



ANNO QUADRAGESIMO QUINTO

GEORGI III. REGIS.

Cap. 34.

An Act for the making, repairing, lighting, watching, and watering certain Roads, from the Borough of *Plymouth* to *Stonehouse Bridge* and *Plymouth Dock*, in the County of *Devon*; and for regulating the Stands and Fares of Hackney Coaches and Carts using the same. [17th May 1805.]

WHEREAS by an Act, made in the Twenty-fourth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from the Shambles in the Borough of Plymouth, in the County of Devon, through Frankfort Gate to Stonehouse Bridge, and from the West End of the said Bridge to the Inner Barrier Gate next the Playhouse, in the Parish of Stoke Damarel, in the said County, for lighting, watching, and watering the said Road, and for regulating the Stands and Fares of Carriages using the same*, certain Powers and Authorities were given to certain Trustees therein named, and their Successors, for amending, repairing, lighting, watching, and watering the said Road, and regulating the Stands and Fares of Carriages using the same: And whereas the said Trustees have proceeded in the Execution of the said Act, and have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which Money is still due and owing, and certain of the Powers of the said recited Act are insufficient for the Purposes thereby

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thereby intended, and it is expedient that the same should be repealed, and further, and additional Powers granted for effecting such Purposes; and it would be attended with great Convenience to the Inhabitants of the said Borough of *Plymouth*, and of the Towns of *Stonehouse* and *Plymouth Dock*, if Powers were given for the making and maintaining of a new Branch of Road through *George Street* and *Lower Mill Prison Lane* to a certain Place called *The Grove*, and from thence to the West End of the *Mound*, at *Mill Bay*, and from thence along the Footway on the South Side of *Stonehouse Hill* to the *Royal Marine Barracks*, and from thence through *Barrack Lane* and *Edgcombe Street*, and over the *Quay* in the Town of *Stonehouse* to the East Side of the said Bridge, called *Stonehouse Bridge*; and also for making and maintaining one other Branch of Road from the Glacis of *Plymouth Citadel*, through *Higher Mill Prison Lane* to the *Grove* aforesaid, all in the said County of *Devon*; but as such several Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Clauses, Powers, Provisions, Matters, and Things therein contained, shall be and the same is and are hereby declared to be repealed, and null and void, to all Intents and Purposes whatsoever.

Recited Act
repealed.

Trustees.

II. And be it further enacted, That the Mayor, Recorder, Aldermen, Common Council, Town Clerk, and Coroner of the Borough of *Plymouth* for the Time being, the Lord of the Manor of *Stoke Damarel* for the Time being, the Steward for the Lord or Lady of the said Manor for the Time being, the Lord of the Manor of *East Stonehouse* for the Time being, the Steward for the Lord or Lady of the said Manor for the Time being, Sir *John Thomas Duckworth* Knight of the Bath, *Samuel Archer*, *Addis Archer*, *Francis Saint Aubyn*, *Thomas Bewes*, *Robert Bone*, *Jonathan Baron*, *John Billing*, *Arthur Burrell*, *Thomas Bicknell*, *Richard Bayly*, *James Barton*, *Richard Boger*, *John Cole* Clerk, *Richard Creyke*, *John Carne*, *George Cooban*, *George Coryndon*, *George Creed*, *William Clark*, *John Collier*, *Charles Chamberlayne*, *Richard Dunning*, *Peter Dunsterville*, *Frederick Dansey*, *Josias Dawe*, *Jonathan Elford*, *Jonathan Elford the younger*, *Samuel Fuge*, *Thomas Falkner*, *James Franklin*, *Francis Fox*, *John Hele Fuge*, *Robert Fuge the younger*, *George Field*, *Richard Teo Freeman*, *John Finnicombe*, *William Foot*, *John Gandy* Clerk, *Joseph Greenaway*, *Robert Gant*, *James Gant*, *James Glencross*, *John Harris*, *George Herbert*, *Richard Higginson*, *William Hardcastle*, *Richard Hennah* Clerk, *Nehemiah Hunt*, *William Hodge*, *Thomas Randall Hawkins*, *Thomas Husband*, *Thomas Harris*, *George Herbert the younger*, *Simon Hyne*, *Charles Hope*, *Richard Isbell*, *George Jope* Clerk, *Andrew Kinsman*, *William Hancock Kelly*, *Richard King*, *Daniel Little*, *Joseph Lugg* the younger, *George Leach*, *George Leach the younger*, *William Luke*, *William Lawrence*, *Francis Lindsey*, *John Clark Langmead*, *Samuel Leper*, *Andrew Long*, *William Langmead*, *John Lloyd*, *Thomas Lane*, *Matthew Luscombe*, *Vaughan May* Doctor of Medicine, *Orlando Manley*, *William Manley* Clerk, *John Marshall*, *Joseph Millar*, *Richard Morice*, *William Marshall*, *Thomas Mare*, *John Manley*, *Ambrose Nichells*, *George Noel*, *Samuel Northcote*, *John Pridham*, *Joseph Pridham*, *Richard Resden*,

Rosdew, William Rosdew, — Rogers, Andrew Saunders, John Scobell Builder, William Souter, Edmund Snell, John Sole, Thomas Clinton Shiells, Andrew Sargent the younger, Saville William Shepherd, Martin Thomas, John Tingcombe, Thomas Woolcombe, George Woolcombe, William Woolcombe Doctor of Physick, Peter Welsford, John Wills, John Walk, Jonathan Williams Clerk, William Welch, James Worth, Thomas Warne, Charles Tonge, and their Successors to be elected in Manner herein directed, shall be and they are hereby declared to be Trustees for making, amending, repairing, altering, widening, and improving the Road leading from the Shambles in the Borough of Plymouth, to a Bridge erected over the Creek at the Town of Stonehouse, and from the West End of the said Bridge to or near to the Theatre in the Town of Plymouth Dock, in the Parish of Stoke Damarel, and also the Road through George Street and Lower Mill Prison Lane to a certain Place called the Grove, and from thence to the West End of the Mound at Mill Bay, and from thence along the Footway, on the South Side of Stonehouse Hill, to the Royal Marine Barracks, and from thence through Barrack Lane and Edgecumbe Street, and over the Quay, in the Town of Stonehouse, to the East Side of the said Bridge, called Stonehouse Bridge; and also a Road from the Glacis of Plymouth Citadel through Higher Mill Prison Lane to the Grove aforesaid, all in the said County of Devon; and for lighting, watching, and watering such several Roads, and for regulating the Stands and Fares of all Sedan Chairs, Coaches, Chaises, Carts, and other Carriages plying or let for Hire on such several Roads, and for otherwise carrying this Act into Execution.

III. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act (except as may be herein excepted); and that all the Powers and Authorities by this Act granted to the said Trustees shall and may be exercised from Time to Time by the major Part of them who shall be present at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Seven, and all the Orders and Proceedings of the major Part of the Trustees present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being (save and except as may be herein excepted); and that at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting, upon any Question (including the Vote of the Chairman) then and in any such Case it shall and may be lawful to and for such Chairman to give the decisive or casting Vote.

No Act valid unless at a Meeting.

Majority empowered to act.

Chairman to have the casting Vote.

IV. And be it further enacted, That upon the Death, Refusal, or Disability of any of the said Trustees hereby appointed, or of their Successors to be elected in Manner herein-after mentioned, to act in Execution of this Act, then and in every such Case it shall and may be lawful to and for the surviving or remaining Trustees from Time to Time to elect and appoint One other Person to be a Trustee in the room of each Trustee so dying, refusing, or being incapable of acting; and Notice of the Time and Place of the Meeting for every such Election shall be signed by the Clerk to the said Trustees for the Time being, and shall be affixed on all and every the Turnpikes that shall be standing on the said Roads,

Power to appoint new Trustees.

Ten

Ten Days at least before such Meeting; and every Person so elected a new Trustee as aforesaid shall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected.

A certain Number of the Trustees to be Inhabitants of Plymouth.

V. And whereas it is the Intent and Meaning of this Act that Ninety-seven of the said Trustees should be Inhabitants of the said Borough of *Plymouth*, and Thirty-nine of the said Trustees should be Inhabitants of the said Town of *Plymouth Dock*, and Twenty-seven of the said Trustees should be Inhabitants of the said Town of *Stonehouse*; be it therefore further enacted, That in case either or any of the said Trustees, being an Inhabitant or Inhabitants of the said Borough of *Plymouth*, or any Person or Persons to be elected in his or their Room or Stead, shall die, refuse, or become incapable to act in the Execution of this Act, then and in every such Case some other Person or Persons being an Inhabitant or Inhabitants of the said Borough of *Plymouth*, shall be elected in his or their Room or Stead; and in case either or any of the said Trustees, being an Inhabitant or Inhabitants of the said Town of *Plymouth Dock*, or any Person or Persons to be elected in his or their Room or Stead, shall die, refuse, or become incapable to act in the Execution of this Act, then and in every such Case some other Person or Persons, being an Inhabitant or Inhabitants of the said Town of *Plymouth Dock*, shall be elected in his or their Room or Stead; and in case either or any of the said Trustees being an Inhabitant or Inhabitants of the said Town of *Stonehouse*, or any Person or Persons to be elected in his or their Room or Stead, shall die, refuse, or become incapable to act in the Execution of this Act, then and in every such Case some other Person or Persons, being an Inhabitant or Inhabitants of the said Town of *Stonehouse*, shall be elected in his or their Room or Stead, and so *toties quoties* as often as any or either of the said Cases shall happen.

Qualification of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds, or be possessed of or entitled to a Personal Estate of the Value of One thousand Pounds, or shall be Heir Apparent to some Person possessed of an Estate in Land of the clear yearly Value of One thousand and five hundred Pounds; and if any Person, not being so qualified, shall act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no *Essoign*, Protection, or Wager of Law, or more than One *Imparlance*, shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof, on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said

said Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

VII. Provided also, and be it further enacted, That no Person or Persons who shall keep a Victualling House, Alehouse, or other House of publick Entertainment, or who shall sell any Wine, Cider, Beer, Ale, or Spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victualling House, Alehouse, or other House of publick Entertainment, or shall sell any Wine, Cider, Beer, Ale, or Spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they do employ a Person or Persons to collect such Tolls, who shall not be under such Incapacity.

Victuallers,
&c. incapable
of acting, &c.

VIII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace shall and may, in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees may
act as Justices,
except where
personally in-
terested.

IX. And be it further enacted, That the said Trustees shall meet at the Guildhall in the Borough of *Plymouth*, on the last *Monday* in the Month of *May* next after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and proceed to carry this Act into Execution; and in case none of the said Trustees shall attend such Meeting, then such Meeting shall be and be deemed to be adjourned to the next Day (*Sunday, Good Friday, Christmas Day, and Fast Days* by Proclamation only excepted, and then to the next Day) and so *toties quoties* until a sufficient Number of Trustees shall attend at such Meeting to act in the Execution of this Act, or until a Trustee or Trustees shall attend so as to adjourn such Meeting; and the said Trustees shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there or at any other Place near to the said Roads, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day within Fourteen Days then following, to be holden at the same Place, and the said Clerk shall cause Notice thereof to be affixed on all and every the Turnpikes that shall be standing on the said Roads, at least Five Days before the Day to which such Meeting shall be so adjourned, and the said Trustees shall at their several Meetings defray their own Expences; and that no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit under this Act.

First Meeting
of Trustees.

Meetings on
emergencies.

X. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees (an Order in Writing, signed by Five or more of the said Trustees, mentioning the Time and Place, and Purpose of such earlier Meeting being given to him or left at his last or usual Place of Abode) shall forthwith give Notice of such earlier Meeting 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 Five Days after such Notice); and all Proceedings of the said Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

No Order to
be revoked
lets at a
Meeting for
the Purpose,
nor unless a
Majority of
the Trustees
concur.

XI. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice specifying the Revocation or Alteration intended to be made, signed by the Clerk to the said Trustees, be affixed on every the Turnpikes that shall be standing on the said Roads, at least Five Days before such subsequent Meeting, nor unless a Majority of the Trustees present at such subsequent Meeting shall decide in Favour of such Revocation or Alteration; and a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding was had or made.

Proceedings
to be entered.

XII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books being signed by the Chairman and Clerk then present, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, and Actions touching or concerning any Thing done in pursuance of this Act; and such Book or Books shall at all the Meetings of the said Trustees be open and liable to the Inspection of all and every of the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and so in proportion for any greater or less Number of Words.

Copies of
Proceeding
under former
of good
Evidence.

XIII. Provided always, and be it further enacted, That all and every Book or Books in which any Entry or Entries of any Proceeding or Proceedings relating or in anywise appertaining to the several Roads to be amended, widened, and repaired by virtue of this Act, or any of them, of any of the Trustees or other Person or Persons acting by and under the Authority of the said recited Act (such Entry or Entries being made in such Book or Books according to the Directions of and made Evidence by the said recited Act) shall be and be deemed to be good and sufficient Evidence of

such Proceedings in any Court whatsoever; any Thing herein contained to the contrary thereof in anywise notwithstanding.

XIV. And be it further enacted, That the said Trustees may, and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and also such other Officers and Persons for the Execution of this Act as they the said Trustees shall think proper; and from Time to Time to remove such Officers and Persons respectively as they the said Trustees shall see Occasion, and out of the Monies to be received by virtue of this Act, to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable; and the said Trustees shall and they are hereby required to take such sufficient Security from every such Treasurer and other Officer for the due Execution of his Office as they shall think proper; and all such Officers so to be appointed shall, under their Hands, at such Time or Times, and in such Manner as the said Trustees shall direct, deliver to the Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received, by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, on the First *Monday* in the Month of *May* yearly, or at the First Meeting of the said Trustees then next following (although not thereunto required by the said Trustees) lay his Accounts before the said Trustees in order that the same may be audited, passed, and allowed by them if approved of, and all the said Officers so accounting as aforesaid shall upon Oath (which Oath any One of the said Trustees is hereby empowered to administer) verify their said Accounts; and if any such Officer shall refuse or neglect to make and render, or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Fourteen Days after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings, in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer)

Trustees to
appoint Officers,

and remove
them,

and allow
them Salaries,

Trustees to
take Security
from the
Treasurer.

Officers to ac-
count.

administer) it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act, shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distrels and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol, or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition, in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive) and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees.

Officers acting under the Acts repealed to account to the Trustees under this Act.

XV. And be it further enacted, That all and every Treasurer and Treasurers, Clerk and Clerks, and all and every other Person and Persons appointed by virtue of, or acting, or who have acted in Execution of the said recited Act, who shall have in his, her, or their Custody or Power, any Monies collected by virtue of, or any Books, Papers, or Writings, relating to the Execution of the said recited Act, shall, when thereunto required by Notice in Writing signed by any Three or more of the said Trustees given to him, her, or them, or left at his, her, or their last or usual Place or Places of Abode, within Ten Days after the Receipt of such Notice, deliver up to the said Trustees, or to such Person or Persons appointed by them for that Purpose, at the Time and Place to be mentioned in such Notice, all the Monies received by him, her, or them by virtue of the said recited Act, and all the Books, Papers, and Writings relating to the Execution thereof, and all the Accounts of the several Monies received or disbursed by him, her, or them, together with the Vouchers relating thereto; and every such Treasurer, Clerk, and other Person so accounting, shall upon Oath (which Oath any One of the said Trustees is hereby empowered to administer) verify all their said Accounts; and if any such Trustee, Clerk, or other Person shall refuse or wilfully neglect to make and render, or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating thereto, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver up in Manner aforesaid, all Books, Papers, and Writings relating to the Execution of the said recited Act, or give Satisfaction to the said Trustees in respect of the same, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the County, City, or Place wherein such Treasurer, Clerk, or other Person so refusing or neglecting shall be or reside, upon Complaint made to him by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose,

Purpose, and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Treasurer, Clerk, or other Person so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way, and if upon the Confession of the Party, or by the Testimony of any credible Witnesses or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Monies that shall have been collected or received by virtue of the said recited Act shall be due from such Treasurer, Clerk, or other Person, such Justice may and he is hereby authorized and required upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be raised by Distress and Sale of the Goods and Chattels of such Treasurer, Clerk, or other Person as aforesaid; and if no Goods and Chattels of such Treasurer, Clerk, or other Person, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling such Goods and Chattels, or if it shall appear to such Justice that such Treasurer, Clerk, or other Person shall have refused or neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of the said recited Act shall be in the Custody or Power of such Treasurer, Clerk, or other Person, and he or they shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case, such Justice shall commit such Offender to the Common Gaol or House of Correction of the County, City, or Place, where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account, and make Payment as aforesaid, or until he shall compound with the said Trustees for the said Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), and until he shall deliver up all such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees.

XVI. And be it further enacted, That it shall and may be lawful to and for any Five or more of the said Trustees, upon the Death, Neglect, Refusal, or Incapacity to act of any Collector of the Tolls hereby granted, by Writing under their Hands to nominate and appoint some other fit Person in his or her Place, until the next Meeting of the Trustees of the said Roads, which Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all Respects as the Person in whose Room or Stead he or she shall be so appointed; and if any Collector of the said Tolls, who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver up the Possession of the Tollhouse, Buildings, and Appurtenances which he or she enjoyed in Right of his or her Appointment to that Office, within Fourteen Days after Notice given to him or her, or left at such Tollhouse in Writing, under the Hands of the said Trustees, or any Five or more of them; or if the Wife or Family of any such Collector who shall die as aforesaid, or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Building, and Appurtenances, within Four Days after Notice of such new Appointment being made as aforesaid shall have been given to him, her, or them,

[Loc. & Per.]

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or

On the Death of a Gate-keeper, Trustees may nominate another until the next Meeting.

If discharged Gate-keeper refuses to deliver up Tollhouses, etc.

any Justice
may cause him
to be put out.

left at such Tollhouse, signed by any Five or more of the said Trustees, then and in either of the said Cases it shall and may be lawful to and for any Justice of the Peace for the County, City, or Place where such Tollhouse shall stand or be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Tollhouse and Premises in the Day Time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Tollhouse and other Premises, and to put the new-appointed Collector in Possession thereof.

Trustees em-
powered to
erect Turn-
pikes and
Tollhouses,
and receive
Tolls.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered to continue the several Turnpikes already erected on the said Roads, and (in case they shall think proper) to cause to be erected such and so many other Turnpikes to secure the Tolls hereby granted upon or across the said Roads, and on or near the Sides thereof, in, near unto, or across any Lanes or Ways leading or that may hereafter lead out of the same, and to continue the present Tollhouses, and to erect or cause to be erected such and so many other Tollhouses as they shall think proper; and it shall and may be lawful to and for the said Trustees, and they are hereby empowered in Manner herein directed for the purchasing or taking Land for the turning or widening of the said Roads, to purchase and take Land sufficient for such Tollhouse or Tollhouses, with necessary Accommodations thereto, and from Time to Time to remove, alter, or discontinue such Turnpikes and Tollhouses, or any of them, as they the said Trustees shall from Time to Time think meet and expedient; and it shall and may be lawful to and for the said Trustees to demand and take, or cause to be demanded and taken, at the said Turnpikes the Tolls following, before any Carriage, Horse, or other Beast or Cattle shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, or other Beast of Draught, drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-a-Vis, Chaise, Calath, Chaise-marine, Curricule, Chair, Gig, Whiskey, Caravan, Hearse, or Litter, the Sum of One Halfpenny:

For every Cart, Dray, Slide, or other Carriage of the like Kind or Description, with Two or Three Wheels, drawn by One Horse or other Beast of Draught, the Sum of One Penny:

For every Waggon, Wain, or other Carriage of the like Kind or Description, with Four or more Wheels, drawn by One Horse or other Beast of Draught, the Sum of Two-pence:

For each additional Horse or other Beast of Draught, the Sum of One Halfpenny:

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

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

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

Sunday Toll.

XVIII. And be it further enacted, That it shall and may be lawful to and for the respective Toll Gatherers or Collectors on the said Roads, and they are hereby authorized and empowered, on each and every *Sunday* (to be computed

from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year, to demand and take for and in respect of each and every Carriage, Horse, Beast, or other Cattle passing through any Gate or Turnpike upon the said Roads, or any of them, Double the Toll or Sum which may be demanded and taken for the same respectively on any other Day, by virtue of this Act. before such Carriage, Horse, Beast, or other Cattle, shall be permitted to pass through any such Gate or Gates, Turnpike or Turnpikes.

XIX. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable the said Trustees to erect or cause to be erected any Gate or Gates on any Part or Parts or so much of the said Roads as is situate between the said Borough or *Plymouth*, through *Stonehouse Lane*, and the said Town of *Plymouth Dock*, save and except at or near to the End of the Royal Hospital there, next *Plymouth*, and save and except in, upon, or across the Line or Road leading from the said End of the said Wall to a certain Place called *No Place*.

No Gate to be erected in Stonehouse Lane but by the Royal Hospital and No Place.

XX. And be it further enacted, That the said Tolls shall be and they are hereby vested in the said Trustees, and a Table thereof shall be put up, and continued at each and every Turnpike erected on the said Roads; and it shall and may be lawful to and for the several Persons who shall by virtue of this Act be appointed Collectors of the said Tolls, to demand, collect, and receive the said Tolls; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand made thereof by any Collector of the said Tolls to be appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful to and for such Collector to seize and distrain, or cause to be seized and distrained, any Carriage, Horse or Horses, or other Beast or Cattle chargeable with the said Tolls, or any of them, or the Bridles, Saddles, Harness, or Accoutrements of such Horse or Horses, or other Beast or Beasts, or any Part or Parts thereof; and if such Tolls, or any Part or Parts thereof, and the reasonable Charges of such Seizure and Distresses, and of detaining and keeping the same, shall not be paid within Five Days next after such Seizure and Distress made, the Collector so seizing or distraining shall and may sell, or cause to be sold, the Carriage, Horse or Horses, Beast or Beasts, or other Cattle, and their Bridles, Saddles, Harness, and Accoutrements so seized and distrained, or any Part or Parts thereof, at or near to the Turnpike where the said Tolls ought to have been paid, rendering the Overplus (if any) upon Demand to the Owner or Owners thereof, after such Tolls, and all reasonable Costs and Charges for distraining, keeping, and selling the same shall be deducted and paid.

Tolls vested in the Trustees.

For Recovery of Tolls.

XXI. And be it further enacted, That if any Dispute shall arise about the Quantity of Tolls due, or the Costs and Charges of distraining, keeping, or selling any Distress, it shall and may be lawful to and for the Collector or Person so distraining to detain the Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls, or the Charges of distraining, keeping, and selling the Distress, as the Case may be, shall be ascertained by some Justice of the Peace for the County, City, or Place wherein such Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the said Matter upon the Oath or Oaths of the

Disputes respecting Tolls and Charges to be settled by a Justice.

the Parties, or other Witness or Witnesses, and shall determine the Quantity of Tolls due, and shall also assess the Charges of such Distress and Sale, and all other reasonable Costs; all which Sum or Sums so determined or assessed shall be paid to the Collector before he shall be obliged to return the said Distress, or the Overplus, after the Sale thereof, or of any Part thereof.

Turnpikes
vested in the
Trustees.

XXII. And be it further enacted, That the Right and Property of the Turnpikes and Tollhouses erected by virtue of the said recited Act, and of all the Turnpikes and Tollhouses, and other Buildings to be erected by virtue of this Act, with the Ground Fences and Appurtenances thereto respectively, and of all Gates, Posts, Rails, Bars, Bridges, Watch Boxes, Mile Stones, Tables of Tolls, Lamps, Lamp Posts, Lamp Irons, and Posts erected and to be erected; and also of all Materials, Tools, and Implements which are or shall be provided for making and repairing the said Roads, or for lighting, watching, or watering the same, or any of them, by virtue of the said recited Act or of this Act, shall be vested in the Trustees hereby appointed; and they are hereby empowered to cause any Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred against any Person who shall steal, break down, take away, injure, or spoil any such Turnpike, Tollhouse, or other Building, Watch Box, Fence, Mile Stone, Table of Tolls, Lamp, Lamp Post, Lamp Iron, or Post, or any of such Materials, Tools, or Implements as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be and be deemed to be sufficient to state generally, that the Article or Articles, Thing or Things for which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees for maintaining and repairing the Roads leading from the Borough of *Plymouth* to the Towns of *Plymouth Dock* and *Stonehouse*, in the County of *Devon*, without particularly mentioning or specifying the Name or Names of any of the said Trustees.

Tolls in certain
Parts to be paid
once only for
passing and
repassing.

XXIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to enable any Collector of the said Tolls to demand or take any more than One Toll from any Person or Persons whomsoever, for or in respect of the same Carriage, Horse, Beast, or other Cattle, passing once and repassing once in the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) through the same or any other Gate or Turnpike on such Part of the said Roads as is situate between the Borough of *Plymouth* through *Stonehouse Lane* and the said Town of *Plymouth Dock*, all and every such Person and Persons producing a Ticket denoting that such Toll hath been paid on that Day for or in respect of such Carriage, Horse, Beast, or other Cattle, on such Part of the said Road, which Ticket the said Collector is hereby required to deliver gratis on Payment of such Toll.

Tolls in certain
other
Parts to be
paid once
only for
passing and
repassing.

XXIV. Provided also, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to enable any Collector of the said Tolls to demand or take any more than One Toll from any Person or Persons whomsoever for or in respect of the same Carriage, Horse, Beast or other Cattle, passing once and repassing in the same Day (such Day

Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) through the same or any other Gate or Turnpike on such Part of the said Roads as is situate between the said Borough of *Plymouth*, through *Lower Mill Prison Lane* and the said Town of *Plymouth Dock*, or on such Part of the said Roads as is situate between the said Borough of *Plymouth* through *Higher Mill Prison Lane* to the said Town of *Plymouth Dock*, all and every such Person or Persons producing a Ticket denoting that such Toll hath been paid on that Day for or in respect of such Carriage, Horse, Beast, or other Cattle, on either of such Parts of the said Roads, which Ticket the said Collector is hereby required to deliver gratis on the Payment of such Toll.

XXV. 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 any of them, 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 not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls.

Collectors of
Tolls to be
competent
Witnesses.

XXVI. And, for preventing the evading of the Payment of the said Tolls, be it further enacted, That if any Person or Persons shall give, offer, or dispose of to or receive from any other Person or Persons any such Ticket as aforesaid, or shall counterfeit or knowingly make use of any counterfeit Ticket, in order to avoid Payment of the said Tolls or any Part thereof; or if any Person or Persons owning, renting, or occupying any Lands adjoining to the said Roads near unto any Turnpike erected thereon, shall permit or suffer any Person or Persons to pass through or over any Part of his, her, or their said Lands, with any Carriage, Horse, or other Beast or Cattle, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall ride or drive any Horse, or other Beast, Cattle, or Carriage, through or over any Way or Passage (not being a publick Way or Passage) or through or over any Lands adjoining to any Part of the said Roads, or near to any of the said Turnpikes, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, whereby the Payment of any of the said Tolls, or any Part thereof, is or shall be avoided, every such Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty on
evading the
Tolls.

XXVII. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads doth lie, or Hay, Straw, or Corn in the Straw only, or Wool not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying

General Ex-
emptions.

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any

any Ploughs, Harrows, or Implements of Husbandry, or any Mould Dung, Compost, or Manures employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on any *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Beast, Cattle, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same, or for any Horse, Beast, Cattle, or Carriage attending any Soldiers upon their March, or on Duty, or attending them with their Arms or Baggage; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise: Provided always, that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; or for any Horse, Cattle, Beast, or Carriage employed in the Conveyance of Vagrants sent by legal Passes or returning therefrom; or for any Horse, Cattle, Beast, or Carriage carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Devon*, or of a Burgess or Burgesses to serve in Parliament for the said Borough of *Plymouth*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; or for any Horse, Beast, Cattle, or Carriage of the Mayor and Commonalty of the Borough of *Plymouth*, and their Officers and Attendants, on the Day of their perambulating the Bounds of the said Borough; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Trustees may
reduce the
Tolls, &c.
with the Con-
sent of the
Creditors.

XXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees and they are hereby empowered, at any Meeting to be holden for that Purpose, of which One Calendar Month's Notice shall be affixed on all and every the Turnpikes that shall be standing on the said Roads, from Time to Time to lessen or reduce all or any Part or Parts of the Tolls granted by this Act, and also any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in such Manner as to them shall seem fit and convenient, for and during such Time as they the said Trustees shall think proper; and afterwards,

afterwards, at any Meeting to be holden as aforesaid, from Time to Time if they shall see Occasion, to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or now made payable by any Act or Acts of Parliament, now in force and effect with respect to Overweights: Provided nevertheless, that when the whole Money raised and borrowed on the Credit of the said recited Act, and of this Act, or of either of them, shall not have been paid or discharged, the Tolls hereby granted shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five Sixth Parts of the Money remaining due upon the Credit of the said Act, and of this Act, or of either of them.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered, at any Meeting, upon Twenty-eight Days Notice being affixed on all and every the Turnpikes that shall be standing on the said Roads, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Person or Persons at and for the largest yearly Sum that can be reasonably got for the same; provided that the Leases, Contracts, or Agreements of or for the same be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by any Seven or more of the said Trustees, but the same shall not be let for more than Three Years at any one Time; and the Rent which shall be agreed to be paid for the said Tolls shall be made payable and shall be paid to the Treasurer to the said Trustees, so as that One Calendar Month's Payment of such Rent shall always be in Advance, or sufficient Security shall be given for the Payment of such Rent to the Satisfaction of the said Trustees, or in Default thereof every such Lease, Contract, or Agreement, shall be null and void to all Intents, Purposes, and Constructions whatsoever.

Tolls may be let.

XXX. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes, as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Lessees or Persons appointed by them may collect the Tolls.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, from Time to Time to compound with any Person or Persons for any Period of Time not exceeding Three Years, for any Horses, Beasts, or Cattle passing on the said Roads, or on any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Horses, Beasts, or other Cattle, and all such Composition Money shall be paid in Advance, quarterly or otherwise, as the said Trustees shall

Trustees may compound for Tolls.

shall appoint, and in Default thereof every such Composition shall be null and void to all Intents and Purposes whatsoever.

Mortgages, &c. to be deemed as valid as if the former Act was not repealed.

XXXII. Provided always, and be it further enacted, That all Bonds, Mortgages, Assignments, Grants, Conveyances, Leases, and other Securities, made or granted to or by any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, or any others whomsoever, acting by or under the Authority of the said Act, shall be as good, valid, binding, and effectual, for and during the Continuance of this Act, as if the said recited Act had not been repealed; any Thing herein contained to the contrary thereof notwithstanding.

Old Securities to be good.

XXXIII. And, for the more speedy raising such further Money as may be necessary for the Purposes of this Act, be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered from Time to Time to borrow and take up at Interest such Sum and Sums of Money as they shall judge necessary for the Purposes of this Act; and by Writing under their Hands and Seals to assign over or mortgage the Tolls hereby granted, or any Part thereof, and the several Turnpikes and Tollhouses erected or to be erected on the said Roads (the Charges of such Assignments and Mortgages to be paid out of the said Tolls) for any Term during the Continuance of this Act, as a Security for the Repayment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, and Assigns, such Interest to be paid and payable by equal Half-yearly Payments, at the Dwelling House of the Treasurer of the said Trustees for the Time being; all which Mortgages or Assignments shall be in the Words or to the Effect following:

Trustees may borrow Money.

Form of Mortgage.

BY virtue of an Act, made in the Forty-fifth Year of the Reign of King George the Third [set forth the Title of this Act] We whose Names are hereunto subscribed and Seals affixed (being Trustees acting in Execution of the said Act) in consideration of the Sum of ... to the Treasurer of the said Roads in Hand paid by A. B. do hereby grant, bargain, sell, and demise unto the said A. B. Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and also of the Turnpikes and Tollhouses for collecting the same, as the said Sum of ... doth or shall bear to the whole Sum charged and advanced, or to be charged, or advanced on the Credit of the said Act, to be had and holden from this Day of ... in the Year of our Lord ... for and during the Continuance of the said Act, unless the said Sum of ... with Interest after the Rate of ... per Centum per Annum, shall be sooner repaid and satisfied. Given under our Hands and Seals this Day of ... in the Year of our Lord ...

Copies of Mortgages to be entered.

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 or Clerks to the said Trustees; and such Book or Books shall and may at all reasonable Times be perused and inspected without Fee or Reward; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid,

aforesaid, and the Mortgages or Assignments which were made in the Manner and Form prescribed by the said recited Act, shall be good, valid, and effectual, to all Intents and Purposes whatsoever; and all Persons to whom any such Mortgages or Assignments respectively have been or shall be made as aforesaid, or who are or shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer the same Security or Securities respectively, and all Benefit and Advantage thereof; and all their Right, Title, and Interest to the Principal and Interest Money thereby respectively secured, or any Part thereof, to any Person or Persons whomsoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

‘ I *A. B.* being entitled to the Sum of _____ secured to
 ‘ _____ Executors, Administrators, and Assigns, by virtue of a Form of
 ‘ Mortgage or Assignment bearing Date the _____ Day of Transfer.
 ‘ under the Hands and Seals of _____ of the Trustees acting in
 ‘ Execution of an Act made in the Forty-fifth Year of the Reign of King
 ‘ *George* the Third, intituled, [*set forth the Title of this Act*] or of an Act
 ‘ made in the Twenty-fourth Year of the Reign of King *George* the Third,
 ‘ intituled, [*set forth the Title of the said recited Act*] upon the Credit of
 ‘ the said Act, do hereby transfer all my Right and Title in and to the
 ‘ same, and all the Principal and Interest Money now due and owing there-
 ‘ on unto *C. D.* _____ Executors, Administrators, and Assigns. Dated
 ‘ this _____ Day of _____ in the Year of our Lord

And every such Transfer shall be produced and notified to the Clerk to the said Trustees, within Six Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred in the said Book or Books to be kept for entering the said original Mortgages or Assignments to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid Five Shillings, and no more; and after such Entry made, every such Transfer shall entitle the Person to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns to the Benefit thereof, and Payment thereon, and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons making such Transfer to make void, release, or discharge the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid (as well such Mortgages or Assignments made by virtue of the said recited Act as of this Act) shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Tollhouses in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments: Provided nevertheless, that before any Sum or Sums of Money shall be taken up or borrowed, Fourteen Days Notice at the least shall be given of the Intention of borrowing such Money, by affixing the same on all and every the Turnpike Gates erected on the said Roads.

Trustees to give Fourteen Days Notice previous to borrowing Money.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby fully empowered from Time to Time as they shall think proper, to divert, widen, turn, shorten, vary, or
 [Loc. & Per.] 8 C alter

Trustees may turn or alter the Course of any Part of the Roads;

and may contract for the Purchase of Lands for that Purpose.

alter the Course or Path of any Part or Parts of the Roads comprised in this Act, and that any Variation of Road may be made of any Width, not exceeding Sixty Feet, through any Common or Waste Ground, without making any Satisfaction for the same, and through any private or inclosed Lands, Grounds, or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful to and for the said Trustees, or for their Clerk, or any other Person or Persons by them duly authorized and deputed for that Purpose, by Order of a Meeting of the said Trustees, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands, Tenements, or Hereditaments; and the said Lands, Tenements, and Hereditaments so purchased, or any Part thereof, shall and may, by Order and Direction of the said Trustees, be laid into and made Part of the said Roads, in such Manner as the said Trustees shall think convenient, and shall by such Person or Persons as they shall order and appoint be sufficiently drained, ditched, and fenced out for that Purpose, and after the said Lands or Grounds shall be so drained, ditched, and fenced out, the same shall, to all Intents and Purposes whatsoever, become and be and be deemed and taken to be a publick and common Highway, and to be Part of the Roads to be amended, widened, and kept in Repair by virtue of this Act, and shall be repaired and kept in Repair by such Ways and Means and in such Manner as the old Road was and ought to have been kept in Repair; and after any such Lands shall be made Part of the said Roads as aforesaid, the Lands and Grounds comprized in or constituting the former Road, in lieu whereof such Lands or Grounds shall be purchased as aforesaid, shall be sold by the said Trustees to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same, and the Conveyance thereof being executed by the said Trustees and enrolled with the Clerk of the Peace for the said County of *Devon*, or Town Clerk of the said Borough of *Plymouth*, according to the Jurisdiction in which such Lands or Grounds shall lie, shall be good and effectual, to all Intents and Purposes whatsoever.

Corporations, &c. empowered to treat.

XXXV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever, for and on Behalf of any Infants; Femes Covert, or *Cestuique* Trusts, Idiots, Lunatics, or other Persons under any Disability of acting for themselves, and for all and every Person or Persons who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, to treat and agree with the said Trustees for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to the said Trustees for the Purposes aforesaid, and that all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid and effectual, to all Intents and Purposes whatsoever, any Law, Usage, or other Matter or Thing

to the contrary thereof in anywise notwithstanding; and that all such Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and other Persons, are and shall be indemnified for what they do by virtue and in pursuance of this Act.

XXXVI. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Person or Persons interested in any Lands, Tenements, or Hereditaments, which the said Trustees shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Place of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Trustees, shall for the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence, or otherwise, shall be prevented from treating, then and in every such Case it shall and may be lawful to and for the said Trustees to cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Devon*, or of the said Borough of *Plymouth*, according to the Jurisdiction in which the Premises in question shall be situate (which Oaths the said Trustees, or any Two or more of them, are hereby empowered to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for or upon Account of the taking or using of such Lands, Tenements, or Hereditaments for the Purposes of this Act, and in order thereto the said Trustees, or any five or more of them, are hereby empowered and required, from Time to Time to summon and call before them all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby empowered and required to administer); and they shall order and cause the said Jury to view the Place in question, and use all other lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money to assessed by the said Jury, to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury, which said Verdict or Inquisition and Judgement, Order or Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and Persons anywise interested in such Lands, Tenements, or Hereditaments, shall thereby be from thenceforth, to all Intents

In case of Persons refusing to treat, or not agreeing, a Jury to settle the Recompence.

Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of the same, and upon Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or (in case of Refusal to accept such Money) upon paying the same into the Bank of *England*, in Manner by this Act directed, it shall and may be lawful to and for the said Trustees to cause the Premises in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto, as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning any such Jury the said Trustees are hereby empowered to issue out their Warrant or Warrants, signed by any Five or more of them, to the Sheriff of the said County of *Devon*, or Mayor or Recorder of the said Borough of *Plymouth*, in their respective Jurisdictions, thereby commanding and requiring such Sheriff, Mayor, or Recorder, to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy, Mayor, or Recorder is hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy, Mayor or Recorder, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve: Provided always, that all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines on such Sheriff or his Deputy, Mayor or Recorder, who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve in such Jury and shall not appear, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein, and on any of the Persons who being summoned or required to give Evidence before the said Jury touching the Premises shall neglect or refuse to appear, or refuse to be sworn or be examined or give Evidence touching the same, but no such Fine shall exceed Ten Pounds upon any One Person for One Offence.

Juries may be challenged.

Sheriffs, &c. may be fined for Neglect of Duty.

Owners of Land used in making a new Road to have the first Offer of the old Road.

XXXVII. Provided always, and be it further enacted, That wherever the Course of any Part of the said Roads shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner

shall still be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Treasurer or Clerk to the said Trustees, and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons (not interested in the Premises) to make an Affidavit to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, City, or Place where such old Road shall lie, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner has not agreed or has refused to purchase such old Road (as the Case may be) and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to or refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road as is lying immediately adjoining to his, her, or their Land respectively in Manner aforesaid: Provided also, that if such Owner or Owners respectively shall be willing and consent to take such old Road in exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to assure the same to such Person or Persons, by entering the same in their Books, and delivering to him or them a Copy of the Entry thereof, signed by any Seven or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law and Equity.

XXXVIII. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict or Assessment for more Money than shall by or on Behalf of the said Trustees have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken by or on Behalf of the said Trustees as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and returning the Jury and Witnesses shall be borne and paid by the said Trustees out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall by or on Behalf of the said Trustees have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property or Damage as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and returning 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, which said Costs and Expences shall be ascertained and

[Loc. & Per.]

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settled

By whom the
Expences of
the Jury to be
paid.

settled by some Justice of the Peace not interested in the Matter in question, and within whose Jurisdiction such Controversy or Dispute shall arise (who is hereby authorized and required to examine and settle the same) and shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures incurred by this Act: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Trustees to pay Expences where Persons from Absence are prevented from treating Houses, &c. not to be injured.

XXXIX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to enable the said Trustees to take, use, injure, or damage any Dwelling House, or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners, or Proprietor or Proprietors thereof.

Application of Compensation amounting to 200l.

XL. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other *Cestuique* Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes,

poses; and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited; or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by Order of the said Court, 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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

XLI. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends 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 of Compensation if less than 200l. and exceeding 20l.

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

Application of Compensation if less than 20l.

XLIII. And

In case of not
making out
Titles;

or if Persons
cannot be
found, Pur-
chase Money
to be paid
into the
Bank

Subject to
the Order of
the Court of
Chancery on
Motion or
Petition:

XLIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them] subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of England who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any
Question shall
arise touching
the Title to
Money to be
paid, the
Person who
shall be in
Possession of
the Lands,
&c. at the
Time of such
Purchase,
shall be deem-
ed entitled
thereto ac-
cording to
such Posses-
sion only, &c.

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

XLV. Provided

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

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

XLVI. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Roads, and to and for all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Beach, Stones, Gravel, Sand, or other Materials for making or repairing the said Roads, out of or from any Common or Waste Ground, Sea Shore or Strand, River or Brook, in any Parish, Township, Hamlet, Division, District or Place, in which any Part of the Roads hereby directed to be made, amended, and repaired shall lie, or in any neighbouring Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors or other Person or Persons acting by his or their Appointment filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks, where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle, and also that such Surveyor or other Persons as aforesaid, may by Order of the said Trustees (such Order to be made at some Meeting of the said Trustees to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk to the said Trustees) search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private Lands, Fields, or Grounds, of any Person or Persons (where the same may be had or found) such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, making or tendering such Satisfaction for the Damages done thereby to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Roads, shall be carried according to their respective Rights and Interests in such Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and for any Two or more Justices of the Peace of the County, City, or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away or over, on Fourteen Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages;

For getting Materials to repair the Roads.

mages; and the Judgement or Order of the said Justices shall be final and conclusive to all Parties.

Notice to be given to the Occupiers of inclosed Lands before Materials are to be taken.

XLVII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Roads out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence; to appear before the said Trustees, or Two or more Justices of the Peace acting for the County, City, or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier, or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case the said Trustees, or such Justices, shall and may authorize such Surveyor, or other Person or Persons to dig, get, gather, and carry away such Materials, at such Time or Times as to the said Trustees or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, pursuant to such Notice, the said Trustees or Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Penalty on taking away Materials got by order of the Surveyor.

XLVIII. And be it further enacted, That if any Person or Persons whosoever shall remove or take away any Stones or Gravel, or any Materials laid upon the said Roads, or upon any Part thereof, for the Repair thereof, without the Order of the said Trustees, or of their Surveyor or Surveyors for that Purpose, or if any Person or Persons whosoever shall take away any Stones or Gravel, or Materials which shall have been dug or gathered by the Order of the said Trustees, or their Surveyor or Surveyors, in any Lands, Fields, Waste or Grounds, River or Brook, for the Purpose of amending the said Roads, or any Part or Parts thereof, or shall get or take away any Stones or Gravel or Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for amending the said Roads, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only, and not for Sale) every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings.

Surveyor to make Drains, &c.

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint by Order of the said Trustees, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Roads, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in Repair any Part of the said Roads, and also to make a Way or Ways through the Lands or Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk or Avenue to any House)

House) to be made use of as a publick Highway, whilst the narrow or ruinous Parts of the said Roads are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively, through and into which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall happen between such Owners or Occupiers and such Trustees, touching such Damage, then and in every such Case the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the said County of *Devon*, or Borough of *Plymouth*, according to the Jurisdiction in which the Land shall lie, next after the Expiration of Fourteen Days from the Time of doing such Damage, shall and they are hereby authorized and required to hear, settle, and determine the same, and their Determination therein shall be final and conclusive.

In case of Difference, Justices in Sessions to determine the same.

L. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by Direction and under the Hands of any Seven or more of the said Trustees) from Time to Time to remove and prevent all Annoyances on any Part or Parts of the said Roads, by Rails, Steps, Sign Posts, or other Posts, and also by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of any Part of the said Roads to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to any Part of the said Roads, and to cut down, lop, or top any Trees or Bushes growing in any Part of the said Roads, or in the Hedges or Banks adjacent thereto, in case the Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall refuse or neglect to do so for the Space of Ten Days next after Notice in Writing given for that Purpose, signed by any Two or more of the said Trustees, or by their Surveyor or Surveyors, the Charges whereof shall be reimbursed the said Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the said Annoyances any Person shall again offend in the like Manner, every Person so offending shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Surveyor may remove Annoyances.

LI. And be it further enacted, That the respective Occupiers of Houses and other Buildings situated in such Part of the said Road, called *Charlotte Row*, shall and they are hereby required to cause to be well and sufficiently swept and cleaned the Footways or Foot-pavements before, behind, and at the Sides of their respective Houses and other Buildings,

Directions for sweeping Footpaths.

ings (as the Situation thereof shall require) every Morning in the Year, between the Hours of Eight and Ten, upon Pain of forfeiting and paying for every such Neglect therein, any Sum not exceeding Twenty Shillings.

Penalty for drawing Timber or Stone on the Roads otherwise than upon a Wheel Carriage.

LII. 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 Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag upon any Part of such Roads to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Roads to be measured, and Mile Stones to be set up.

LIII. And be it further enacted, That the said Trustees shall and may cause the said Roads to be measured, and Mile Stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, and Posts to be erected to denote the Distance of every such Post from any Town or Place, as the said Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Roads, where the same are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Mile Stone, Table of Tolls, or Post, erected or to be erected on any Part of the said Roads, or any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls, on the Side or Sides of any Bridge or Bridges, or any Arch or Arches on any Part or Parts of the said Roads, every such Person shall forfeit and pay any Sum not exceeding Twenty Shillings for each and every Stone, Table of Tolls, Post, or Parapet Wall, and Arch so broken, thrown down, injured, or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

For preventing Annoyances, &c.

LIV. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Roads; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways, or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Roads, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Roads to the Prejudice thereof; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, with any Instrument, so as to damage the said Roads or any Part thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry (without some reasonable Cause, to be allowed by the Justice before whom the Person so offending shall be summoned, or conveyed, in order to his Conviction, or except with regard to such Waggon, Wain, Cart, or other Carriage, during

such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Roads as conveniently may be) in, upon, or on the Sides of the said Roads; either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever, upon any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Person or Persons travelling thereon, every Person so offending shall, for every such Offence, forfeit and pay any Sum not less than Ten Shillings or more than Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

LV. And be it further enacted, That if any Sort of Swine shall at any Time be found straying or wandering within any Part of *Charlotte Row* afore said, or within the said Town of *Stonehouse*, it shall and may be lawful to and for any Person or Persons, acting by or under the Authority of the said Trustees, to seize and impound such Swine in one of the common Pounds of the said Borough of *Plymouth*, or the said Town of *Stonehouse* (as the Case may be) or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall for every such Head of Swine so impounded pay the Sum of Two Shillings to the Person impounding the same, together with the reasonable Costs, Charges, and Expences of keeping and impounding the same; and in case the said Sum and such Costs, Charges, and Expences shall not be paid within Seven Days after such impounding, it shall and may be lawful to and for the said Trustees to sell or cause to be sold the Swine so impounded; and the Money arising from such Sale, after deducting the said Sum and the Costs, Charges, and Expences of impounding, keeping, and selling such Swine, shall be paid to the Person whose Property the Swine so sold shall appear to have been.

Against straying of Swine.

LVI. Provided always, and be it enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Roads hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Devon* or Borough of *Plymouth*, in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as afore said, shall be by him, her, or them paid to the said Trustees, or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices, from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who, within such Parish or Place, are by

Persons chargeable to Statute Work to continue so.

Justices to determine Differences touching Statute Work.

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Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise; and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repairs of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay Time or Harvest) and in such Parts of the said Roads as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Parts of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

L.VII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all
or

or any of the Parishes or Places in which the said Road shall lie and be situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding to the Treasurer of the said Trustees, in Advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

LVIII. And be it further enacted, That the said Trustees shall, and they are hereby required, within the Space of Two Years after any Toll or Tolls shall have been collected and received by virtue of this Act, on such Part of the said Roads as is situate between the said Borough of *Plymouth*, through *Lower Mill Prison Lane*, and the said Town of *Plymouth Dock*, to pave or cause to be paved in a good, substantial, and workman-like Manner, so much and such Part of the said Roads within the said Borough of *Plymouth* as extends from the *Globe Inn* as far as the Buildings on the West Side of a Street called *George Street* do now or may hereafter extend; and at all Times hereafter, during the Continuance of this Act, to cause such Pavement to be maintained and kept in good and sufficient Repair, and the Costs, Charges, and Expences of such Pavement, and of the maintaining and repairing thereof, shall be paid by the said Trustees out of the Monies received by virtue of this Act.

Directing the Road through *George Street* to be paved.

LIX. And whereas by an Act, made in the Tenth Year of the Reign of His present Majesty, intituled, *An Act for paving, lighting, and watching, the Town of Plymouth, in the County of Devon, and for regulating the Carmen and Porters within the said Town*; and by One other Act made in the Twelfth Year of His present Majesty, intituled, *An Act to explain and amend an Act, passed in the Tenth Year of His present Majesty's Reign, for paving, lighting, and watching, the Town of Plymouth in the County of Devon, and for regulating the Carmen and Porters within the said Town*: And whereas by One other Act, made in the Fourteenth Year of the Reign of His present Majesty, intituled, *An Act to explain and amend Two Acts, made in the Tenth and Twelfth Years of His present Majesty's Reign, for paving, lighting, and watching the Town of Plymouth in the County of Devon, and for regulating the Carmen and Porters within the said Town*, certain Commissioners were appointed for carrying the several Purposes of the said Acts into Execution; be it therefore further enacted, That when and as soon as any Toll or Tolls shall have been collected and received by virtue of this Act, on such Part of the said Roads as is situate between the said Borough of *Plymouth*, through *Lower Mill Prison Lane*, and the said Town of *Plymouth Dock*, the said Commissioners shall be, and they are hereby from thenceforth exempted, exonerated, and discharged from paving such Parts of the Streets, Lanes, and Passages in the said Borough of *Plymouth*, as are included in and made Part of the Roads to be maintained and repaired by virtue of this Act; but nothing herein contained shall extend, or be construed to extend, to exempt any House or Building bordering upon such Streets, Lanes, or Passages hereby made Part of the said Roads, from paying the several Rates for paving and lighting to the

Plymouth Paving Acts recited.

Commissioners of Paving not to pave, light, or watch the Streets made Part of the Roads.

the said Commissioners as heretofore: Provided always, that when and as soon as any Toll or Tolls shall be so collected or received by the said Trustees, then and from such Time so much of the said Roads as lies between the *New Tree* Publick House and the Shambles within the said Borough of *Plymouth*, formerly called *The Pig Market*, shall be paved, repaired, lighted, and watched by the said Commissioners, out of the Monies received by virtue of the said recited Acts, or any of them, for paving, lighting, and watching the said Borough of *Plymouth*.

Lamp to be affixed.

LX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to purchase and provide such and so many Glass Lamps and Burners, and other necessary Articles thereto, and also such and so many Lamp Irons and Lamp Posts, as to them the said Trustees shall seem right and proper, and to direct the same to be affixed or set up upon or against the Walls or Pallisadoes of all or any of the several Houses and Buildings, or upon or against any other Walls, or upon the Sides of the said Roads, and to be altered, taken down, or renewed in such Manner as they shall think fit; and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year on such Evenings, and in such Hours of the Evening, and to be kept burning for so many Hours, as to them the said Trustees shall seem necessary or proper for the well or sufficiently lighting of all or any of the said Roads.

Penalty for breaking Lamps.

LXI. And be it further enacted, That if any Person or Persons shall wilfully take away, break, throw down, displace, or damage, any Lamp or Lamps already set up, or that shall be set up by virtue of this Act, by Order of the said Trustees, or by any Person or Persons at his, her, or their own Expence, for the Purpose of lighting any of the said Roads, or shall wilfully extinguish the Light or Lights within the same, or shall throw down or damage the Posts, Iron, Globe, Burner, Cover, or other Furniture of any such Lamp, or any Part thereof; it shall and may be lawful to and for any Person or Persons whomsoever, who shall see any such Offence committed, to seize, and also for any other Person or Persons whomsoever to assist in seizing the Offender or Offenders; and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Custody of a Watchman, or of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said Borough of *Plymouth*, or County of *Devon*, within their respective Jurisdictions, and such Justice shall proceed to examine, upon Oath, any Witnesses or Witnesses who shall appear or be produced to give Information or Evidence touching such Offence; and if the Party or Parties accused shall be convicted either by his, her, or their Confession, or upon such Information or Evidence as aforesaid, then and in every such Case he, she, and they shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, and shall moreover pay such Sum or Sums of Money as shall be deemed by such Justice to be a full Satisfaction for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not on Conviction pay such Forfeiture, and make such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them, to the Common Gaol, or House of Correction, of and for the said Borough of *Plymouth*, or County of *Devon*, where

where the Offence shall be committed, there to be kept to hard Labour for any Space of Time not exceeding Six Calendar Months; and such Offender or Offenders shall not be discharged before the Expiration of the Term for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and made.

LXII. And be it further enacted, That in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or damage any Lamp or Lamps hung out or set up by Order of the said Trustees, or by any Person or Persons at his, her, or their private Expence, or the Posts, Irons, Globe or Globes, Burner or Burners, Cover or Covers, or other Furniture thereof, or any Part thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said Borough of *Plymouth*, or County of *Devon*, within their respective Jurisdictions, upon Complaint made to him by One or more credible Witnesses or Witnesses, to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid; and upon hearing the Allegation and Proofs on both Sides, or on the Non-appearance of the Party or Parties so complained of, to award such Sum or Sums of Money, by way of Satisfaction to the said Trustees, or to the other Owner, or Owners of such Lamp or Lamps, as the Case shall be, for such Damages, as such Justice shall think reasonable; and in case of Neglect or Refusal to pay any Sum or Sums of Money so awarded, within Ten Days after Demand made thereof, it shall and may be lawful to and for such Justice, and he is hereby required to cause the same to be raised and levied, as any Fines, Penalties, and Forfeitures, are by this Act directed to be raised and levied.

Persons accidentally breaking Lamps.

LXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to enter into any Contract or Contracts for lighting the said Roads, or any of them, or for furnishing Materials, or any other Matters or necessary Things whatsoever, or for any other the Purposes of this Act; but before any such Contract or Contracts shall be entered into Fourteen Days Notice at the least shall be given in some publick Newspaper circulated in the said County of *Devon*, expressing the Purpose or Purposes of such Contract or Contracts, In order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Trustees at a certain Time and Place in such Notice to be mentioned; and the said Trustees shall and they are hereby required to take Security from every such Contractor for the due Performance of his or her Contract.

Commissioners may contract.

LXIV. And be it further enacted, That no such Contract or Contracts shall be deemed good or valid, if the same shall have been made for a longer Space or Term than Three Years from the Time of entering into such Contract or Contracts.

Contracts not to be entered into for more than Three Years.

LXV. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons on Account of any Breach or Nonperformance of such Contract or Contracts, for such Sum or Sums of Money as they shall think proper, so as the Sum so compounded

Commissioners may compound with Persons for Breach of Contracts.

pounded and agreed for be not less, than the Injury or Damage sustained by the Breach or Nonperformance of such Contract or Contracts, and all Costs, Charges, and Expences which shall be occasioned thereby.

Contracts to
be signed by
the Trustees.

LXVI. And be it further enacted, That every such Contract or Contracts shall specify the several Works to be done, and the Prices to be received or paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of Nonperformance thereof, and shall be signed by the said Trustees, and also by the Person or Persons contracting to perform such Works respectively; which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees.

Power for
Trustees to
appoint
Watchmen.

LXVII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to appoint such Number of able-bodied Men as they shall judge proper, to be employed as Watchmen on the said Roads during the Night Time, under such Regulations, and subject to such Orders, as the said Trustees shall make and give from Time to Time in that Behalf; and to provide proper Watch Houses, Watch Boxes, or Places for the Reception of such Watchmen, and for the safe Custody of such Persons as may be apprehended by such Watchmen while on Duty; and to pay such Watchmen reasonable Wages or Allowances; and also to appoint One or more fit Person or Persons in the Stead of any Watchman or Watchmen who shall die or resign, or who shall be discharged or removed from his or their Office for Neglect of Duty, or other Misbehaviour in Office; and also to impose, from Time to Time, any Fine not exceeding Twenty Shillings on any Watchman or Watchmen for every such Neglect or other Misbehaviour (such Fine to be deducted out of the Wages of such Watchman or Watchmen), and from Time to Time to make such Orders and Regulations as they the said Trustees shall judge expedient, for the better Government of the Watchmen to be so appointed, and to repeal such Orders and Regulations, or any of them, and to substitute others; and it shall and may be lawful to and for such Watchmen, and they are hereby required, in their respective Stations, to apprehend and secure in some proper Place or Places of Security to be for that Purpose appointed near to the said Roads, all Malefactors, Rogues, Vagabonds, and Disturbers of the Publick Peace, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to conduct all such Persons as soon as conveniently may be, before some Justice of the Peace for the said Borough of *Plymouth*, or County of *Devon*, within their respective Jurisdictions, to be examined and dealt with according to Law.

Watchmens
Duty.

Penalty on
Vicuallers
harbouring
Watchmen
while on
Duty.

LXVIII. And be it further enacted, That if any Vicualler or Keeper of any Publick House, shall knowingly harbour or entertain, or suffer to remain in his or her Publick House, any such Watchman as aforesaid, during any Part of the Time appointed for his being on Duty, every such Vicualler or Keeper shall on Conviction forfeit and pay any Sum not exceeding Ten Shillings, and for the Second and every other Offence of the same Kind any Sum not exceeding Twenty Shillings.

LXIX. And

LXIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to give such Rewards in Money to the several Watchmen to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Offices, as they the said Trustees shall think reasonable, such Money to be paid out of the Monies to be raised for the Purposes of this Act.

Power to reward Watchmen disabled.

LXX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, from Time to Time, to license such and so many Sedan Chairs, Hackney Coaches, Chaises, Waggon, Wains, Carts, Drays, and other Carriages, as to them shall seem right and proper, to ply or be kept for Hire for the Purpose of carrying or conveying Passengers, Goods, Wares, and Merchandize, and other Matters and Things, within the several Parishes of *Saint Andrew* and *Charles* in the said Borough of *Plymouth*, and the Parishes of *East Stonehouse* and *Stoke Damarel* in the said County of *Devon*; any Thing contained in the said recited Acts, made in the Tenth, Twelfth, and Fourteenth Years of the Reign of His present Majesty, or any of them, to the contrary thereof in anywise notwithstanding.

Trustees to license Chaises, Carts, &c.

LXXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to demand and take, or cause to be demanded and taken, for each and every such Licence for each and every Sedan Chair, Hackney Coach, Chaise, Waggon, Wain, Cart, Dray, and other Carriage, the Sum of Two Shillings and Sixpence, and no more, which Money shall be paid to the Clerk of the said Trustees for his Trouble in making out such Licence; and if any Person or Persons shall, after the Twenty-ninth Day of *September* next, ply with, or carry or convey for Hire any Passenger in any Sedan Chair or Chairs, or any Coach or Coaches, Chaise or Chaises, or ply with, or carry or convey for Hire in any Waggon, Wain, Cart, Dray, or other Carriage, any Goods, Wares, Merchandize, or other Matter or Thing, within the said Parishes of *Saint Andrew* and *Charles* in the Borough of *Plymouth*, and *East Stonehouse* and *Stoke Damarel* in the said County of *Devon*, or any of them, such Person or Persons not being so licensed by the said Trustees, then and in every such Case every such Person shall forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall extend or be construed to extend so as to require any such Licence to be taken for any Post Coach or Post Chaise, employed or hired for the Purpose of carrying or conveying any Passenger beyond the Limits or Bounds of the said respective Parishes, or to require any Licence to be taken for any Waggon, Wain, Cart, Dray, or other Carriage, employed or hired for the Purpose of carrying or conveying any Goods, Wares, or Merchandize or other Matter or Thing, beyond the Limits or Bounds of the said respective Parishes.

Penalty for driving Carriages without a Licence.

LXXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, from Time to Time, to appoint such Stand or Stands for all such Hackney Coaches, Chaises, Waggon, Wains, Carts, Drays, and other Carriages, and for the Drivers thereof respectively, to stand and ply for Hire within the said several Parishes as to them the said Trustees

Trustees to appoint Stands for Carriages.

Trustees shall seem right and proper; and if any Person or Persons shall stand and ply for Hire with any Hackney Coach, Chaise, Waggon, Wain, Cart, Dray, or other Carriage in any other Place or Places than such Place or Places as shall be so appointed as such Stand or Stands, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Carriages to
be numbered.

LXXIII. And be it further enacted, That the Owner or Owners of each and every such Sedan Chair, Hackney Coach, Chaise, Waggon, Wain, Cart, Dray, and other Carriage so licensed and used or kept for Hire, shall paint or cause to be painted such Number or Numbers as the said Trustees shall direct or appoint in White on a Black Ground, each Number not being less than Six Inches in Length, upon or fixed or attached to one Side of each and every such Sedan Chair, Hackney Coach, Chaise, Waggon, Wain, Cart, Dray, and other Carriage, or upon or to such other Part or Parts thereof respectively as the said Trustees shall direct or appoint; and if any Person or Persons shall stand or ply with or let for Hire, within the said Parishes or any of them, any such Sedan Chair, Hackney Coach, Chaise, Waggon, Wain, Cart, Dray, or other Carriage, not having such Number or Numbers so painted upon, or fixed or attached to such Hackney Coach, Chaise, Waggon, Cart, or other Carriage, or having such Number or Numbers, or any Part or Parts thereof not clear and legible, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Fares to be
regulated by
the Trustees.

LXXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to ascertain and affix the several Rates or Fares to be paid for the Use or Hire of every such Sedan Chair, Hackney Coach, and Chaise for carrying or conveying any Passenger or Passengers within the said Parishes, or any of them; and also to ascertain and fix the several Rates or Fares to be paid for the Use or Hire of every such Waggon, Wain, Cart, Dray, or other Carriage for carrying or conveying Goods, Wares, or Merchandize, and other Matters and Things within the said Parishes, or any of them, and from Time to Time to advance, lower, vary, or alter such Rates or Fares or any of them, as to them the said Trustees shall seem right and proper; and when and as often as such Rates or Fares, or any of them, shall be ascertained, fixed, advanced, lowered, varied, or altered by the said Trustees, the same shall from Time to Time be painted upon a Table or Tables, Board or Boards, which Table or Tables, Board or Boards, shall be fixed or put up in such conspicuous Place or Places within the said respective Parishes as to the said Trustees shall deem right and proper; and such Table or Tables, Board or Boards, when so fixed or put up, shall be and be deemed to be full and conclusive Evidence of all such Rates to all Persons whomsoever.

Tables of
Fares to be
put up.

Penalty on
Drivers mis-
behaving.

LXXV. And be it further enacted, That if any Owner or Bearer or Bearers of a Sedan Chair, or any Owner or Driver of, or any Person or Persons attending any Hackney Coach or Chaise so licensed as aforesaid, and standing or plying for Hire, shall refuse or neglect (when applied to for that Purpose) to carry or convey any Person or Persons to any Place or Places within the said Parishes, or any of them; or if any such Owner

or

or Driver of or other Person or Persons attending any Waggon, Wain, Cart, Dray, or other Carriage so licensed as aforesaid, and standing or plying for Hire, shall refuse or neglect (when applied to for that Purpose by any Person or Persons whomsoever) to carry any Goods, Wares, or Merchandize, or other Matter or Thing, to any Place or Places within the said Parishes, or any of them; or if the Owner or Bearer or Bearers of any Sedan Chair, or the Owner or Driver of or other Person attending any such Hackney Coach, Chaise, Waggon, Wain, Cart, Dray, or other Carriage so licensed as aforesaid, shall demand or take any greater or larger Rate or Fare than such Rate or Fare so ascertained and fixed by the said Trustees, and of which such Notice shall have been given as aforesaid, or shall in anywise insult or otherwise misbehave himself or themselves to any Person or Persons whomsoever hiring or employing him or them; or if the Bearer or Bearers of any Sedan Chair, or the Driver of any such Hackney Coach, Chaise, Waggon, Wain, Cart, Dray, or other Carriage shall not duly attend the same, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall and may be lawful to and for the said Trustees, in case they shall think fit, to take away and revoke any Licence or Licences so granted for any Sedan Chair, Hackney Coach or Coaches, Chaise or Chaises, Waggon or Waggon, Wain or Wains, Cart or Carts, Dray or Drays, or other Carriage or Carriages.

LXXVI. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay on Demand, to the Bearer or Bearers of any Sedan Chair, or the Driver of any Hackney Coach, Chaise, Waggon, Wain, Cart, Dray, or other Carriage so licensed as aforesaid, the Money justly due to him for the Use or Hire of such Sedan Chair, Hackney Coach, Chaise, Waggon, Wain, Cart, Dray, or other Carriage, according to the Rates or Fares so ascertained and fixed as aforesaid, in pursuance of this Act, it shall and may be lawful to and for any Justice of the Peace for the said Borough of *Plymouth*, or the County of *Devon*, within their respective Jurisdictions, upon Complaint to him made, to grant a Summons against the Person or Persons complained of, to appear before him at some Time and Place to be mentioned in such Summons, to answer the Matter of such Complaint; and on Proof, on Oath, of the Service of such Summons, it shall and may be lawful to and for such Justice to proceed in and to hear the Matter of such Complaint, whether the Person or Persons summoned shall appear or not, and to make such Order therein as to such Justice shall seem meet; and if the Person or Persons against whom such Order shall be made shall not immediately pay down the Money (if any) which shall be ordered as a Satisfaction to the Bearer or Bearers of such Sedan Chair, or the Driver or Drivers of such Hackney Coach, Chaise, Waggon, Wain, Cart, Dray, or other Carriage, for the Service done, and such further Sum for the Loss of Time thereby occasioned to the Complainant or Complainants, as to the said Justice shall seem meet, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice;

Provision for
securing the
Fares.

and the Overplus (if any) of the Money arising by such Distress and Sale, after deducting the Costs and Charges of making and selling such Distress and Sale, shall be returned to the Owner or Owners of such Goods and Chattels; but in case sufficient Distress shall not be found, or such Money as aforesaid shall not be paid forthwith, it shall and may be lawful to and for such Justice to commit such Offender or Offenders to the Common Gaol or House of Correction for the Borough of *Plymouth*, or County of *Devon*, as the Case may be, there to remain without Bail or Mainprize, for any Time not exceeding Fourteen Days, unless such Money shall be sooner fully paid and satisfied.

Trustees may
make Bye-
Laws for re-
gulating
Hackney
Coaches, &c.

LXXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, from Time to Time, to make, ordain, and establish such Bye-Laws, Rules, Orders, and Regulations, for the Conduct of the several Owners and Bearers of the several Sedan Chairs, and of the several Owners and Drivers of the several Hackney Coaches, Chaises, Waggon, Wains, Carts, Drays, and other Carriages, so licensed as aforesaid, and likewise from Time to Time to repeal, add to, amend, vary, or alter, all or any of such Bye-Laws, Rules, Orders, and Regulations, as to them shall seem most fitting and requisite, and to fix and appoint reasonable pecuniary Penalties, not exceeding Five Pounds, for the Non-observance or other Breach of any such Bye-Laws, Rules, Orders, and Regulations, or of any Part or Parts of them; and the said Trustees shall cause such Bye-Laws, Rules, Orders, and Regulations to be printed, and distributed and stuck up, or placed upon some conspicuous Place or Places within the said respective Parishes; and all such Bye-Laws, Rules, Orders, and Regulations so made, printed, distributed, and stuck up, shall be good, and shall be binding upon all Persons concerned; provided that the same be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or inconsistent with or repugnant to the Provisions and Directions in this Act contained; and such Bye-Laws, Rules, Orders, and Regulations shall be subject to Appeal in Manner by this Act directed.

Application
of Money.

LXXVIII. And be it further enacted, That all the Costs, Charges, and Expences, incident to and attending the obtaining and passing this Act, shall in the first Place be paid and defrayed out of any Monies received or collected by virtue of the said recited Act, made in the Twenty-fourth Year of the Reign of His present Majesty, or out of the first Monies borrowed, received, or collected by virtue of or for the Purposes of this Act, and the Remainder thereof shall from Time to Time be applied in repaying the Monies borrowed by virtue of the said recited Act, and to be borrowed on the Credit of this Act, and the Interest thereof respectively, and in carrying this Act into Execution.

Actions to be
brought in
the Names of
the Treasurer

LXXIX. And be it further enacted, That whenever any Action shall be brought by the Order of the said Trustees against any Person or Persons by virtue or in pursuance of this Act, the same may be brought

in the Name or Names of their Treasurer or Clerk, or in the Name of any Three of the said Trustees, on Behalf of the said Trustees, and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought; but no such Treasurer, Clerk, or Trustees, or any or either of them, shall be subject to the Payment of any Costs or Expences on Account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

or Clerk or one of the Trustees;

but neither of them to be liable to the Payment of Costs.

LXXX. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before One or more Justice or Justices of the Peace for the County, City, or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Power to Collectors, Sec. to detain unknown Persons guilty of Offences.

LXXXI. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act, or by virtue of the Powers thereof imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Devon*, or Borough of *Plymouth*, where the Offence shall happen (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witnesses upon Oath); and the Overplus, if any, of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures, when recovered, (if not herein-before directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, City, or Place where the Offence shall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Ten Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

Recovery and Application of Penalties.

LXXXII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Sessions, or any Matter in pursu-

ance

ance of this Act, the Form of Conviction shall be in the Words, or to the Effect following; (that is to say),

Form of Conviction.

BE it remembered, That on this _____ Day of _____ in the _____ Year of the Reign of _____ of His Majesty's _____ of having [as the _____] *A. B.* is convicted before _____ Justices of the Peace for the _____ Offence shall be], and I, [or We] the said _____ do adjudge him [her, or them], to forfeit and pay for the same the _____ Sum of _____ Given under my _____ Hand and Seal [or, our Hands and Seals] the Day and Year _____ aforesaid.'

Appeal.

LXXXIII. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Bye-Law, Rule, Order, or Regulation made by the said Trustees, or any Judgement or Determination, or by any Matter or Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the County or Place (within which the Matter of Appeal shall arise) next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and within Fourteen Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties or otherwise, as they shall judge proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Bye-Law, Rule, Order, Regulation, or Determination; and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

Distress not to be unlawful for Want of Form.

LXXXIV. And be it further enacted, That where any Distress shall be made for any Sum 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 Information, Summons, Conviction, 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 that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity

regularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

LXXXV. And be it further enacted, That no Order, Verdict, Assessment, Judgements, or other Proceedings made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for want of Form or removable by *Certiorari*.

LXXXVI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons, for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Fourteen Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiffs not to recover without Notice, or after Tender of Amend..

LXXXVII. 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, after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Devon*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made, or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case, 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 it upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case, the Defendant or Defendants shall recover Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit, in other Cases by Law.

Limitation of Actions.

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

Publick Act.

[*Loc. & Per.*]

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LXXXIX. And

Commence-
ment and
Continuance
of the Act.

LXXXIX. And be it further enacted, That this Act shall commence and take place on the passing thereof, and shall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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