



ANNO QUADRAGESIMO QUARTO

GEORGI III. REGIS.

Cap. 122.

An Act for more effectually repairing and improving the several Roads leading to and from the City of *Exeter*; and for keeping in Repair *Exe Bridge* and *Countess Wear Bridge*. [11th July 1803.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for more effectually amending several Roads leading from the City of Exeter, and for rebuilding or repairing Exe Bridge, and making the Avenues leading thereto more commodious; and for building a Bridge over the River Exe, at or near Countess Wear, and for amending several other Roads therein mentioned,* the several Roads or Highways following were directed to be amended and repaired; that is to say, 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 Faringdon*, *Woodbury*, and *Aylesbear*, to a Place called *Aylesbear Hill*, leading to *Newton Popleford*, in the Parish of *Ayle-*

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bear 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 *Witby 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 *North Gate*, in the Pariſh of *Saint David*, in the County of the ſaid City of *Exeter*, through the Pariſhes of *Saint David*, *Bramford Speke*, *Upton Pyne*, *Newton Saint Cyres*, and *Crediton*, to the Town of *Crediton*, and from thence to *Crediton Forches*, and from thence to *Barnſtadle 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 Bridge Foot, in the Pariſh of *Saint Thomas the Apoſtle*, through the Pariſhes of *Whiteſtone*, *Tedburn Saint Mary*, *Cberiton Biſhop*, and *Drewſteignton*, to *Crockern Well*, in the Pariſh of *Cberiton Biſhop* aforeſaid; and from a Houſe now 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*, *Exmiſter*, *Skillingford*, *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*, *Exmiſter*, *Kenn*, *Aſcombe*, *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 *Exmiſter*, to *Crab Lake*, in the ſaid Pariſh of *Exmiſter*; 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 *Gulſiford*, 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

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 several Roads leading from the Turnpike Gate at *Exweeke Cross*, to *Cowley Cross*; and also from the Turnpike Road at *Morchard*, through *Laford*, 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 *Longbrooke Street*, to the late *Oxford Inn*, near the East Gate of the said City of *Exeter*; and also 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 *Bears Hill Oak Corner*, to and through a Ford called *Countess's 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's Wear*; 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 *Coplestone Stone*, and the Road from a Gate near *Broadway*, in the said Parish of *Sandford*, through the Parishes of *Sandford*, *Kennerley*, *Washford Pyne*, *Woolfardisworthby*, *Witheredge*, *Telbridge*, 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 Clift*, through *Broad Clift Town* to *Witby Bridge*, where the present *Exeter Turnpike Road* ends, and from *The Black Dog*, over and across *Broad Clift 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 whereas the Trustees appointed in or by virtue of the said Act for building and completing the said Bridge called *Exe Bridge*, and for making, altering, turning, repairing, and keeping in Repair all the Roads therein mentioned, have proceeded to put the same in Execution, and have for that Purpose borrowed not only the Whole of the Sum of Fifty thousand Pounds thereby authorized to be raised for those Purposes, but also in pursuance of the Power thereby granted, the further Sum of Three thousand nine hundred Pounds, which hath been found insufficient for the Purposes thereby intended; and it is expedient that a further Sum of Money should be raised for finishing, repairing, supporting, and maintaining the said Bridge and Roads: And whereas the Trustees appointed in or by virtue of the said Act for building and completing the said Bridge at *Countess's Wear*, and for making and keeping in Repair the Roads leading thereto, have proceeded to put the same in Execution with respect to the said last mentioned Bridge and Roads, and have borrowed a considerable Part of the Sum thereby authorized to be raised for that Purpose; and it is necessary the Tolls by the said Act authorized to be taken on the said last mentioned Bridge and Road or Roads, should be continued as herein-after mentioned: And whereas a considerable Part of the Money so respectively raised or borrowed still remains due, with a large Arrear of Interest, which cannot be repaid, nor the

Act repealed.

the said respective Roads and Bridges be properly amended, supported, improved, and kept in Repair, unless the Term of the said Act is continued; and the Powers and Provisions thereof being found in many Respects ineffectual and insufficient, it would be more convenient to the respective Trustees if the said Act was repealed, and further and other Powers granted 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 Act of the Thirteenth of His present Majesty's Reign 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 Purpose 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; 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 Act, with respect to the said Bridges and Roads, and of all Interest due and to grow due 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.

II. And be it further enacted, That the Honourable *Robert Clifford*, the Honourable *Thomas Clifford*, the Honourable *John Vaughan*, Sir *Wilmot Prideaux* Baronet, Sir *John Chichester* Baronet, Sir *John Trevilian* Baronet, Sir *John Kennaway* Baronet, Sir *John Morshead* Baronet, Sir *Lawrence Palk* Baronet, Sir *Harry Trelawny* Baronet, Sir *Stafford Henry Northcote* Baronet, Sir *John Duntze* Baronet, Sir *Bourchier Wrey* Baronet, Sir *George Yonge* Baronet, Sir *Charles Warwick Bampfylde* Baronet, Sir *Alexander Hamilton* Knight, 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 Archdeacon of the Church of *Exeter* for the Time being, the Chancellor of the Diocese of *Exeter* for the Time being, *Nicholas Arthur*, *Robert Abrakam*, *Hugh Acland*, *John Baring*, *James Bailey*, *Henry Brutton*, *Charles Baring*, *John Baring* the younger, *William Browne*, *Richard Warwick Bampfylde* Clerk, *George Bent* Clerk, *Elijah Brooke*, *James Burrow*, *Henry Bampfylde*, *James Buller*, *Richard Blundell*, *Alan Belfield*, *John Buller*, *John Rowe Bevereth*, *Gilbert Burrington* Clerk, *Richard Buller* Clerk, *John Bradford* Clerk, *William Browning*, *William Berry*, *William Bryett* Clerk, *John Churchill* Clerk, *Edward Cotsford*, *Samuel Cake* Clerk, *William Henry Carrington* Clerk, *William Clapp*, *John Cove*, *Thomas Clack* Clerk, *Peter Churchill*, *John Pyne Coffin* Clerk, *James Carrington* Clerk, *James Charter*, *John Buncombe*, *Cockerom*, *George Hunt Clapp*, *George Cornish*, *John Cann*, *John Bradford Copplestone* Clerk, *Mark Cann*, *George Cann*, *John Culm*, *John Cole*, *Hubert Cornish*, *Philip Cornish*, *Edward Chave*, *Richard Collins*, *William Collyns*, *George Daniell* Doctor of Physick, *James Davie*, *Hugh Downman* Doctor of Physick, *Edward Drewe* Clerk, *Herman Drewe* Clerk, *Joseph Domatt*, *William Ellicombe* Clerk, *Richard Eales*, *George Bancroft Eaton*,
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Hugh Ellicombe Clerk, Richard Ellicombe, William Eales Clerk, Charles Fanshawe, Ambrose Ferrell, Newton Fellowes, Thomas Fothergill Clerk, John Inglett Fortescue, Edmund Granger, Anthony Gibbs, John Graves, Samuel Gifford, George Gregory Clerk, Nicholas Gay, Samuel Graves, Thomas Graves, William Graves, Edward Gattey, Charles Hole, Christopher Hellyer, Charles Hammett Clerk, John Harris, Daniel Hamilton, Richard Harrington, John Hogg, Christopher Hamlyn, William Holman, William Holmes, William Hellyer, William Hayne, James Hobbs Clerk, Timothy Terry Jackson, William Jackson, William Elford Ilbert, James Jackson, William Kennaway, Walter Kitson Clerk, Robert Kennaway, Timothy Kendrick, Abraham Kennaway, Arthur Kelley, Patrick Kincaid, John Kestle, Thomas Lee Clerk, James Lardner, William Lewis, Thomas Huckell Lee, Thomas Hayman Lovering Clerk, John Lee the younger, John Lee Clerk, John Ley, Henry Ley, John Henry Ley, John Lambert, Samuel Luscombe, Richard Lambert, William Lake, Josiah Lee, James Lee, John Lane, George Luke, Richard Lewis Clerk, Thomas Ley Clerk, John Fynes Luttrell, Henry Marker Clerk, John Merrivale, James Matthew, James Manning, George Moore the younger, Clerk, Edward Merson, John Moore, Thomas Mervin Marshall Clerk, John Russell Moore, Aaron Moore, Henry Manning Clerk, John Milford, William Nation, Robert Lydstone Newcombe, Paul Orchard, Montague Edmund Parker, Bartholomew Parr Doctor of Physick, Benedict Pering Clerk, William Pidsley, Robert Palmer, William Ponsford of Drewsteignton, William Ponsford of Ford, Charles Pugh, William Mackworth Praed, Humphrey Prideaux, John Palmer, James Patch, William Palmer Clerk, Samuel Palmer, John Quick, Jonathan Rashleigh Clerk, Henry Rowe, Richard Rouse Clerk, Robert Russell, John Robins, William Roberts, Joseph Roberts, Rendall, William Rouse the younger, Edmund Roberts, John Reed, William Stacey Clerk, Joseph Sanders, John Sillifant, Philip Stowey, Andrew Snell, William Sanford, John Seale, George Gale Smelling, Francis Spicer, Richard Stephens, John Henry Southcote, Thomas Smith, William Speare Doctor in Divinity, John Swete Clerk, Samuel Stephens, Whitlock Sydenham, George Short, John Sweet, William Short, Richard Smith, Joseph Symons, John Salter, George Skute, Abraham Smith, James Symons Clerk, Henry Smith, Anthony Tremlett, John Triggs, John Tremlett, Thomas Tremlett, Warwick Hele Tonkin, John Turner, Thomas Troode, Thomas Taylor, Lewis Duval, William Western, Newton Wolland, William Wresford, Samuel Ryder Weston Clerk, William White of Mount Ebford, Francis Webber, Stephen Weston Clerk, James White, John Wresford of Clannaborough, John Wresford of Bow, John Welsford, Silvanus Wresford, John Wolland, John Worth, John Thomas Wright, John Wolland the younger, Hugh White, John Williams, and John Yarde, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution with respect to the said Bridge called *Exe Bridge*, and the Avenues thereto; and also for amending, widening, improving, turning, altering, repairing, and keeping in Repair all the said Roads hereinbefore 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*.

III. Provided always, and be it further enacted, That no Person 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

Qualification
of Trustees.

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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, (except Persons qualified as herein-after is mentioned); and if any Person so made incapable to act shall nevertheless presume to act, contrary to the true Intent and Meaning 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, Complaint, Suit, or Information, wherein no Effoign, Protection, Wager of Law, or more than One Imparance shall be allowed; and every Person so prosecuted shall prove that he was at the Time of such acting qualified as aforesaid, 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.

For electing
Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, annually to meet in order 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 and Place of Meeting for the Election of every such new Trustee, 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.

Authorizing
all Persons of
certain Estates
to act as
Trustees.

V. Provided always, and be it further enacted, That 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 are hereby declared to be Trustees for putting this Act in Execution; and they and each and every of them shall be and they are hereby empowered to act as 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 appointed Trustees in and by this Act; any Thing herein contained to the contrary notwithstanding.

Trustees not
to hold any
Place of Profit.

VI. Provided also, and be it further enacted and declared, That no Person shall be capable of acting as a Trustee under the Authority of this Act,

Act, who shall hold any Place of Profit arising out of the Tolls and Duties hereby granted.

VII. Provided likewise, That no Person shall be capable of acting as a Trustee in any case in the Execution of this Act wherein he shall be personally concerned or interested. Trustees not to act where personally interested.

VIII. 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 at such Meeting adjourn themselves to the same or to such Place 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 at such Meeting, 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, or until another Day shall be appointed by the said Trustees, or any Three or more of them; and the said Trustees at all their Meetings shall defray their own Expences. First Meeting.

IX. And be it further enacted, That if after any Adjournment of the said Trustees, it shall upon any Emergency be thought necessary that an earlier Day of Meeting should be appointed than the Day to which the respective Meeting shall have been adjourned, the Clerk to the said Trustees, by an Order in Writing, signed by Three or more of the said Trustees although not assembled at a Meeting, mentioning the Time and Place and Purpose of such Meeting, shall forthwith give Notice thereof in Manner before directed, and of the Time and Place, which shall be mentioned in the Order of the said Trustees, (such Time not being less than Four Days after such Notice); and all Proceedings of the Trustees at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment. Meetings on Emergencies.

X. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby empowered, at any Meeting or Meetings to be held in pursuance of 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 Nine or more of them, shall entrust them with, and they 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 themselves 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 Trustees may appoint Committees.

kept by the Clerk to the said Trustees, or in a separate Book or Books, as the said Trustees, or any Nine 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 appoint-
ing Officers.

XI. And be it further enacted, That the said Trustees, or any Nine or more of them present at their first or any subsequent Meeting or Meeting, 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 Nine 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 all and every such Officer and Officers so appointed as aforesaid, shall upon Oath, (which Oath any Justice or Justices of the Peace for the said County is and are hereby empowered and required to administer, for which no Fee or Reward shall be taken), as often as required by the said Trustees, or any Five or more of them, deliver in 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 or empower to receive the same, and shall be disbursed and laid out 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 One or more Justice or Justices of the Peace for the County where such Officer shall dwell, shall and may make Enquiry of and concerning such Default as aforesaid in a summary Way, as well by Confession of the Party as by the Testimony of One or more 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, 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 and agreed 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 Nine or more of them, shall and may out of the Monies arising by the said Tolls and Duties, make such Allowance to the said Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, and other Officer and Officers, for
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and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their said 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 Nine 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.

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 such Security from the Treasurer or Treasurers, and 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. Treasurer to give Security.

XIII. And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may erect or cause to be erected 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 upon the Side or Sides thereof 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 Conveniencies 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 Nine or more of them shall think proper; and the respective Tolls following shall be demanded and taken at every such Gate already erected or to be erected and continued as aforesaid, of 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), Trustees may erect Turnpikes, etc.

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: The Tolls.

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 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* the Sum of Two-pence ; and on every other Day One Penny :

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 plain and even 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 plain and even 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 plain and even 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

Wheels of the Breadth of Six Inches or more, with a plain and even 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 plain and even 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 Wheels of the Breadth of Six Inches or more, with a plain and even 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 plain and even 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 plain and even 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 is hereby vested in the said Trustees; and the same and every Part thereof shall be paid and applied in such Manner as is herein-after mentioned and directed; and it shall be lawful for such Person or Persons as the said Trustees, or any Nine 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) 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.

XIV. Provided always, 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 the General Turnpike

Act

Persons paying additional Tolls on narrow Wheels not to pay those imposed

by the General Turnpike Act. Act passed in the Thirteenth Year of the Reign of His present Majesty, on Carriages with narrow Wheels.

Penalty on Gate Keepers for insulting Travellers, &c.

XV. And be it further enacted, That if any Toll Gatherer or Person appointed to collect any of the Tolls payable by this Act, or any Person or Persons appointed by him or them to receive or collect the same, shall demand or take, or cause to be demanded or taken from any Person or Persons whomsoever, any greater or less Toll for passing through any of the Gates already erected or to be erected and continued by virtue of this Act, or shall detain, keep, molest, or insult any Person or Persons whomsoever, after due Tender hath been made of such Tolls as ought to be paid for passing through such Gate or Gates, every Person or Persons so offending shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings.

For paying the Expences of the Act.

XVI. And be it further enacted, That out of the Monies already borrowed or received under or by virtue of the said former Act, or out of the first Monies to be borrowed or received under or by virtue of this Act, 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, such Part not being less than Three-Fourths 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's Wear* Trust, or any Nine 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 in erecting Gates or Turnpikes, and Toll Houses (if necessary) and in repairing and keeping in Repair the Road, Bridge, and Avenues thereto, and defraying the necessary Costs, Charges, and Expences attending the same, and otherwise in carrying this Act into Execution.

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

XVII. And be it further enacted and declared, That as well the Tolls already collected or levied by virtue of the said former 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 Nine 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 present Act.

Penalty on permitting private Passage.

XVIII. And be it further enacted, That if any Person or Persons whomsoever, owning, renting, or occupying any Lands or other Premises near any Turnpike which shall be erected or continued in pursuance of this Act, shall knowingly permit or suffer any Person or Persons to pass over the same, or through any Gate, Passage, Inclosure, or private Way, with any

any Sort of Carriage or Cattle, whereby the said Tolls or any Part thereof shall be avoided, every such Person or Persons so offending, and the Person or Persons riding in or upon, driving or owning such Cattle or Carriage, and also every other Person who shall wilfully evade the Payment of any of the said Tolls, shall, for every such Offence, respectively forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

XIX. Provided always, and be it further enacted, That at any Gate or Gates, Turnpike or Turnpikes, erected or to be erected in or across the said Roads through the said Lane called *Howell Lane*, no more than One-half of the respective Tolls aforesaid shall be demanded or taken at such respective Gate or Turnpike: Half Toll on
Howell Lane.

XX. Provided also, 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 any Road or Highway in any Town or Parish through which the said Roads lead, or in the Carriage of any Lime, (except as herein-after mentioned), Dung, Mold, Soil, or Compost of any Kind, for the manuring of any Garden, or other Land or Ground, or any Horse or other Cattle employed in 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, Dray, or other Implements of Husbandry, or any Thing whatsoever that shall be used or employed in Husbandry, or in manuring or stocking of Land in the said several Parishes or Places in which the said Roads, or any of them hereby intended to be repaired or kept in Repair, do lie; or conveying, drawing, or carrying of Serges, or any Woollen or other Goods 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, or for 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 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; or for 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 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 shod; or any Horses or Carriages of whatsoever Description employed or to be employed in conveying the Mails, Letters, and Expresses under the Authority of His Majesty's Postmaster General, either when em- Exemptions
from Tolls.

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ployed in conveying, fetching, or guarding such Mails or Expreffes, 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 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 nor less than Forty Shillings: Provided always, that, from and after the First Day of *January* One thousand eight hundred and five, no Waggon, Wain, or Cart, drawn by Two or more Horses, shall claim or take the Benefit or Advantage of any of the Exemptions aforesaid, unless such Waggon, Wain, or Cart 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; but that the Tolls hereby authorized to be taken for every such Waggon, Wain, or Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, or not having the Tire flat and cylindrical as aforesaid; and for and in respect of Horses or Beasts of Draught drawing the same, shall be paid in the same Manner, to all Intents and Purposes, as if no Exemption had been enacted or allowed by this Act, and as fully as all other Waggons, Wains, or Carts, and Horses drawing the same, ought respectively to pay, which are not entitled to any Exemption from Toll, any Thing in this Act, or in any other Law or Statute to the contrary notwithstanding: 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, in any One Day.

Tolls to be paid but Once a Day.

XXI. Provided always, and be it further enacted, That no Person who shall have paid Toll at any Gate or Turnpike already erected, or hereafter to be erected or continued upon any of the said Roads, or on the Side or Sides thereof respectively, (except such Carriages as hereinafter mentioned), shall be subject or liable to pay any further Toll on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock the next succeeding Night, for afterwards passing or repassing through the same Gate or Turnpike, or any other Gate or Turnpike upon any of the said Roads, for or in respect of any Horse, Cattle, or Carriage, for which such Tolls shall have been paid, such Person or Persons producing a Note or Ticket denoting such Payment, which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll.

XXII. And

XXII. And be it further enacted, That if any Person or Persons shall give or dispose of any such Note or Ticket to any Person or Persons, in order to prevent, evade, or avoid the Payment of any of the said Tolls, every such Person giving or disposing of any such Note or Ticket, and the Person receiving and tendering the same at any of the said Gates or Turnpikes, shall respectively forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on giving or receiving Tickets to evade the Tolls.

XXIII. And be it further enacted, That in case it shall at any Time be found necessary, from the ruinous Condition of any particular Part or Parts of the said Roads, to lay out or expend in the Repair thereof a greater Sum than a fair Proportion of the Tolls collected by virtue of this Act, on such Part or Parts of the said Roads is sufficient to discharge, then and in such Case it shall be lawful for the said Trustees, or any Nine or more of them, at a Meeting to be held for that Purpose, (of which Meeting Notice shall be given in the *Sherborne* and *Exeter* Newspapers, and affixed to Eight of the principal Gates nearest to the City of *Exeter*, at least One Calendar Month before the Time for such Meeting, specifying the Cause thereof), to erect any new Gate or Gates, and collect the Tolls aforesaid at such Gate or Gates, or at any other Gate or Gates before erected on such particular Road, as the said Trustees shall think proper, until such Sum shall be raised thereby as shall have been laid out in the Repair of such Road over and above such Proportion as aforesaid, and no longer; and during such Time the full Toll hereby made payable shall be paid, notwithstanding Toll may have been paid on the same Day at any other Gate for or in respect of any Horse or Horses, Carriage or Carriages, or any other Cattle passing through the Gate or Gates erected or to be erected as aforesaid.

To erect additional Toll Gates on those Parts of the Roads, the Tolls of which are insufficient for Repairs thereof.

XXIV. And be it further enacted, That no Ticket given at a Gate or Turnpike, called *The Barnstaple Cross Gate*, or at a Gate or Turnpike called *The Forches* or *Broadway Gate*, and a Stop Gate thereunto belonging, in the Town of *Sandford*, 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 *The Crediton* or *Red Cow Gate* shall authorize the Passage of any Horse, Cattle, or Carriage Toll-free through the *Barnstaple Cross* and *Forches*, or *Broadway Gates*, and the said Stop Gates in the Town of *Sandford*, 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 said Gates shall be deemed and taken to be separate and distinct Gates.

Tickets at certain Gates not to pass through others.

XXV. Provided nevertheless, 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 Gate called *The Kennerley 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 Broadway Gate*, or the Stop Gate at *Sandford*; and that all Persons who shall have paid such Toll at the said Gate called *The Broadway Gate*, or the said Stop Gate at *Sandford*, shall in like

Payment of Tolls at *Kennerley Gate* to exempt at *Broadway Gate*, and at *Broadway Gate* to exempt at *Kennerley*.

Manner

Manner be exempt from Payment of Toll at the said Gate called *The Kinnerley Gate*; any Thing in this Act contained to the contrary notwithstanding.

No Gate from the *Crown and Sceptre* through *Rockbear* and *Aylesbear*, to the *Lyme Turnpike Road*.

XXVI. And be it further enacted, That no Stop Gate or other Gate shall be erected on any Part of the Road leading from *The Crown and Sceptre* aforesaid, through the Parishes of *Rockbear* and *Aylesbear*, to the *Lyme Turnpike Road* on *Aylesbear Hill*.

Trustees may compound for the Tolls;

XXVII. 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 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 Five 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.

Trustees may lessen the Tolls and raise them again if necessary.

XXVIII. And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may and they are hereby authorized and empowered, from Time to Time to lessen or reduce, and to vary or alter the several Tolls hereby granted and made payable, or any of them; and to raise the same again, or any Part thereof, so as not to exceed the Tolls hereby granted, and to order and direct the same to be collected, received, and taken in such Manner, Parts, and Proportions as they shall think fit.

Tolls not to be lessened but with the Creditors Consent at a Meeting.

XXIX. Provided always, That the said Tolls shall not be lessened or reduced without the Consent of a Majority of Five Sixths of the Creditors present at any Meeting to be held for that Purpose, Notice whereof shall be given in the *Sherborne* and *Exeter* Newspapers, and affixed on Eight of the principal Gates nearest to the City of *Exeter*, One Calendar Month at least before such Meeting, or unless the Money due to such Creditors, who shall refuse their Consent to such Reduction of the Tolls, shall be first paid off and discharged.

Collectors of Tolls competent Witnesses.

XXX. And be it further enacted, That in case any Dispute, Suit, or Litigation, shall arise touching or in anywise relating to the said Tolls, or the Recovery thereof, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Turnpikes, &c. vested in Trustees.

XXXI. 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 of any One of them, or of their Treasurer or Clerk, 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.

XXXII. 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 Five Years, at and under such Rent payable at such Time 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 herein-before 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 *Sherborne* or *Exeter* Newspapers, at least Twenty Days before such Meeting.

Trustees may let the Tolls to Farm.

XXXIII. Provided always, and be it further enacted, That the Treasurer of the said Trust shall keep not only One general annual Account of the whole Income and Expenditure of the said Trust, but also a distinct annual Account, under separate Heads of the Revenue arising and of the Expenditure incurred on each Branch of the Roads included within the said Trust; and that annually and every Year, during the Continuance of this Act, a General Meeting of the Trustees shall be held, to be called by publick Advertisement, inserted in some One or more of the Newspapers circulating within the County, Three Times in the Month immediately preceding that in which the Meeting is proposed to be held, as well for regulating the general Affairs of the Trust, as for investigating the Accounts; and that at such first and at every subsequent General Meeting Three Trustees shall be elected by the Majority of Trustees then present, to examine and compare the Vouchers and Accounts of the ensuing Year, preparatory to their being laid for Inspection and Consideration before the Trustees at their next general annual Meeting, when the Trustees, who shall have examined and compared the same, shall report in Writing the Result of their Investigation, together with such Observations as may occur to them to make thereon; and for the Purpose of better enabling the said Treasurer to form and keep the said Accounts, the Clerk, Surveyors, and Collectors, and all other Persons employed in the Receipt or Expenditure of any Money arising under or by virtue of this Act, or in the Execution thereof, shall be, and are hereby enjoined and required to furnish to the said Treasurer all such Information as they may possess touching

Treasurer to keep distinct annual Account of separate Heads of Trust.

touching the same; and for the Purpose of enabling the said Trustees the better to investigate the said Accounts, the said Treasurer, Clerk, Surveyors, Collectors, and other Persons as aforesaid, shall and are hereby enjoined and required to give to such elected examining Trustees, or to the Trustees in general, or to any or either of them assembled at their General Meetings, or at any Special Meeting to be held under this Act, all such Information as they may possess touching or in any ways relating to the Receipt or Expenditure of the Money, or the Execution of the Works belonging to the said Trust.

For borrow-
ing Money.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine 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 Nine 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 herein-after 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 to be erected by virtue of this Act nearest to the said City of *Exeter*, and advertised in the *Sherborne* and *Exeter* Newspapers, at least Fourteen Days before the borrowing thereof; and all and every Person and Persons 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 and 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 Nine or more of them shall appoint, not exceeding the Sum of Two 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 Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, 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 the Dates of such Assignments.

XXXV. And

XXXV. And be it further enacted, That the said Trustees, or any Nine 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 Nine 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 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 Three 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 Nine 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 Nine 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 and attested, and shall mark the said Deeds Poll in this Manner;

[Entered No. 1. and so on, as they stand in Course in 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 Three 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,

For borrow-
ing Money on
Deeds Poll.

raise, to be borrowed and received by such Persons, as at such Meeting or Meetings shall by the said Trustees, or any Nine 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 aforesaid in the said last mentioned Deeds Poll shall go progressively from the last Number in the last preceding Entry.

Preference to be given to those who offer to lend at lowest Rate of Interest.

XXXVI. 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.

Agreements already made to be good and valid.

XXXVII. Provided also, That all Agreements already made in the Manner prescribed by the said former 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.

No Preference to be given to Creditors.

XXXVIII. 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 present Act, or which have been borrowed by virtue of the aforesaid Act, 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 or the said former Act, 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.

Trustees not liable to the Debt for signing Deeds Poll.

XXXIX. 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.

XL. And be it further enacted, That in case any Person or Persons who shall lend and advance any Money on the Credit of the Tolls hereby granted, or the Possessors of any Deeds Poll under the said former 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

of the said Tolls shall be fully paid or tendered unto, and refused 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.

XLI. Provided also, 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 former Act, 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 *Sherborne* and *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 Nine 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 Nine or more of them, shall think expedient, according to the Directions of this Act.

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

XLII. And be it further enacted, That no 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 or empower 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 Gate erected without the late North Gate of the City of *Exeter*, (which Gate shall be deemed as erected on the Western Side of the said River), nor shall any Ticket or Tickets, to be taken on the Western Side of the said River, or near the North Gate aforesaid, authorize or empower any Horse, Cattle, or Carriage, to pass through any of the Gates erected or to be erected on the Eastern or Northern Side of the said River *Exe*.

No Ticket of Gates on the Eastern or Western Side of the *Exe* to pass through those on the Northern Side, and *vice versa*.

XLIII. Provided nevertheless, That if at any Time hereafter the said Trustees shall cause to be paid off and discharged the Sum of Ten thousand Pounds, Part of the Sum which is 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 testify their Consent in Writing to the restoring of the said Gates to the same State as before the said Roads were divided into Two Districts, by virtue of the said former Act, 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

When 10,000 *l.* of the old Debts are paid, those Tickets to pass as before

any of the Gates erected or to be erected on the Eastern or Western Side of the said River *Exe*.

Surveyors to dig Gravel in Waste Grounds without paying for the same.

Levelling the Ground, etc.

Or Materials from private Grounds.

Making Satisfaction to the Owners.

XLIV. And be it further enacted, That the Surveyor or Surveyors 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 Turnpike 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 proper for repairing the said Roads, or any of them, out of and from any Waste Grounds, Commons, 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 Person 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 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.

XLV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, or any other Statute now in being, to take and carry away Materials for the repairing the said Roads out of or from any inclosed Lands or Grounds, until 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 before the said Trustees, or any Five or more of them, or 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 shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices shall, if they think meet,

meet, 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 Trustees, or any Five or more of them, or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear, by himself or his Agent, the said Trustees, or any Five or more of them, or 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 Agent had attended.

XLVI. And be it further enacted, That if the Owner or Occupier of any Ground or Soil, for 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 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, 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 Occupier to get Materials therein for his 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.

No Person to take away Materials.

XLVII. 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, 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 Three 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.

Surveyors may remove Annoyances.

XLVIII. 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 publick 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;

Regulations as to cutting Hedges, etc. and removing Annoyances.

be

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 First Day of *November* 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 Months of *October* and *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 Land, 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 Land 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 is 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 aforesaid Act; and if the Person or Persons, whether Owner, Tenant, or Occupier, shall not repay the Money so paid upon Demand thereof to him,

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 and recovered: Provided always, that the acting Surveyor or Surveyors who shall be charged with the Repair and Maintenance of any Part of these 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 each and similar Case 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 required to be removed.

XLIX. 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 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 publick 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.

Make Causeways, erect Bridges, etc.

L. And be it further enacted, That the said Trustees, or any Nine 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; 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

Trustees may contract for the Purchase of Lands.

[Loc. & Per.]

24 N

Satisfaction

Bodies Politick, etc. empowered to treat.

Where Persons refuse to treat, the Damage to be settled by a Jury.

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 Nine 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 Politick, 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, Femmes Covert, or other Person or Persons whomsoever, and to and for all Femmes Covert who are or shall be seised or interested in their own Right, and to and for all and every other Person and Persons 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 Nine or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Nine 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 said new Roads or Paths so to be made as aforesaid, or the said old Roads or Paths so to be widened, diverted, or altered as aforesaid, or for any Part or Parts thereof; 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 Politick, 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 Politick, 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 left in Writing 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 Politick, 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 in 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 to be enquired into and ascertained

tained 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 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 Judgement, 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, Lunaticks, Idiots, and Persons under any other Disability whatsoever, Bodies Politick, 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 or 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 impanel, 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, impanelled, 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 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 Nine 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, 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, 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

Verdict of the
Jury to be
final.

and Forfeitures are herein-after directed to be levied and applied, so as no such Fine shall be more than Five Pounds nor less than Forty Shillings on any One Person for One Offence.

Expences of
Jury, how to
be borne.

LI. 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 Nine 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 Nine 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.

Money allow-
ed for Land,
how to be
charged and
tendered.

LII. 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 in case of Refusal to accept the same, or in case such Parties cannot be found, to whom the same may be offered or tendered, then and in either of the said Cases, upon leaving the same in the Hands of the Clerk or Treasurer to the said Trustees for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writings 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 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 such 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 Nine 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

applied to the Repair of the Roads by this Act directed to be repaired; or the said Trustees, or any Nine 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 this Act shall not extend to the taking down 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-after mentioned), without the Consent of the Owner or Proprietor thereof; any Thing herein contained to the contrary notwithstanding.

Trustees may sell or exchange the Road.
Buildings, etc. not to be damaged.

LIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity as herein particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the 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 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 or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands 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 or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money where exceeding 200 l.

LIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any

[*Loc. & Per.*]

24 O

Corporation,

Application where the Compensation does not exceed 200 l. nor less than 20 l.

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 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 or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank 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 Nine or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20^l.

LV. 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 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 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.

Persons chargeable with the Repairs of the Highways to continue so.

LVI. And be it further enacted, That all Lands, Tenements, or Hereditaments, and all Rents and Profits issuing out of any Lands, Tenements, and Hereditaments, which now are, or hereafter shall be liable towards the amending of the said Roads or any of them, or any Part or Parts of them or any of them, and all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the amending or maintaining of the said Roads or any of them, or any Part or Parts of them, or any Bridge or Bridges, Causeway or Causeways, Sewer or Sewers, Drain or Drains therein, shall still remain liable and chargeable to the Repair thereof in such Manner as they were before the passing of this Act; and the Proprietors, Possessors, or Occupiers of such Lands, Tenements, or Hereditaments, Rents or Profits, are hereby required to pay such Sum or Sums of Money as shall be liable to be paid out of or chargeable upon such Lands, Tenements, or Hereditaments, Rents and Profits as aforesaid, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and upon Default of Payment, the same shall be levied and recovered in such Manner as the Composition Monies in lieu of Statute Work are herein-after directed to be levied and recovered; and where any Sum or Sums of Money is or are directed to be paid for the Repair of any Road or Roads, of which any Part or Parts of the Roads directed

directed to be repaired by this Act is or are only a Part or Parcel, so that the Whole of such Monies cannot be had by or paid to the said Trustees, or to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same, without Prejudice to the Residue of the Roads for which such Money is left to repair, or directed to be applied in repairing, that then and in such Case the said Trustees, or any Five or more of them, at a publick Meeting to be held in pursuance of this Act, shall and may, and they are hereby authorized and empowered to apportion such Monies in such a Manner that as equitable a Division as may be made thereof, and shall direct the Persons chargeable with the Payment of such Monies, or the Occupiers of the Lands, Tenements, or Hereditaments, out of which the same shall issue, to pay to such Person or Persons as the said Trustees, or any Five or more of them shall appoint to receive the same, so much of the said Money as the said Trustees, or any Five or more of them, shall think reasonable, in Proportion as so much of this Road directed to be repaired bears to the whole Road for the Repair of which such Monies shall be given or directed to be paid or laid out in repairing; and upon Default of Payment, the same shall be levied and recovered in such Manner as the Composition Monies in lieu of Statute Work are herein-after directed to be levied and recovered; which Monies, when received, shall be applied in repairing the particular Road or Parcel of Road for which the same was given, or directed to be paid or laid out in repairing.

LVII. And, for ascertaining and determining what Part of the Statute Work ought to be performed on the said Roads by the Inhabitants of the several Parishes, Townships, Hamlets, Districts, or Places through which the said Roads pass; be it further enacted, That it shall be lawful for the said Trustees, or any Two of them, being acting Justices of the Peace for the City of *Exeter* and County of the same City, from Time to Time to adjudge and order what Part of the Statute Work shall be done in or upon the said Roads, lying within the said City of *Exeter* and County of the same City, hereby directed to be amended, improved, and kept in Repair, and for what Space of Time, and in what Manner the same shall be done upon the said Roads by the Inhabitants of each or any of the Parishes, in or through which the said Roads shall pass; and that it shall be lawful for the said Trustees, or any Two of them, being acting Justices of the Peace for the County of *Devon*, from Time to Time to adjudge and order what Part of the Statute Work shall be done in or upon the said Roads, lying within the said County of *Devon*, hereby directed to be amended, improved, and kept in Repair, and for what Space of Time, and in what Manner, the same shall be done upon the said Roads by the Inhabitants of each or any of the Parishes, Townships, Hamlets, Districts, or Places, in or through which the said Roads shall pass.

How the Statute Work shall be apportioned.

LVIII. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor in all the Parishes, Townships, Hamlets, Districts, or Places through which the said Roads pass, shall yearly and every Year, within Ten Days after Demand made to them respectively in Writing, by the Surveyor, Clerk, or Treasurer of the said Roads, in pursuance of an Order under the Hands of Two or more of the said Trustees, being acting Justices as aforesaid,

For regulating the Performance thereof.

give

give and deliver to the Person making such Demand a true and exact List or Account in Writing under their respective Hands, of the Christian and Surname of every Person in their respective Parishes, Townships, Hamlets, Districts, or Places, who are by Law chargeable towards repairing the said Roads in such Parishes, Townships, Hamlets, Districts, and Places, and shall set forth and specify in such List what each Person is respectively chargeable with, for and towards the same, and such respective Parish or Township Surveyor or Surveyors, shall, (within Four Days after Notice to them given by the said Turnpike Surveyor, of the Time or Times when and where, and how many of the Persons so chargeable as aforesaid are to perform their respective Statute or Days Works), summon or give Notice thereof in the Mode prescribed by Law, to the Persons so chargeable as aforesaid; and if any such Parish or Township Surveyor or Surveyors, shall neglect or refuse to do as he and they is and are required and directed to do, or shall wilfully return incorrect or imperfect Lists, he and they shall respectively forfeit and pay the Sum of Five Pounds for every such Refusal or Neglect; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards repairing the said Roads, shall after such Summons or Notice as aforesaid neglect or refuse to send their respective Teams, Draughts, Carts, or Wains, furnished with Labourers, Oxen, or Horses, according to the Custom of the Country, and proper Tools to do and perform such their respective Days Works upon the said Roads, he, she, or they so neglecting or refusing, shall forfeit and pay the Sum of Ten Shillings for every Day that each Team, Draught, Cart, or Wain shall be wanting, or shall not be duly employed in that Service; and if any Person or Persons who shall be sent with any Team, Draught, Cart, or Wain, to work on the said Roads, shall be found idle or negligent, it shall be deemed as if such Team, Wain, Draught, or Cart had not been sent to work on the said Roads, and the same Sum shall be accordingly forfeited and paid; and if any Statute Work shall not be performed within the Year in which the same is due, the same shall be performed in the Course of the succeeding Year.

How Trustees may compel Surveyors of Highways to account for Composition Money.

LIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any of their Meetings, by Writing under their Hands, to summon all, every, or any of the Surveyor or Surveyors of the Highways of all, every, or any of the Parishes, Townships, Hamlets, Districts, or Places, (the Inhabitants whereof are liable to perform Statute Work on the said Roads), to appear before the said Trustees at any of their subsequent Meetings, and then to deliver in to them a full, true, and just Account in Writing of all Sums of Money by them respectively received for, in lieu of, or by way of Composition for Statute Work in their several and respective Parishes, Townships, Hamlets, Districts, or Places, (which Account shall be verified upon Oath, if the said Trustees shall require the same); and in case the Person or Persons so summoned shall neglect to appear at the Time and Place therein appointed, or shall refuse or neglect to deliver in such Account as aforesaid, or if required, to verify the same upon Oath, or to pay to the Treasurer of the said Roads, or as the said Trustees shall direct, within Five Days from the Time of producing the said Account, or whereon the same ought to have been produced, such proportionable Part of all such Composition Money as such Surveyor or Surveyors,

Surveyors, or any of them, shall have received, or without their wilful Neglect or Default might have received, that then in all or any of the said Cases, the Person or Persons so offending shall, for every separate Offence, forfeit and pay a Sum not exceeding Twenty Shillings nor less than Five Shillings:

LX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places, first had at any Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads.

Trustees may compound for Statute Work.

LXI. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpike or Toll Gate, or in lieu of any such Repairs or Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for the said Trustees, or any Justice or Justices of the Peace as aforesaid, by Writing under their respective Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Trustees or such Justice or Justices that the same hath been demanded and remains due, which Oath the said Trustees or such Justice or Justices are hereby respectively empowered to administer), to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or other Person or Persons, or of the Churchwardens or Overseers of the Poor, having so compounded or agreed to pay such Composition Money 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.

For recovering Composition Monies.

LXII. And be it further enacted, 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, 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.

How Surveyors of Highways are to be reimbursed, and Composition Money paid by them.

For indemnifying Parishes from Indictments who have performed their Statute Work, or paid their Composition.

LXIII. Provided always, and be it further enacted, That in case any of the said Parishes, before the passing of this Act, or during the Continuance thereof, and after Payment of the said Composition Money, or during their Statute Labour as aforesaid, shall have been at any Time heretofore, or shall or may at any Time hereafter be presented, indicted, amerced, or fined for or upon Account of any Defect or want of Repair of such Part of the Turnpike Road as lies in their respective Parishes as aforesaid, the Receiver or Receivers, Treasurer or Treasurers of the Tolls by this Act granted, shall, and he and they is and are hereby obliged, having had Ten Days Notice of the said Presentment or Indictment given to him by the Surveyor or Surveyors of the Highways for such respective Parish, after the first Process shall be served on the said Inhabitants of any such Parish, or any of them, on Account of such Presentment or Indictment which shall have been or shall be brought as aforesaid, to reimburse all such Charges and Expences as the Inhabitants of any of the said Parishes shall have been or shall be put unto for or upon Account of any such Presentment or Indictment, Amerciament, or Fine as aforesaid; and if such Receiver or Treasurer, Receivers or Treasurers; having had such Notice given him or them as aforesaid, shall not pay and discharge such Charges and Expences to such Surveyor or Surveyors aforesaid, out of any Money then in his Hands, or out of the first Monies to arise under or by virtue of this Act, after paying the Expences of applying for and passing the same, (which Money so paid shall be allowed to him in his Accounts with the said Trustees), then it shall and may be lawful for Two or more Justices of the Peace for the said County of *Devon*, or City and County of the said City of *Exeter*, upon Application to them made by such Surveyor or Surveyors, to settle and ascertain such Charges and Expences.

Penalties on drawing Timber otherwise than on Wheel Carriages.

LXIV. 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 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 nor less than Forty Shillings.

Roads to be measured, and Mile Stones erected.

LXV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may 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 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

such Person so offending shall forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings 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 Space not exceeding Three Calendar Months nor less than One Calendar Month, 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.

LXVI. And be it further enacted, That as to the West Gate of the said City of *Exeter*, and all such Houses and Buildings as are now standing and being on the Scite of Ground of the said old Bridge, or Part of the Bridge Estate, and belonging to the said Mayor, Bailiffs, and Commonalty of the said City, as shall be found and adjudged by any Nine or more of the said Trustees necessary to be taken down for the Purpose of widening or altering the said Bridge, or making Avenues leading thereto, the said Trustees, or any Nine or more of them, are hereby authorized and empowered to take down or cause the same to be taken down without making any Recompence or Satisfaction whatsoever to the said Mayor, Bailiffs, and Commonalty for any Estate or Interest they have therein, and from and after the same shall be so taken down, the Scite or Ground whereon such Houses or Buildings stood shall be deemed a Part of the publick High Road, and the Materials thereof applied as the Materials of the other Edifices, Erections, and Buildings to be purchased as aforesaid, are directed to be applied; and as to such of the Houses, Erections, and Buildings now standing and being on the Scite or Ground of the said Bridge, as shall not be found or adjudged by the said Trustees, or any Nine or more of them, necessary to be taken down, if any such there be, 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 as well of the Fines on Renewals of Leases, as the annual and other Rents and Profits thereof; and also in like Manner, and at the same Time to 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 certain Weir near to the said Bridge.

Power to take down Houses on the old Bridge.

Corporation to pay Rent of their Estates to the Trustees.

LXVII. 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

And to let Leases at best Prices.

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.

Power to get
Materials for
this Avenue.

LXVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall have and they are hereby declared to have such and the same Powers and Authorities for procuring Materials for the making or repairing the said Bridge, and the said Road from thence to *Saint John's Church* or *Saint Mary Arches Lane*, and other Avenues to the said Bridge, as are given and provided for repairing the other Roads herein mentioned.

Trustees to
Countess Wear
Bridge and
Roads.

LXIX. And be it further enacted, That Sir *Bourchier Wrey* Baronet, Sir *Charles Warwick Bampfylde* Baronet, Sir *Stafford Henry Northcote* Baronet, Sir *John Duntze* Baronet, Sir *Lawrence Palk* Baronet, Sir *John Kennaway* Baronet, Sir *Alexander Hamilton* Knight, *Hugh Acland*, *Nichols Arthur*, *Charles Bidgood*, *John Baring*, *Charles Baring*, *William Barter* Clerk, *John Bradford* Clerk, *Richard Bampfylde* Clerk, *John Baring* the younger, *William Berry*, *Ralph Barnes* Clerk, *George Hunt Clapp*, *James Carrington* Clerk, *William Carrington* Clerk, *Charles Collyns*, *Richard Collins*, *John Cole*, *Thomas Clark* Clerk, *William Collyns*, *Edward Cotsford*, *James Charter*, *John Bowden Creswell*, *Charles Henry Collyns*, *John Bradford Coplestone* Clerk, *Herman Drew*, *Hugh Downman* Doctor of Physick, *Lewis Duval*, *George Daniel* Doctor of Physick, *John Dennis*, *William Ellicombe* Clerk, *Hugh Ellicombe* Clerk, *Richard Eales*, *Thomas Floud*, *John Inglett Fortescue*, *Charles Fanshawe*, *John Davey Foulkes*, *Joseph Gattey*, *Anthony Gibbs*, *Joseph Greenway*, *Edmund Granger*, *John Gullett*, *William Gater*, *William Baring Gould*, *Christopher Hamlyn*, *John Hore*, *Daniel Hamilton*, *John James Hirtzel*, *George Hirtzel*, *John Hogg*, *William Jackson*, *William Jackson*, *James Jackson*, *William Jackson* the younger, *Abraham Kennaway*, *William Kennaway*, *Robert Kennaway*, *Thomas Kennaway*, *Samuel Kekewich*, *John Ley*, *Josiah Lee*, *Henry Ley*, *John Henry Ley*, *Thomas Huckell Lee*, *George Moore* Clerk, *William Marler*, *James Manning*, *John Milford*, *Nutcombe Nutcombe* Clerk, *William Nation*, *Napleton* Clerk, *Montagu Edmund Parker*, *Reuben Phillips*, *Nicholas Peters*, *Thomas Prowse*, *Bartholomew Parr* Doctor of Physick, *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*, *Philip Stowey*, *William Speare* Doctor in Divinity, *Richard Stephens*, *Joseph Sanders* the younger, *Robert Sanders*, *Charles Sanders*, *Thomas Taylor*, *James Templer*, *John Triggs*, *Samuel Trist* the younger, *Thomas Trood*, *Robert Trewman*, *Samuel Templar*, *Samuel Tremlett*, *Richard Tremlett*, *Warwick Hele Tonkin*, *Francis Webber*, *Samuel Walkey*, *James White*, *John Thomas Wright*, *Charles Elliott Walkey*, *Benjamin Honycombe Walker*, *Jonathan Worthy*, and *George Westlake*, being qualified as is herein-before required, in relation to the Trustees herein-before first nominated and appointed, shall be and they are hereby nominated and appointed Trustees for executing the several Powers, Purposes, and Authorities given to them in and by this Act, for repairing and keeping in Repair the said Bridge at *Countess Wear*, and making and keeping in Repair the said Roads leading thereto, and for widening, turning, and keeping in Repair the said Road leading from the Turning towards *Topsbam* near *Sandy Gate*, to a Place called *The Red Post* on the Road leading

leading from *Exeter to Topsham*; and the said last named 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 said Bridge and Causeway at *Countess Wear*, and the Roads and Avenues leading thereto, and for widening, turning, making, and keeping in Repair the said last mentioned Roads, and for executing all the Purposes of this Act as the Trustees herein first named are invested with, for repairing and keeping in Repair the said Bridge called *Exe Bridge*, and the Avenues leading thereto, and for making, altering, turning, repairing, and keeping in Repair all the said Roads herein first mentioned and directed to be repaired.

LXX. And be it further enacted, That when any of the said last mentioned Trustees shall die, remove, resign, or be disqualified to act, it shall and may be lawful for the surviving or remaining Trustees, or any Nine 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 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 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.

For electing
Trustees for
Countess Wear.

LXXI. And be it further enacted, That the said Trustees, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall order and direct, shall and may build and erect (or may continue if already erected), a Gate or Gates, Turnpike or Turnpikes, and also a Toll House or Toll Houses in and upon any Part of the said Roads, and shall 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 erected or to be erected as aforesaid; (that is to say),

Turnpikes to
be erected.

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:

Tolls.

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, Mule, 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:

[*Loc. & Per.*]

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For

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 Burden, 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.

To be paid
but Once a
Day.

LXXII. Provided always, That no Person shall be subject to the Payment of any of the Tolls hereby made payable more than Once a Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for passing on Foot over the said Bridge, or with the same Cattle or Carriages through the said 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.

Trustees em-
powered to
borrow Mo-
ney not ex-
ceeding the
Sum of
£,487*l.* 10*s.*

LXXIII. And whereas the Trustees acting under and by virtue of the said recited Act and the Acts therein mentioned, have borrowed on the Credit thereof respectively the Sum of Three thousand five hundred and twelve Pounds Ten Shillings, being Part of the Sum of Five thousand Pounds, thereby authorized to be raised for building the said Bridge at *Countess Wear*, and for other the Purposes with respect thereto; which Sum still remains due, with a great Arrear of Interest, and it is expedient that the Sum of One thousand four hundred and eighty-seven Pounds Ten Shillings, being the Remainder of the said Sum of Five thousand Pounds, should be raised for the completely repairing, maintaining, and supporting of the said Bridge, and the Roads and Avenues leading thereto; be it therefore further enacted, That it shall be lawful for the said last mentioned Trustees, and they, or any Nine or more of them, are hereby empowered, as Occasion shall require, to borrow and take up at Interest on the Credit of the said Tolls arising on the said Roads and Bridge last mentioned, the further Sum of One thousand four hundred and eighty-seven Pounds Ten Shillings, so as with the Sums heretofore borrowed, the same do not in the Whole exceed the Sum of Five thousand Pounds (except under the Restrictions 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 making the said Bridge and Roads aforesaid; and the said Sum of One thousand four hundred and eighty-seven Pounds Ten Shillings, 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 Bridge, or Turnpike Gate or Gates last mentioned, erected or to be erected at or near *Countess Wear Bridge* aforesaid, and shall be secured and taken up in like Manner as in and by this Act

Act is directed for securing any Money hereby authorized to be borrowed, and shall be 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.

LXXIV. And be it further enacted, That the said last mentioned 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, and may adjourn themselves, from Time to Time, for the doing and transacting of the Business relative to the said 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. First Meeting.

LXXV. And be it further enacted, That it shall be lawful for the said last mentioned Trustees, or any Nine or more of them, to contract for and purchase any Land or Ground in the Parishes of *Topsham* or *Exminster*, for making the Roads and Avenues leading to the said Bridge more commodious and convenient to the Publick, or for making a shorter Way from and to the great Turnpike Roads leading from the City of *Exeter* to the Towns and Places of *Honiton*, *Topsham*, *Crab Lake*, and *Newton Abbott*, or any or either of them, subject nevertheless to the Powers and Provisions, herein-before contained with respect to other Lands and Grounds to be purchased for other the Purposes of this Act. Trustees to purchase Lands.

LXXVI. 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 Five 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 the said respective Trustees, or any Nine or more of them, and other Costs, Charges, and Expences incident thereto, such Part not being more than One-Fourth of the Whole of such Costs and Charges. For paying the Expences of the Act.

LXXVII. 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 from and after the passing of this Act, be repaired, maintained, and kept in Repair by the said Trustees hereby appointed for the Care and Management of the said Road and Bridge at *Countess Wear*, out of the Tolls arising and to arise, and to be collected and taken at or upon the said Road and Bridge. Hayne Draw-bridge, etc. to be kept in Repair by the Trustees.

LXXVIII. And be it further enacted, That in case the Mayor, Bailiffs, and Commonalty of the City of *Exeter* aforesaid; 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 Trustees empowered to sue the Corporation for the Rent of 10^l.

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 of Penalty is, can, or may be recovered by virtue of this Act; any Thing herein contained to the contrary notwithstanding.

To prevent leaving the Drawbridge open.

LXXIX. 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.

Penalty for Riding on Footways, etc.

LXXX. 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 the said respective Roads, 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 Roads, 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, Annoyance, or Inconvenience 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 nor less than Ten Shillings.

Penalties how to be recovered.

LXXXI. And be it further enacted, That all the Penalties, Forfeitures, and Fines hereby 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

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 to any Five or more of the said Trustees, or their Treasurer, 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 shall 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 Correction, 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 nor less than Two Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

LXXXII. 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 :

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 of the Forty-third Year of the Reign of His Majesty 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.

Form of Conviction.

LXXXIII. Provided always, and be it 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 Four Days after the Cause of such Complaint shall have arisen, such Appellant shall give or cause to be given Fourteen entire 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 Three Days after such Notice enter 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 Appeals 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 determine the Causes and Matters 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

Persons aggrieved may appeal to the Quarter Sessions.

[Loc. & Per.] 24 R tion

tion of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

For Recovery
of Costs upon
Appeal.

LXXXIV. Provided always, and be it enacted, That in case the Costs which in any such Cause shall be by the Justices in such Session given and awarded, shall not be immediately paid down in Court by such of the Parties to such Appeal as shall be ordered to pay the same to the Party or Parties to whom the same shall be directed to be paid, or to his, her, or their Attorney or other Person authorized to receive the same, then the said Justices shall at their Discretion, either immediately issue their Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Person or Persons refusing to pay the same, or (if they shall think proper), shall, upon such Refusal, order such Person or Persons to be forthwith committed to the Common Gaol of such County or Place, there to be detained until he, she, or they shall have paid such Costs; and in case such Person or Persons is or are not then present in Court, shall grant their Warrant for that Purpose; and if the Person ordered to pay such Costs shall happen to live in any County, Riding, City, Liberty, or Place without the Jurisdiction of the said Court, it shall and may be lawful for any Justice of the Peace for the County, Riding, City, Liberty, or Place wherein such Person shall inhabit, and every such Justice is hereby authorized and required, upon Request to him for that Purpose made, and upon a true Copy of the Order of Payment of such Costs being produced, and proved by some credible Witness upon Oath (which Oath such Justice is hereby empowered to administer), by Warrant under his Hand and Seal, to cause the Money mentioned in that Order to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons ordered to pay the same; and if no sufficient Distress can or may be had, to commit such Person or Persons to the Common Gaol of that County, Riding, City, or Liberty, there to be detained until he, she, or they shall have paid such Costs.

Distress not to
be deemed un-
lawful for want
of Form.

LXXXV. 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
to be entered
in Books.

LXXXVI. Provided always, and it is hereby further enacted, That all Orders and Proceedings of the said respective Trustees, or any Five or more of them, 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 at any Meeting of Five or more of the said Trustees, as the Case shall require; 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 the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

LXXXVII. And

LXXXVII. And be it further enacted, That no Order or Resolution made by the said respective Trustees at any General Meeting, of which Notice is required, and shall have been given according to the Directions of this Act, shall be revoked or altered, unless Notice shall be given in the *Sherborne* or *Exeter* Newspapers, and at such Gates as aforesaid, of the Meeting intended to be held for that Purpose, at least Ten Days before the holding of such Meeting, in which Notice shall be inserted the Intention of revoking or altering such Order or Resolution.

Orders how to be revoked.

LXXXVIII. 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.

Proceedings not to be quashed for want of Form.

LXXXIX. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, 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 of *Devon*, or the County of the City of *Exeter*, and not elsewhere; and the Defendant and Defendants in every such Action shall and may, at his Election, plead specially, or the General Issue, not guilty, 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 Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

Limitation of Actions.

Treble Costs.

XC. And be it further enacted, That this Act shall commence and have Continuance 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.

Commencement and Duration of the Act.

XCI. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a publick Act, and be judicially taken Notice of by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Publick Act.

