXVIII. 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 Term of the Act.

XXIX. And be it further enacted, That this Act ſhall commence and take Effect on the Day of paſſing thereof, and ſhall continue in force, and be executed for and during the full Term granted by the ſaid recited Act, and now to come and unexpired.

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