



ANNO QUINTO

GULIELMI IV. REGIS.

Cap. xxix.

An Act for building a Bridge over the River *Exe* from the *Shilhay* at the City of *Exeter*, and for making Approaches thereto; and for removing the present Ferry across the said River, and establishing another Ferry or a Foot-bridge in lieu thereof. [17th June 1835.]

WHEREAS the Mayor, Bailiffs, and Commonalty of the City of *Exeter* are the Owners of the Ferry over the River *Exe* situate at the Quay of the said City, and also of the Floating Dock and Wharfs on the opposite Side of the said River, and also of the Land adjoining to the said River on the Western Side thereof, and also of certain other Lands above the said Quay commonly called the *Shilhay*, adjoining to the said River on the Eastern Side thereof, and severally lying in the Parishes of *Saint Mary Steps* in the County of the said City of *Exeter* and *Saint Thomas the Apostle* in the County of *Devon*: And whereas the building, erecting, constructing, and maintaining a Bridge over the said River *Exe* from the said Place called the *Shilhay*, in the said Parish of *Saint Mary Steps*, to the opposite Side thereof in the Parish of *Saint Thomas the Apostle* in the said County of *Devon*, with proper and convenient Avenues and Approaches thereto on both Sides of the said River, will open a direct and more easy Communication between the said *Exeter* Quay, Floating Dock and Wharfs, and be of great Advantage to the Port of *Exeter*, and the Merchants, Traders, and Public

[Local.] 8 R in

The Mayor, Bailiffs, and Commonalty, empowered to build the Bridge and make Approaches.

in general: And whereas the Establishment of a Ferry in lieu of the present at a Place situate between the End of the said Quay and the *Exeter* Limekilns in the Parish of *Saint Leonard's* in the County of *Devon*, or the Erection of a Foot-bridge across the said River *Exe* between the said Limekilns and the Weir called *Trewe's Weir*, in the Parish of *Saint Leonard* aforesaid, will be of great Convenience and Advantage to the Inhabitants of the said City and County, and be of great Public Utility: And whereas the said Mayor, Bailiffs, and Commonalty are willing and desirous to carry into execution the before-mentioned Undertakings; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Bailiffs, and Commonalty for the Time being of the said City of *Exeter*, and their Successors and Assigns, may and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, Servants, or Assistants, to enter into and upon the Lands of any Person or Persons whomsoever, and to examine, survey, and take Levels of the same or any Part thereof, and to set out and appropriate such Parts thereof as the said Mayor, Bailiffs, and Commonalty are by this Act empowered to take or use for the Purposes of this Act; and to build or cause to be built, and to erect, construct, maintain, and keep in repair, a good and substantial Bridge over the said River *Exe* from the aforesaid Place called the *Shilbay* to the opposite Side of the said River, for the Passage of Foot Passengers, Horses, Cattle, Waggons, Carts, and other Carriages; and also to make and maintain an Approach or Road from the Eastern End of such Bridge, over and across the several small Streams and Lands adjoining thereto, to and into a public Street called *Rock's Lane*, situate in the Parish of *Saint Mary Major* in the County of the said City of *Exeter*, with lateral Branches of Road therefrom communicating with the present *Shilbay* Road and the present Road leading to and from the public Quay of the said City of *Exeter*; and also to make and maintain a Road from the Western End of the said Bridge to the aforesaid Floating Docks and Wharfs, situate in the Parish of *Saint Thomas the Apostle* aforesaid; and also to make and maintain a Bridge for the Passage of Persons on Foot across the said River from a Place between the *Exeter* Limekilns and *Trewe's Weir* as aforesaid to the opposite Side of the said River in the Parish of *Saint Thomas* aforesaid, together with proper and convenient Avenues thereto, to communicate on the Eastern Side of the said River with the Turnpike Road leading to *Topsham* in the said County of *Devon*, and on the Western Side with the said Floating Docks and Wharfs; and also to make, cut, level, embank, and secure the Banks of the said River, and to remove, scour, take, and carry away all Gravel, Sand, Mud, or any other Impediment whatsoever to the Erection of the said Bridges; and also to make, lay, erect, and build all proper Foundations, Piers, Arches, or other Supports, and to do and execute all and every other Thing or Things necessary or convenient for erecting, building, making, and maintaining and keeping in repair the said Bridge or Bridges and Works, and the several Ways, Roads, and Approaches thereto respectively; and also to remove and abolish the present Ferry at the public Quay of the said City of *Exeter*, and to establish

and

and maintain another Ferry in lieu thereof, with all proper Conveniences, for the Passage of Foot Passengers only, at a Place situate between the End of the said Quay and the *Exeter* Limekilns aforesaid.

II. And be it enacted, That the said Bridge or Bridges shall not be adjudged or taken to be a County Bridge or County Bridges, or subject the County of *Devon* or City and County of the City of *Exeter* to the repairing, amending, or supporting the same or the aforesaid Roads, any Law or Statute to the contrary thereof notwithstanding, but the said Bridge or Bridges and Roads shall be maintained and kept in repair by and at the Expence of the said Mayor, Bailiffs, and Commonalty, their Successors or Assigns.

Not to be a County Bridge.

III. And be it further enacted, That from and after the said Bridge or Bridges shall be built, completed, and erected as aforesaid, the same shall for ever be and remain free, upon Payment of the respective Tolls by this Act granted, without any Hindrance or Interruption of or by any Person or Persons whomsoever.

Bridges to be free on Payment of Tolls.

IV. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty to raise by Mortgage, as herein-after mentioned, a competent Sum of Money for the making and maintaining the said Bridge or Bridges, Ferry, Roads, and Approaches, and other Works hereby authorized to be made, and all other the Works and Conveniences to the same belonging, or requisite and useful thereto respectively; and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the first place, for and towards Payment, Discharge, and Satisfaction of all Fees, Charges, and Expences in obtaining, soliciting, and passing this Act, and in paying the lawful Interest for the Money which shall have been advanced for defraying such Charges and Expences, and for making the Surveys, Plans, and Estimates preparatory and incident thereto, and all other Expences relating to the same; and the Residue and Remainder of such Money shall be applied for and towards making and maintaining the said Bridge or Bridges, Ferry, Roads, Approaches, and Works respectively hereby authorized to be made, and to other the Purposes of this Act.

Mayor, Bailiffs, and Commonalty enabled to raise Money on Tolls, &c.

Application thereof.

V. And be it further enacted, That in case the said Mayor, Bailiffs, and Commonalty shall be desirous to raise Money by way of Mortgage, they are hereby empowered from Time to Time to borrow and take up at Interest, upon the Credit of the Tolls to be laid and levied by virtue of this Act, and of the Rents arising therefrom, such Sum and Sums of Money as they shall think necessary, and by Writing under the Common Seal of the Mayor, Bailiffs, and Commonalty to mortgage the said Bridge or Bridges, Roads, and the Tolls, Rents, and Cellarage arising therefrom, and to grant, assign, and make over the Rents and Cellarage arising therefrom, or any Part thereof, to the Person or Persons who shall advance such Money, or to his, her, or their Trustee or Trustees, as a Security for the Money to be borrowed, together with Interest for the same; and every such Mortgage or Assignment shall be framed according to the Form following; and the Charges and Expences of such Mortgages or Assignments shall be from Time to Time defrayed by the said Mayor, Bailiffs, and Commonalty out of the Money so borrowed; and every such

Power to raise the Money by Mortgage.

such Assignment or Mortgage may be in the Words or to the Effect following ; (that is to say,)

Form of
Mortgage.

‘ WE, the Mayor, Bailiffs, and Commonalty of the City of *Exeter*,
 ‘ in pursuance of an Act passed in the Fifth Year of the Reign
 ‘ of King *William* the Fourth, intituled *An Act, &c.* [*here set forth*
 ‘ *the Title to this Act*], in consideration of the Sum of
 ‘ advanced and lent by _____ of
 ‘ upon the Credit and for the Purposes of the said Act, do hereby
 ‘ grant, bargain, sell, and assign unto the said
 ‘ [*or to his or her* Trustee or Trustees, *as the Case may be*], his [*or her*
 ‘ *or their*] Executors, Administrators, or Assigns, the said Bridges,
 ‘ Ferries, Landing Places, and Roads, with the Appurtenances, and all
 ‘ and singular the Tolls and Rents granted or arising and payable to
 ‘ us by virtue of the said Act, and all our Estate, Right, Title, and
 ‘ Interest of, in, to, or out of the same respectively, to hold unto the
 ‘ said _____ his [*or her*] Executors, Administrators,
 ‘ or Assigns, until the said Sum of _____ together
 ‘ with Interest for the same after the Rate of _____
 ‘ *per Centum per Annum*, shall be fully paid off and discharged. In
 ‘ witness whereof we, the said Mayor, Bailiffs, and Commonalty, have
 ‘ hereunto set our Common Seal the _____ Day of _____ One
 ‘ thousand eight hundred and _____

And all such Mortgages or Assignments shall be numbered, commencing with Number One, and so proceeding in arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to the Payment thereof, and to all Profits and Advantages thereon, according to the true Intent and Meaning of this Act; and the several Persons who shall be entitled to the Money thereby secured shall be equally entitled to their Proportion of the said Tolls and Rents, according to their respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the purchasing the Lands and erecting and maintaining the Buildings and Toll Houses, for the Purpose of the Bridges and Ferry hereby authorized to be made, and other the Purposes of this Act, and to no other Use or Purpose whatsoever.

Power to
transfer
Securities.

VI. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed upon legal Interest as aforesaid, and their respective Executors, Administrators, or Assigns, as the Case may be, at any Time, by Writing under his, her, or their Hands, to transfer such Securities to any Person or Persons whomsoever; which Transfer may be made according to the Form following, or any other Form of Words to the like Purport and Effect, as the Case may be; (that is to say,)

Form of
Transfer.

‘ I _____ of _____ being entitled to the Sum
 ‘ of _____ by virtue of an Assignment bearing Date
 ‘ the _____ Day of _____ under the Common
 ‘ Seal

Seal of the Mayor, Bailiffs, and Commonalty of the City of *Exeter*,
 acting in execution of an Act passed in the Fifth Year of the Reign
 of King *William* the Fourth, intituled *An Act, &c.* [*here set forth*
the Title of this Act]; upon the Credit of the Tolls and Rents granted
 or payable by the said Act, do hereby transfer all Right and Title in
 and to the same Sum of _____ and all Interest and other
 Money now due and owing thereon, unto _____ his or her
 Executors, Administrators, and Assigns. Dated the _____
 Day of _____

And a Copy of every such Mortgage, Security, or Assignment which
 shall have been made in pursuance of this Act shall within Twenty-one
 Days from the Date thereof, and an Extract or Memorial of every
 Transfer thereof respectively shall within Thirty Days from the Date
 thereof respectively, be entered in Books to be kept for that Purpose by
 the Clerk to the said Mayor, Bailiffs, and Commonalty for the Time
 being; which Extract or Memorial shall signify and contain the Dates
 and Names of the Parties, and Sums of Money thereby transferred; to
 which Book any Person interested shall at all reasonable Times have
 Access and free Liberty to inspect without Fee or Reward; and for the
 Entry of every such Transfer the said Clerk shall be paid by the Person
 to whom such Transfer shall be made the Sum of Five Shillings, and no
 more; and every such Transfer after Entry thereof as aforesaid shall
 entitle the Person or Persons to whom the Transfer shall be made, and
 his, her, or their Executors, Administrators, or Assigns, to all the Benefit
 of the Security thereby transferred, without any other Registry or Enrol-
 ment whatsoever.

VII. And be it further enacted, That it shall be lawful for the said
 Mayor, Bailiffs, and Commonalty, and their Successors or Assigns, from
 Time to Time to sell, and to assign and convey, for and during a Term
 of One hundred Years, any One or more undivided Part or Share, or any
 proportionate Part of such Parts or Shares, the whole into Two hundred
 Parts to be divided, of the said Bridge or Bridges, Bridge Toll, Ferry Toll,
 Roads, and Works, of which they shall be then possessed, for such gross
 Sum as may be agreed upon between the said Mayor, Bailiffs, and
 Commonalty and the Person or Persons willing to become the respective
 Purchasers thereof; and all such Assignments or Conveyances shall or
 may be in the following Form, or as near thereto as the Circumstances of
 the Case will admit; (that is to say,)

Corporation
 may sell in
 Shares.

WE, the Mayor, Bailiffs, and Commonalty of the City of *Exeter*,
 in consideration of the Sum of _____ to us paid
 by _____ of _____ in pursuance and by
 virtue of the Powers in that Behalf contained in an Act passed in the
 Fifth Year of the Reign of His Majesty King *William* the Fourth,
 intituled [*here set forth the Title of this Act*], do hereby grant, assign,
 and convey unto the said _____ his [her or their]
 Executors, Administrators, or Assigns, all that
 Part of _____ undivided Part or Share [*or Parts or Shares*],
 the whole into _____ Parts or Shares to be divided, in the
 Tolls, Ferry, Bridge, Road, and Works erected or to be erected under
 or by virtue of the said Act, and all and singular the Sum and Sums of
 Money arising and payable to us for and in respect of such Tolls, Ferry,
 [Local.] _____ 8 S _____ Bridge,

Form of
 Conveyance.

Bridge, Road, and Works, or any or either of them, by virtue of such
 Act, and all our Estate, Right, Title, and Interest of, in, and to the
 same, to hold unto the said his [her or
 their] Executors, Administrators, or Assigns, for
 Years from the Date hereof, subject to the same Clauses, Restrictions,
 and Provisoos as are contained in the said Act, and as we held the same
 undivided Part or Share [Parts or Shares] immediately before the
 Execution hereof; and I [or we] do hereby agree to take and accept
 such Part of undivided Part or
 Share [or Parts or Shares], subject to the same Clauses, Restrictions,
 and Provisoos as are contained in the said Act, and as the said Mayor,
 Bailiffs, and Commonalty thereby held or now hold the same. In
 witness whereof the said Mayor, Bailiffs, and Commonalty have
 hereunto affixed their Common Seal, and the said
 have hereunto set his [her or their] Hand and Seal [or Hands and
 Seals] this Day of One thousand eight hundred
 and

And all such Assignments and Conveyances shall be valid and effectual
 in the Law to all Intents and Purposes; and from and immediately after
 the making any such Sale, Conveyance, or Assignment the Purchaser,
 his, her, or their Executors, Administrators, or Assigns, shall during the
 said Term have, take, and receive the proportionate Part or Share, Parts
 or Shares, thereby conveyed, in the aforesaid Tolls, Ferry, Bridge, Roads,
 and Works, as his and their own Right and Property.

Mayor,
 Bailiffs, and
 Commonalty
 may contract
 for construct-
 ing, &c. the
 Bridges, and
 making the
 Approaches.

VIII. And be it further enacted, That it shall be lawful for the said
 Mayor, Bailiffs, and Commonalty, or such Person or Persons as the said
 Mayor, Bailiffs, and Commonalty shall for that Purpose authorize or
 appoint, to contract with any Person or Persons for erecting, constructing,
 building, making, or repairing the said intended Bridge or Bridges, Roads,
 Approaches, and Works, or any or either of them, and to do any other
 Works for the Purposes of this Act, in such Manner and for such Sum
 or Sums of Money as the said Mayor, Bailiffs, and Commonalty, or the
 said Person or Persons so to be authorized or appointed as aforesaid,
 shall think proper; and all Contracts in Writing entered into pursuant
 to any Order made by the said Mayor, Bailiffs, and Commonalty shall
 be binding on all Parties who shall sign the same, his, her, and their
 Executors and Administrators; and Actions and Suits may be maintained
 thereon, and Damages recovered against the Parties failing in the Execu-
 tion thereof.

Power to
 erect Toll
 Gates, &c

IX. And be it further enacted, That it shall be lawful for the said
 Mayor, Bailiffs, and Commonalty to erect and set up or build, or cause
 to be erected, set up, and built, upon, in, or across the said Bridge or
 Bridges or Roads, or where and as they shall judge necessary, One or
 more Gates or Turnpikes, and also One or more Toll Houses, with Out-
 buildings and Conveniences suitable thereto, and from Time to Time to
 take down and remove or to alter the same as they shall think proper,
 and direct or appoint.

Tolls may be
 taken.

X. And be it further enacted, That as soon as the said Bridge or
 Bridges or Ferry shall be made fit for the Passage of Carriages, Horses,
 Cattle,

Cattle, or Passengers, it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty, or the Collector to be appointed by them, or by any Lessee or Lessees of the Tolls, from Time to Time and at all Times hereafter to demand, collect, and receive, before any Horses, Beasts, Cattle, Carriages, or Foot Passengers shall be permitted to pass or repass over the said Bridge or Bridges or Ferry, such Tolls as the said Mayor, Bailiffs, and Commonalty shall from Time to Time think proper, not exceeding the respective Sums following; (that is to say,)

For each and every Horse or other Beast, when more than One is employed, drawing any Waggon, Cart, Caravan, Wain, Dray, or any other Carriage whatsoever, a Sum not exceeding Three-pence; if drawn by One Horse or other Beast, a Sum not exceeding Four-pence: Tolls.

For every Horse, Mule, or Ass, laden or unladen, and not drawing, a Sum not exceeding One Penny:

For every Bull, Ox, Cow, or other Bullock, any Sum not exceeding One Halfpenny:

For every Calf, Pig, Sheep, Lamb, or other Beast, a Sum not exceeding One Farthing:

For every Foot Passenger, a Sum not exceeding One Halfpenny:

For every Person using the Ferry Boat, a Sum not exceeding One Halfpenny:

Which respective Tolls shall be paid and payable for every Time of passing: Provided always, that when the Toll hereby authorized to be imposed shall have been paid in respect of the passing of any Horse or Beast drawing any Waggon, Cart, Caravan, Wain, Dray, or other Carriage, upon or over the said Bridge, then and in such Case, upon a Ticket denoting such Payment of Toll on that Day being produced, such Horse or Beast shall be permitted to repass over the said Bridge at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next Night, upon Payment for each Time of so repassing of One Half only of the Toll hereby authorized to be collected in respect of the first Time of passing over the said Bridge: Provided always, that no Toll whatsoever shall be payable except the Carriage, Horse, Cattle, or Passengers shall actually use the Bridge or Bridges erected over the said River *Exe*.

XI. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and they are hereby empowered, from Time to Time to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Mayor, Bailiffs, and Commonalty shall think proper, and from Time to Time afterwards to advance any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Tolls granted by this Act. Power to lessen the Tolls.

XII. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by any such Lessee or Lessees, or by the said Mayor, Bailiffs, and Commonalty, to collect the Tolls by this Act granted, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, Punishing Toll Collectors for Misbehaving.

tion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and every such Collector shall place or cause to be placed on the Front of the Toll House or Toll Gate at which such Collector shall be stationed a Board containing the usual Name of the Bridge and of the Toll Gate where the Board shall be fixed, and also the List of the Tolls payable at such Bridge or Bridges or Gates; and if any Collector of the said Tolls shall not place such Board respectively as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the said Mayor, Bailiffs, and Commonalty made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder, any Person or Persons from reading such Board respectively, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent, any Horse, Beast, Cattle, Carriage, or Passenger from passing over the said Bridge or Bridges or through the said Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Penalty on
obstructing
Collectors.

Penalty on
evading Tolls.

XIII. And be it further enacted, That if any Person or Persons shall wilfully evade the Payment of the said Tolls, or any of them, or any Part thereof, or if any Person or Persons having the Care of any Horses, Beasts, or Carriages passing through any such Toll Gate shall refuse to pay the proper Toll or any Part thereof, or shall wilfully or fraudulently pass through any Toll Gate to be erected by virtue of this Act with any Horse, Cattle, Carriage, or Beast, without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or Cattle from any Carriage, or, after having passed through any such Toll Gate, shall put on an additional Horse or Beast to any such Carriage, or shall leave or cause to be left upon or near to the said Bridge at the *Shilhay* any Horse, Cattle, Beast, or Carriage, or shall unload or cause to be unladen any Goods, Merchandize, or other Things from or out of any Carriage, or put or cause to be put or placed any Goods, Merchandize, or other Things upon or in any Carriage, with Intent to evade Payment of any of the said Tolls, all and every such Person or Persons so offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and beside such Damages or Punishment as he, she, or they shall be otherwise liable to by Law.

XIV. And

XIV. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls by this Act granted or made payable shall, after Demand thereof made, either at the Gate where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself, herself, and themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing, upon or for which such Toll is hereby imposed, together with the Harness, Bridles, Reins, (except the Bridle or Reins apart from the Horse or Horses,) Saddles, Gears, or Accoutrements, or their Loading, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay the Tolls as aforesaid; and if such Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Seven Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted, to be ascertained or determined, in case of Dispute concerning the same, by some Justice of the Peace for the City and County of the said City of *Exeter* or County of *Devon*.

Tolls may be
distrained
for.

XV. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of Toll, or about the Amount of the Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by any Justice of the Peace for the County or Place in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses, (which Oath every such Justice is hereby authorized and empowered to administer,) and shall determine the Amount of the Tolls due, and other Matters in dispute between Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue); and the Overplus (if any), after Payment of such Costs, and the Cost of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

For settling
Disputes
concerning
Tolls.

XVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed by the said Mayor, Bailiffs, and Commonalty, or by the Lessee or Lessees of the Tolls, to collect the same, or being Lessee and Collector, or any other Person or Persons acting by or under the Authority of the said Mayor, Bailiffs, and Commonalty, or Lessee of the Tolls, shall not be incompetent to give Evidence in any such Dispute,

Collectors of
Tolls not to
be deemed
incompetent
Witnesses.

[Local.]

8 T

Suit,

Suit, or Litigation, by reason of his, her, or their being so appointed or interested, or being Lessee, or being paid to collect the Tolls, or acting or being paid to act, under the Authority of the said Mayor, Bailiffs, and Commonalty, or Lessee or Lessees.

Officers not to be incompetent Witnesses.

XVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls and Rents, or respecting any Matter or Thing relating to the said Bridge or Bridges, Ferry, Roads, Approaches, and Works as aforesaid, no Person or Persons acting by or under the Authority of the said Mayor, Bailiffs, and Commonalty, or in the Service of the said Mayor, Bailiffs, and Commonalty, shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence in, upon, and respecting such Dispute, Suit, or Litigation.

Power to farm Tolls.

XVIII. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty to lease or demise all or any of the said Tolls, and all or any of the Toll Houses, and the Conveniences and Appurtenances thereto belonging, for any Term of Years not exceeding Three Years at any One Time, for such Rent, payable at such Times, and under such Covenants or Agreements, as they shall think fit, the said Mayor, Bailiffs, and Commonalty taking such sufficient Security from the Person or Persons to whom such Tolls shall be leased or demised for Payment of such Rents and Performance of such Covenants or Agreements as they shall think fit, which Rent shall be applied for the Purposes of this Act; and if the said Letting shall be by public Bidding the said Mayor, Bailiffs, and Commonalty shall at such public Letting have and be entitled to One or more public Bidding or Biddings for such Tolls, by their Clerk or Treasurer, or other Person by them authorized.

Powers of Act extended to Lessees and Persons appointed to collect Tolls.

XIX. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls, during so long Time only as such Lessee or Lessees shall regularly and duly pay his, her, or their Rent or Rents, and perform the Covenants and Agreements and Conditions of such Demise or Letting, but no further or otherwise; and that such Lessee or Lessees, and the Person or Persons so to be by him, her, or them appointed (such Rents and Covenants being duly paid and performed), shall and may demand and take the said Tolls so leased, demised, or let, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Mayor, Bailiffs, and Commonalty is by virtue of this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Collector or Collectors, or any Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and 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 in pursuance of this Act is subject or liable to.

XX. And

XX. And be it further enacted, That in case any Collector of the said Tolls, Rates, or Duties, or any other Officer, Agent, or Servant of the said Mayor, Bailiffs, and Commonalty who shall quit or be dismissed from such Offices, shall refuse to deliver up the Possession of any Toll House, Counting-house, or Office, or any Dwelling House, Buildings, and Appurtenances, or any Books, Papers, or other Matters and Things belonging to the said Mayor, Bailiffs, and Commonalty, in his Possession, Custody, or Power in right of his or their Appointment or Appointments to such Office or Offices, within Three Days after Notice given to him or them, or left at any such Buildings or Dwelling Houses, under the Hand of the Clerk of the said Mayor, Bailiffs, and Commonalty, by Direction of the said Mayor, Bailiffs, and Commonalty, or if the Widow or any of the Family of any such Collector, or other such Officer, Agent, or Servant, who shall so die as aforesaid, or any other or others who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such Houses or Offices, Dwelling Houses and Appurtenances, Books, Papers, and other Matters and Things, within Three Days after Notice shall have been given or left on the Premises, signed as aforesaid, then and in every or any such Case or Cases it shall and may be lawful for any Justice of the Peace for the County, Liberty, or Place wherein the Premises shall be situated, or where such Books, Papers, and other Matters and Things shall then be, by Warrant under his Hand and Seal to order any Constable or other Peace Officer, with such Assistants as shall be necessary, to enter such Counting-houses or other Offices, Dwelling Houses, Buildings, and Premises, with the Appurtenances, in the Daytime, and thereout and therefrom to remove all Persons whomsoever who shall be found therein, together with their Goods and Chattels, and take Possession of all Books, Papers, Matters, and Things which shall be found therein belonging to the said Mayor, Bailiffs, and Commonalty, and to deliver Possession thereof to the said Mayor, Bailiffs, and Commonalty, or to whom they shall appoint to receive the same.

If discharged Collector or other Officer, in Possession of Houses, &c. of the Mayor, Bailiffs, and Commonalty, refuse to quit, any Justice may remove him.

XXI. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found wandering, straying, or lying on the said Bridge or Bridges or Roads, or by the Sides thereof, it shall be lawful for the Surveyor or any other Person or Persons whomsoever to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Parish or Place where the same shall be, or in such other Place as the said Mayor, Bailiffs, and Commonalty shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Five Shillings to the Persons impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Seven Days next after such impounding, it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been, on Demand.

Surveyors to impound Cattle found straying on the Roads or Bridge.

XXII. And

Punishing
Persons
guilty of
Pound-
breach.

XXII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle which shall be seized for the Purpose of being impounded, under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon Confession of the Party or Parties offending or upon the Oath of One credible Witness, (and which Oath the said Justice is hereby authorized and empowered to administer,) be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the said City and County of the City of *Exeter* or County of *Devon*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Destroying
the Works,
Felony.

XXIII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said Undertaking, break, throw down, or destroy any of the Works to be erected and made by virtue of this Act, every such Person shall be judged guilty of Felony, and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Punishments and Penalty as in Cases of Felony; and the Court by or before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in mitigation of such Punishment such Court may award such Sentence as the Law directs in Cases of Felony.

Plans and
Books of Re-
ference to
remain with
the Clerk of
the Peace,
and be open
to Inspection.

XXIV. And whereas Maps or Plans of the said Bridge and Works, with the Improvements intended to be made, together with Books of Reference containing a List of the Names of the Owners and Occupiers of the Lands through which the same are intended to be carried and made, have been deposited for public Inspection at the Offices of the Clerks of the Peace of the County of *Devon* and County of the City of *Exeter* respectively; be it further enacted, That the before-mentioned Maps or Plans and Books of Reference shall remain with the Clerks of the Peace of the said County of *Devon* and County of the City of *Exeter* respectively, and that all Persons shall at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the said respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies and Extracts of the said Books of Reference, and so in proportion for any greater Number of Words; and the said Maps or Plans and Books of Reference, or true Copies thereof or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be Evidence in all Courts of Law or elsewhere; and the said Mayor, Bailiffs, and Common-

alty, in making the said Bridge and Works hereby authorized to be made, shall not deviate more than One hundred Yards from the respective Lines or Course so described thereof in the said Maps or Plans and Books of Reference respectively as aforesaid.

Limiting
Deviation
from Plan.

XXV. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Mayor, Bailiffs, and Commonalty, or any Interruption be given to the Completion of the said Bridge or Bridges and Works, and any other Work hereby authorized to be made, or any of them, on account of any Error or Omission in the said Books of Reference of any Property required for the Purposes of this Act, in case it shall appear to any Two or more Justices of the Peace acting for the said City of *Exeter* and County of the same City, or for the said County of *Devon*, (as the Case may require,) and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

No Advan-
tage to be
taken of any
Error or
Omission in
Books of
Reference.

XXVI. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, and they are hereby authorized and empowered, to purchase and take the several Messuages, Tenements, Dwelling Houses, Buildings, Gardens, Lands, Tenements, and Hereditaments within the County of the said City of *Exeter* and County of *Devon*, mentioned and specified in the Schedule to this Act annexed, or so many or such Part or Parts thereof as they the said Mayor, Bailiffs, and Commonalty shall think right and proper to be taken and used for the Purposes of this Act, without incurring any of the Penalties and Forfeitures of the Statute of Mortmain.

Power to
purchase
Lands.

XXVII. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, or any of the Persons, or Body or Bodies Politic or Corporate, in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold, or assessed and valued by a Jury, and conveyed, disposed of, and applied to and for the Purposes of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the same were more properly and correctly named and described; provided it shall be made to appear to any Two Justices of the Peace for the City of *Exeter* aforesaid or of the said County of *Devon* (as the Case may require), and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake.

Errors in the
Schedule not
to prevent
the Purchase.

XXVIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or Years, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, and all Trustees whatsoever, Executors and Administrators, not only for and on behalf of themselves and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, and Wards, and other Persons under any Disability of acting for themselves, who are or

Incapacitated
Persons em-
powered to
sell and con-
vey.

[Local.]

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shall

shall be seised or interested in their own Right or otherwise howsoever, and for all and every other Person or Persons whomsoever who now are or shall at any Time or Times hereafter be seised or possessed of or in any way interested in any Messuages, Buildings, Lands, Tenements, or Hereditaments which the said Mayor, Bailiffs, and Commonalty are enabled to take or purchase for the Purposes of this Act or any of them, and they are hereby required, to contract and agree with the said Mayor, Bailiffs, and Commonalty for the absolute Sale thereof, or any Part or Parts thereof, and to sell and convey the same, or any Part or Parts thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, and to sell and convey the same unto the said Mayor, Bailiffs, and Commonalty for the Purposes aforesaid; and all Contracts, Bargains, Sales, Conveyances, and other Assurances which shall be made by virtue and in pursuance of the Provisions of this Act shall, without any Fine, Recovery, or other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Persons so conveying, but also to convey all the Right, Estate, and Interest, Trust, Use, Property, Possession, Claim, or Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates; and the same shall be considered and deemed to bar and shall bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party or Parties claiming under them or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Tenants for Life, Fee Simple, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees, and Trustees, Executors and Administrators, and all other Persons whomsoever, are and shall and they are hereby fully indemnified for what they shall respectively do by virtue and in pursuance of this Act.

Form of
Conveyance.

XXIX. And be it further enacted, That all Sales, Conveyances, and Assurances to be from Time to Time made to the said Mayor, Bailiffs, and Commonalty, of any Messuages, Buildings, Lands, Tenements, or Hereditaments, by virtue of this Act, may be made in the following Form, or as near thereto as the Circumstances of the Case will admit:

‘ I [or We] in consideration of the Sum of
 ‘ to me [or us] paid by the Mayor, Bailiffs, and Commonalty for
 ‘ carrying into execution an Act passed in the Fifth Year of the Reign of
 ‘ King *William* the Fourth, intituled [*here set forth the Title of this Act*], do
 ‘ hereby grant and convey to the said Mayor, Bailiffs, and Commonalty
 ‘ all [*here describe the Premises*], and all my [or our] Right, Title, and
 ‘ Interest to and in the same and every Part thereof, to hold to the said
 ‘ Mayor, Bailiffs, and Commonalty, their Successors and Assigns for ever.
 ‘ In witness whereof I [or we] have hereunto set my Hand and Seal [or
 ‘ Hands and Seals] this Day of in the Year of our
 ‘ Lord

And

And every such Sale, Conveyance, and Assurance so made shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any such Messuages, Buildings, Lands, Tenements, and Hereditaments in the said Mayor, Bailiffs, and Commonalty, for the Uses and Purposes of this Act; any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

XXX. Provided always, and be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, Tenants for Life or in Tail, Trustees, Feoffees, Guardians, Committees, Executors, or Administrators, or any other Person or Persons whomsoever, Proprietors or Owners of or interested in any Messuages, Buildings, Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, or any Occupier or Occupiers of any Messuages, Buildings, or Tenements, or other such Premises, sustaining any Loss, Injury, or Damage, shall, for the Space of Ten Days next after Notice in Writing from the said Mayor, Bailiffs, and Commonalty, or their Solicitor or Agent duly authorized for the Time being, shall have been to him or them given, or left at the Dwelling House or Houses or usual or last Place or Places of Abode of him, her, or them, or of the principal or head Officer or Officers of such Bodies Politic or Corporate or Corporations, or at the House or Houses of the Tenant or Tenants in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments intended to be purchased and taken for the Purposes of this Act, purporting that such Messuages, Buildings, Lands, Tenements, or Hereditaments are required for the Purposes of this Act, neglect or refuse to treat and agree or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating and agreeing, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in Possession of or the Interest they claim therein to the Satisfaction of the said Mayor, Bailiffs, and Commonalty, then and in every such Case the said Mayor, Bailiffs, and Commonalty shall cause the Value and Recompence to be made for such Messuages, Buildings, Lands, Tenements, or Hereditaments to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said City and County of *Exeter* or County of *Devon*; and for the summoning and returning such Jury the said Mayor, Bailiffs, and Commonalty are hereby empowered from Time to Time to issue their Warrant or Warrants to the Sheriff of the said City and County, or County of *Devon*, thereby commanding and requiring them or him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries at the Sessions of the said City and County of the said City of *Exeter* or the County of *Devon*, and who are respectively seised or possessed of Freehold, Copyhold, or Leasehold Estates within the said City and County of the said City of *Exeter* or County of *Devon* of the annual Value of Ten Pounds, to appear before the said Sheriffs at such Time as in such Warrant or Warrants shall be appointed at the Guildhall within the said City of *Exeter* or Castle of *Exeter*; and the said Sheriffs are hereby required to impanel, summon, and return such Number accordingly to attend at the Time and Place so appointed; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriffs are hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid; and in default of such a Number of Jurymen appearing the said Sheriff shall return other Twelve honest and indifferent Men of the Standers-by,

If Proprietors refuse to sell, a Jury to be summoned to assess the Value, &c.

Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff is hereby required and empowered, from Time to Time as Occasion shall be or require, to summon and call before the said Jury and examine upon Oath (which Oath the said Sheriff is hereby empowered to administer) 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 also order and cause the said Jury, or any Six or more of them, to view the Places in question, if there be Occasion, and use all lawful Ways and Means as well for their or his own as for the said Jury's better Information in the Premises, as the said Sheriff shall think fit; and the said Jury shall assess the Damages and Recompence to be given for the Messuages, Buildings, Lands, Tenements, or Hereditaments to the respective Owner or Owners and Occupier or Occupiers thereof, according to their respective Interests therein, and shall give in their Verdict thereupon; and after the said Jury shall have inquired of and assessed such Damages and Recompence, and given in their Verdict, the said Sheriff shall thereupon order, adjudge, and determine the Sum or Sums so assessed by the said Jury to be paid for the said Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Interest therein, according to such Verdict or Inquisition of the said Jury: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall always be deemed to be the Plaintiff, and entitled to the same Rights and Privileges as Plaintiffs in Actions at Law are entitled to.

Verdict of
such Jury to
be final.

XXXI. And be it further enacted, That such Verdict or Inquisition of the said Jury, and the Judgment, Order, or Determination thereupon, so had and made, shall be final, binding, and conclusive to all Intents and Purposes against all Tenants for Life, Tenants in Tail, and all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, Remainder, or Expectancy, or otherwise, and against their several and respective Heirs, Successors, Executors, or Administrators, and against all other Person or Persons whomsoever; and all and every such Owners, Occupiers, and other Persons in anywise interested in such Messuages, Buildings, Lands, Tenements, or Hereditaments shall thereby be, from and after the Payment or legal Tender of the Purchase Money, to all Intents and Purposes divested of all Right, Title, Claim, Remainder, Reversion, Interest, or Property of, in, to, or out of the same; and on Payment or legal Tender of the Money so assessed, within Thirty Days from the Time of such Assessment, to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *England* within the Time and in manner by this Act directed, it shall and may be lawful to and for the said Sheriff to cause the Possession of the Premises in respect whereof such Money shall be assessed and paid to be delivered to the said Mayor, Bailiffs, and Commonalty, and thereupon the Premises shall absolutely vest in the said Mayor, Bailiffs, and Commonalty, and they shall be and be deemed to be in the actual Seisin and Possession thereof to all Intents and Purposes whatsoever; and every Verdict and Judgment thereupon as aforesaid shall be transmitted to and be fairly entered and kept amongst the Records of the Quarter Sessions

Sessions of the said City or County of *Devon*, and the same or true Copies thereof shall be admitted, received, and taken in Evidence and Proof in all Courts of Law or Equity and all Places whatsoever; and all Persons shall have recourse to them at all reasonable Times *gratis*, and may take Copies thereof *gratis*, and may, if they think proper, order Copies thereof to be made, paying Sixpence for every One hundred Words, and so in proportion for any less Number of Words to be copied.

XXXII. And be it further enacted, That the said Sheriff acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on any of the Persons who shall be summoned and returned on such Jury and shall not appear without some sufficient Excuse, or who shall refuse to be sworn on such Jury, or being sworn shall refuse to give or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, and on any Person or Persons who, being summoned to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without some sufficient Excuse, or appearing shall refuse to be sworn or give Evidence, so as such Fine to be imposed on any Jurymen or Witness shall not exceed the Sum of Five Pounds for One Offence.

Penalty on Persons summoned not appearing, or refusing to be sworn.

XXXIII. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons, Bodies Politic or Corporate, in or to such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or for any such Damage or Injury as aforesaid, than shall have been offered or tendered by the said Mayor, Bailiffs, and Commonalty before the summoning or returning of such Jury, then the Costs and Expences of such Notice or Notices, Precept or Precepts, and of summoning and returning such Jury and Witnesses, and also of the said Inquest, (such Costs and Expences to be settled and allowed by any Justice of the Peace for the said City and County of the City of *Exeter* or County of *Devon*, not interested therein,) shall be borne and paid by the said Mayor, Bailiffs, and Commonalty out of the Money arising by virtue of this Act, and shall and may be recovered by the Person or Persons entitled thereto by Distress and Sale of the Goods and Chattels of the said Mayor, Bailiffs, and Commonalty, or of their Treasurer, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said City of *Exeter* or County of *Devon*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by the Party entitled or claiming to receive such Costs and Expences; but if any such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money as a Recompence or Satisfaction as aforesaid than shall have been offered or tendered as aforesaid by the said Mayor, Bailiffs, and Commonalty before the summoning or returning of the said Jury or Juries as aforesaid, then one Moiety of the Costs and Expences aforesaid shall be borne and paid by the Person or Persons, Bodies Politic or Corporate, with whom the said Mayor, Bailiffs, and Commonalty shall have had any Controversy or

Costs of Jury, by whom to be borne.

[Local.]

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Dispute,

Dispute, and shall be recovered in the same Manner as any Penalties or Forfeitures are herein-after directed to be recovered, and the other Moiety thereof shall be borne and paid by the said Mayor, Bailiffs, and Commonalty out of the Money arising as aforesaid, and be recovered by Distress and Sale in manner aforesaid; but in Cases where Parties by reason of Absence or Disability shall have been prevented from treating and agreeing, such Costs and Expences shall be borne and paid by the said Mayor, Bailiffs, and Commonalty out of the Money arising by virtue of this Act, and be recovered by Distress and Sale in manner aforesaid.

Tenants to give up Possession upon Three Months Notice.

XXXIV. And be it further enacted, That every Tenant from Year to Year or at Will, in Possession of any Messuages, Buildings, Lands, Tenements, or other Hereditaments which shall be purchased or taken by virtue and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Mayor, Bailiffs, and Commonalty, upon having Three Calendar Months Notice from the Clerk for the Time being to be appointed in pursuance of this Act on behalf of the said Mayor, Bailiffs, and Commonalty, to quit the same, at such Time or Times as shall be required by such Notice, they the said Mayor, Bailiffs, and Commonalty making such Satisfaction and Compensation to every such Tenant, Lessee, or other Person aforesaid (except a Mortgagee), in case he, she, or they shall be required to quit before the Expiration of his, her, or their Term or Interest in the Premises, as the said Mayor, Bailiffs, and Commonalty, and such Lessee, Tenant, or other Person, shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be ascertained and settled by a Jury in such and the like Manner as the Satisfaction and Compensation to be made by the said Mayor, Bailiffs, and Commonalty for the Purchase of any Messuages, Buildings, Lands, Tenements, or other Hereditaments is and are herein directed to be ascertained and settled in case of any Dispute or Difference about the same; and such Lessee, Tenant, or other Person aforesaid in Possession shall, at such Time or Times as he, she, or they shall be required by the said Mayor, Bailiffs, and Commonalty, peaceably and quietly deliver up the Possession of the said Premises to the said Mayor, Bailiffs, and Commonalty; and if any such Lessee, Tenant, or other Person aforesaid so in Possession as aforesaid shall refuse or neglect to deliver up such Possession as aforesaid; then and in every such Case it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty to issue their Precept or Precepts to the Sheriff of the said City of *Exeter* or County of *Devon* to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriffs are hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs and Charges as shall accrue from the issuing or Execution of such Precept or Precepts on the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Chattels.

Mortgagees not in Possession to assign to the Mayor, Bailiffs, and Commonalty.

XXXV. And be it further enacted, That all and every Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall have any Mortgage or Mortgages on any Messuages, Buildings, Lands, Tenements, or Hereditaments to be required for the Purposes of this Act (not being in Possession of the said Premises by virtue of such Mortgage or Mortgages),

Mortgages), shall, on Tender of the Mortgage Money and Interest due thereon, together with the Amount of Six Calendar Months Interest, on the Principal Money, by the Clerk or Clerks for the Time being to be appointed in pursuance of this Act, on behalf of the said Mayor, Bailiffs, and Commonalty, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Mayor, Bailiffs, and Commonalty; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the Clerk or Clerks for the Time being to be appointed in pursuance of this Act that the said Mayor, Bailiffs, and Commonalty will, out of the Money arising by virtue of this Act, pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, then, on Payment of the Principal and Interest so due on such Mortgage or Mortgages, according to such Notice, such Mortgagee or Mortgagees shall convey, assign, and transfer the said Mortgage or Mortgages, and his or their Interest in the Premises, to the said Mayor, Bailiffs, and Commonalty; but in case such Mortgagee or Mortgagees shall refuse to convey or assign on such Tender or Payment as aforesaid, then all Interest on such Mortgage shall, from the Time of such Tender or Expiration of such Notice, cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act, then the said Mayor, Bailiffs, and Commonalty shall not be liable, out of the Monies arising by virtue of this Act, to pay the Mortgagee or Mortgagees any more than the real Value of such Premises; which Value, in case the Parties cannot agree upon the same, shall be ascertained and settled by a Jury in like Manner as other Values are by this Act directed to be ascertained and settled: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any Mortgage or Mortgages as aforesaid into the Bank of *England* at the End of Three Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money in like Manner as is herein directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Mayor, Bailiffs, and Commonalty, and the said Mayor, Bailiffs, and Commonalty shall be deemed to be in the actual Possession of the Hereditaments and Premises comprised in such Mortgage or Mortgages to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments to the said Mayor, Bailiffs, and Commonalty, or to such Person or Persons as they shall appoint; and in default of their so doing, and on Payment of such Money into the Bank of *England* for the Use of such Mortgagee or Mortgagees, the Cashier of the Bank shall give such

such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them respectively, in the said Lands, Tenements, or Hereditaments the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Mayor, Bailiffs, and Commonalty, and the said Mayor, Bailiffs, and Commonalty shall be deemed to be in the actual Possession of the Premises, to all Intents and Purposes whatsoever; and such Sums of Money as shall be so awarded or paid or tendered as aforesaid shall, after such Payment or Tender, be deducted from the Amount of the Monies due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Compensation to be made for Damage done in pulling down Houses.

XXXVI. And be it further enacted, That in case any Messuages or Buildings, Lands, Tenements, or Hereditaments, shall be damaged or injured by or in the taking down of any of the Messuages or Buildings to be taken down for the Purposes of or otherwise in the Execution of this Act, the said Mayor, Bailiffs, and Commonalty shall and they are hereby authorized and required, by and out of the Money to arise by virtue of this Act, to make to the Owners and Occupiers of such Messuages and Buildings, Lands, Tenements, and Hereditaments, so damaged or injured, such Compensation and Satisfaction for such Damage or Injury as the said Mayor, Bailiffs, and Commonalty shall in their Judgment think reasonable, by Payment of a Sum of Money in gross; and in case the Owners or Occupiers shall think the Satisfaction offered to them by the said Mayor, Bailiffs, and Commonalty not sufficient, then the same shall be ascertained and settled by a Jury in manner herein provided for ascertaining the Value of the Messuages, Lands, and Hereditaments to be purchased, taken, or required for the Purposes of this Act.

Power to take Possession of the Messuages, &c. on Payment or Tender of Purchase Money agreed upon or assessed.

XXXVII. And be it further enacted, That upon Payment or legal Tender by the said Mayor, Bailiffs, and Commonalty of the Purchase Money agreed upon or assessed by such Jury as aforesaid for any of the Messuages, Buildings, Lands, Tenements, or Hereditaments authorized to be taken and purchased for the Purposes of this Act, to the Owner or Owners thereof, or to such other Person or Persons as shall be interested therein or entitled to receive such Money, or into the Bank of *England*, in the several Cases herein referred to, within Thirty Days after such Purchase Money shall have been so agreed upon or assessed as aforesaid; it shall be lawful for the said Mayor, Bailiffs, and Commonalty to enter into and upon the Messuages, Buildings, Lands, Tenements, and Hereditaments whereof the Purchase Money shall be so paid or tendered, and thereupon the same shall thenceforth be vested in the said Mayor, Bailiffs, and Commonalty for the Purposes of this Act; and every such Payment or Tender shall bar all Estates, Rights, Title, and Interest of all Persons whomsoever therein: Provided nevertheless, that before such Payment or Tender shall be made it shall not be lawful for the said Mayor, Bailiffs, and Commonalty, or any Person acting by their Authority, to enter into or upon any Messuages, Buildings, Lands, Tenements, or Hereditaments authorized to be taken and purchased for the Purposes of this Act, without the Consent of the Owner or Owners thereof, and other the Person or Persons interested therein or entitled thereto, or any Estate therein.

XXXVIII. And

XXXVIII. And whereas some Part or Parts of the said Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act may happen to be more than will be necessary or wanted for such Purposes; be it therefore further enacted, That it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty, and they are hereby required, authorized, and empowered, within Five Years from the passing of this Act, to sell and dispose of and convey, or cause to be sold or disposed of and conveyed, such Part or Parts of the said Messuages, Buildings, Lands, Tenements, or Hereditaments, to be vested in the said Mayor, Bailiffs, and Commonalty by virtue or in pursuance of this Act, and not taken or used for the Purposes thereof, to any Person or Persons willing to contract or agree for or purchase the same; and the Money arising therefrom shall be paid and applied for the Purposes of this Act, but the Purchaser or Purchasers of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, shall not, after paying his, her, or their Purchase Money or Purchase Monies, be liable to see to the Application thereof, or be in anywise answerable for the Misapplication or Nonapplication thereof or any Part thereof: Provided always, that in case the said Mayor, Bailiffs, and Commonalty shall not dispose of the same within the said Period of Five Years, then the same shall become and be vested in the Owner or Owners of the adjoining Lands, Tenements, or Hereditaments.

Power to sell Premises not wanted for the Purposes of this Act.

XXXIX. Provided always, and be it further enacted, That the said Mayor, Bailiffs, and Commonalty, before they shall sell and dispose of any such Messuages, Buildings, Lands, Tenements, or Hereditaments, shall, in Cases where any Party is known and can be found capable of treating in this Behalf, first offer to resell the same to the Owner of the adjoining Lands, Tenements, or Hereditaments; and in case such Person or Persons shall not then and thereupon agree or shall refuse to repurchase the same, then and in every such Case an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One or more of His Majesty's Justices of the Peace for the City of *Exeter* or the County of *Devon* aforesaid, by some Person or Persons no way interested in the said Messuages, Buildings, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Mayor, Bailiffs, and Commonalty, and that such Offer was then and thereupon agreed to or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to or was refused by the Person or Persons to whom it was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Mayor, Bailiffs, and Commonalty, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner by this Act directed with respect to disputed Value of Premises to be taken and used by the said Mayor, Bailiffs, and Commonalty in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to such Purchases made by the said Mayor, Bailiffs, and Commonalty, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Piece or Pieces of Ground as aforesaid shall be applied by the said Mayor, Bailiffs, and Commonalty to the Purposes of this Act,

Proprietors of adjoining Lands to have the first Offer.

[Local.]

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but

but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication thereof.

Application
of Compen-
sation Money
belonging to
incapacitated
Persons
when exceed-
ing 200*l*.

1 G. 4. c. 35.

XL. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Messuages, Buildings, 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 or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Committees, or any Feme Covert, Infant, Lunatic, Idiot, Cestuique Trust, or any Person or Persons whomsoever, whose Messuages, Buildings, Lands, Tenements, and Hereditaments are limited in strict or other Settlement, or any Person or Persons under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the said Mayor, Bailiffs, and Commonalty, pursuant to the Directions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, 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 Messuages, Buildings, Lands, Tenements, or Hereditaments, in the Purchase and Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Messuages, Buildings, Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same may be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the 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, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time
being

being have been entitled to the Rents and Profits of the Messuages, Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XLI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or Person or any Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Messuages, Buildings, 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 or Lunacy, to be signified in Writing under their respective Hands, to be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General of the said Court of Exchequer, to 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 the said Mayor, Bailiffs, and Commonalty for carrying this Act into execution, (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 may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

If less than
200*l.* and
exceeding
20*l.*

XLII. And be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed 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 Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Mayor, Bailiffs, and Commonalty shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively as aforesaid.

If not ex-
ceeding 20*l.*

XLIII. And be it further enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid or awarded for the Purchase of any of the said Messuages, Buildings, 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 Mayor, Bailiffs, and Commonalty, or in case such Person or Persons to whom such Sum or Sums of Money shall be so agreed to be paid or awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Mayor, Bailiffs, and Commonalty to order the said Sum or Sums of Money so agreed to be paid or awarded as aforesaid to be paid into the Bank of *England*

If Titles can-
not be made,
or Persons
found, &c.
Money to be
paid into the
Bank.

England in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties or to the unknown Persons (as the Case may be) interested in such Messuages, Buildings, Lands, Tenements, or Hereditaments, subject to the Order, Control, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Body or Bodies, 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 Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title, or Interest of the Body or Bodies, 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 such Sum or Sums of Money into the said Bank as aforesaid.

Persons in Possession presumptively entitled.

XLIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands, to be taken or used in pursuance of this Act for the Purposes aforesaid, or for Compensation or Satisfaction as aforesaid, or to any Annuities or Securities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Corporations and Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to some Part of such Lands, or to some Estate or Interest therein; and the said Court shall have full Power to direct the Payment of the said Annuities and Securities, and the Interest and Dividends thereof, unto the Person or Persons who shall be proved to be entitled to the same.

The Court may order reasonable Expences of Purchases to be paid by Corporation.

XLV. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or 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

shall be lawful for the said Court to order the reasonable Expences of all Purchases from Time to Time to be made in pursuance of this Act, and of the Investment of the Purchase Money in Land, together with the necessary Costs and Charges of obtaining the Orders for such Purposes, to be paid by the said Mayor, Bailiffs, and Commonalty, their Successors or Assigns, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XLVI. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the several Parishes or Townships through or in which the several Works hereby authorized may pass or be situate; be it therefore enacted, That the said Mayor, Bailiffs, and Commonalty shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Mayor, Bailiffs, and Commonalty shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax, be subject and liable from Time to Time to pay and make good to or in aid of such several Parishes or Townships as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes or Townships by reason of taking down or using, for the Purposes of this Act, any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer or Collector or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Provision for
Deficiencies
in Land Tax.

XLVII. And be it further enacted, That if any Person shall wilfully or maliciously damage the said Bridge or Bridges, or any Part thereof, or any Toll Gate, Turnpike, or Toll House belonging thereunto, or shall wilfully or maliciously remove or take away any Works, Materials, or Things thereunto belonging, or belonging to the said Mayor, Bailiffs, and Commonalty, or in any Way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said Bridge or Bridges or the Works thereto belonging may be injured, or shall moor or fasten any Ship, Lighter, Barge, Boat, Keel, Wherry, or other Vessel, or any Float or Raft, to the same or any Part thereof; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also pay and defray the Amount of the Damage so done as aforesaid, and the Value of the Materials or Things taken therefrom, and the Expence of replacing the same; the Amount of which Damage and Expences shall and may be recovered and levied in the same Manner as any Penalty or Forfeiture may be recovered and levied under this Act.

For prevent-
ing wilful
Damage to
Bridge.

XLVIII. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board or Table of Tolls put up or placed to any Toll House or Toll Gate in pursuance of this Act, or shall obliterate or deface any Inscription, Word, or Figure thereon, or

Penalty on
wilfully de-
stroying
Table of
Tolls.

[Local.]

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shall

shall assist, aid, or concur in any such Offence, he or she shall, on Conviction, forfeit and pay to the said Mayor, Bailiffs, and Commonalty a Sum not exceeding Five Pounds for every such Offence, over and above the Amount of the Damage done.

Penalty on Persons obstructing the Bridges without Cause.

XLIX. And in order that a clear Passage along the Approaches, Ways, or Passages to and from the said Bridges, and that the said Bridges and Approaches may at all Times, for the Convenience of the Public, be kept and maintained free and uninterrupted, be it further enacted, That if any Person or Persons shall do, or cause or permit to be done, any Act, Matter, or Thing whatsoever whereby or by means whereof the Passage of the said Bridge or Bridges, or the Approaches thereto, shall be interrupted or obstructed, impeded or prevented, and shall not show sufficient Cause in extenuation, to be allowed by the Justices before whom Complaint of the Offences shall be made, every such Person or Persons whomsoever shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For preventing Nuisances on the Bridges.

L. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, or otherwise damage the said Bridge or Bridges, or the Works thereof, or any Part thereof, or shall ride or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway to be made on the Side or Sides of any Part of the said Bridge or Bridges or the Approaches thereto, or shall wilfully obstruct the Passage thereof; 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 the Driver of any Waggon or other Carriage meeting any other Waggon or Carriage shall not keep his Waggon or Carriage on the Left or Near Side, or if any Person shall in any Manner wilfully prevent any other Person from passing him or her, or his or her Carriage, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage or of His Majesty's Subjects on the said Bridge or Bridges, Roads, or Approaches; 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 Bridges or Approaches thereto, with any Instrument, so as to damage the said Bridge or Bridges or Approaches thereto, or any Part thereof; or if any Person or Persons shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, or play at Football or any other Game, upon the said Bridge or Bridges, Roads, or Approaches thereto; or if any Person or Persons shall leave any Waggon, Wain, Cart, or Carriage, 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, in, upon, or on the Sides of the said Bridges or Approaches thereto, 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 Bridge or Bridges, Roads, or Approaches thereto, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of any Person travelling thereon; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also pay and defray the Amount of Damages done as aforesaid, together

together with the Expences thereof, to be ascertained and recoverable as herein-before mentioned.

LI. Provided always, and be it further enacted, That nothing herein contained shall in any Manner abridge, infringe, lessen, alter, or diminish, prejudice, affect, or interfere with the Powers, Provisions, and Privileges contained in an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway from the Basin of the Exeter Canal in the Parish of Saint Thomas the Apostle in the County of Devon to the Four Mills in the Parish of CREDITON in the said County*; and that all and every the several Powers, Provisions, and Privileges therein contained shall remain in such full Force as if this Act had not been passed, so that the Passage or Conveyance of Persons, Carriages, Cattle, or Horses over any Bridge which may hereafter be erected by the said Company over the said River *Exe*, near to the Bridge adjoining the Bridge intended to be erected under and by virtue of this Act, be restricted to the Passage or Conveyance of Persons, Carriages, Cattle, or Horses actually and *bonâ fide* belonging to and in the Employ of the said Railroad Company.

Saving
Rights of
CREDITON Rail-
road Com-
pany.
2 W. 4 c.93.

LII. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or of any Rule, Order, or Bye Law to be made in pursuance thereof (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed), shall and may be made before One or more Justice or Justices of the Peace for the County, City, or Place wherein the Offence shall be committed, and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon the Appearance or Nonappearance of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereof as such Justice or Justices shall think proper; and upon Conviction of any Person such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals for levying the Penalty or Forfeiture by virtue of this Act or of any Bye Law made in pursuance thereof and imposed for such Offence, together with the Costs of Conviction, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid it shall be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice, or before some other Justice of the Peace for the said County or Place in which such Offence shall be committed, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such

For Recovery
of Penalties.

Warrant

Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture and all reasonable Charges attending the Recovery thereof shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Receiver General of the said Mayor, Bailiffs, and Commonalty, and shall be applied and disposed of towards defraying the Expences of the said Bridge or Bridges, Ferry, Roads, Approaches, and Works; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

Justices may proceed by Summons in the Recovery of Penalties.

LIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Distress not to be unlawful for Want of Form.

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

Proceedings not to be quashed for Want of Form.

LV. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be made void, quashed, or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

or Persons, Body or Bodies Politic or Corporate, shall or may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the said City of *Exeter* within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant having given or caused to be given Twenty-one Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Cause and Matter thereof, to the Clerk for the Time being acting in pursuance of this Act, and within Ten Days next after such Notice entering or causing a Recognizance to be entered into before some Justice of the Peace acting in and for the said City of *Exeter*, with Two sufficient Persons as Sureties, conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by such Justices at such General or Quarter Sessions; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Cause and Matter in a summary Way, and shall or may mitigate any Fine or Penalty or Forfeiture, and may order such Money to be returned which shall have been paid or levied in pursuance of any such Rule, Order, Bye Law, Regulation, or Determination, and may also order such further Satisfaction to be made to the Party injured as the said Justices shall think proper; and the Determination of such Justices at their General or Quarter Sessions shall be binding and conclusive.

Limitation of
Actions.

LX. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done or omitted to be done in pursuance of this Act, or in the Execution or supposed Execution of the Powers and Authorities herein-before given, until Ten Days Notice in Writing of such intended Action or Suit and the Cause thereof shall have been given to the Clerk for the Time being acting in pursuance of this Act, signed by the Plaintiff or Plaintiffs, or by his, her, or their Attorney or Attornies, nor after the Expiration of Six Calendar Months from the Time when such Cause of Action or Suit shall have arisen, or in case of any consequential Damage upon any Cause or Action, within Six Calendar Months after such Damage shall have been discontinued or shall cease, nor after Tender of reasonable Amends shall have been made to the Party or Parties aggrieved by or on behalf of the Defendant or Defendants in such Action or Suit; and every such Action or Suit shall be laid, brought, and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action and Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence on any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done or omitted in pursuance of and by the Authority of this Act; and if such Matter or Thing shall appear to have been so done or omitted, or if it shall appear that such Action or Suit was brought before the Expiration of Ten Days from the Delivery of such Notice as aforesaid, or after the Time herein-before limited for bringing the same, or Tender of reasonable Amends as aforesaid, or if such Action or Suit shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, and if the Plaintiff or Plaintiffs shall become nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared,

or

or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover his, her, or their Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

LXI. Provided always, and be it further enacted, That in all Actions or Suits to be brought against any Person or Persons for any Matter or Thing done in pursuance of this Act the Defendant or Defendants in such Action or Suit shall and may, before Plea pleaded, pay into Court such Sum or Sums of Money as he, she, or they shall think proper as and by way of reasonable Amends for such Matter or Thing; and if the Plaintiff or Plaintiffs shall refuse to accept the same, together with his, her, or their Costs to that Time (to be taxed by the proper Officer), and if the Jury who try the Cause shall not find the Damages to amount to a greater Sum or Sums of Money than the Money so paid into Court, the Verdict shall pass for the Defendant or Defendants, and such Defendant or Defendants shall have all other Privileges and Advantages given to any Defendant or Defendants by this Act, and shall and may recover his or their Costs, and have the like Remedy for the same as before directed for recovering Costs by any Defendant or Defendants.

Reasonable Amends may be paid into Court by Defendants.

LXII. Provided always, and be it further enacted, That nothing herein contained shall in any Manner abridge, infringe, lessen, or alter any other of the Rights, Privileges, Tolls, Petty Customs, Duties, Powers, or Authorities of the Mayor, Bailiffs, and Commonalty of the said City of Exeter, or any of the accustomed Rights and Privileges of the said City.

Saving Rights of the Corporation of Exeter.

LXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

SCHEDULE to which this Act refers.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
<i>Parish of Saint Thomas the Apostle.</i>				
1	The Chamber of Exeter	Mrs. Gray - -	Mrs. Gray - -	{ Field or Timber Yard called Shooting Marsh. House and Gardens.
2	Ditto - -	Ditto - -	Ditto - -	
<i>Parish of Saint Thomas the Apostle and Saint Mary Steps.</i>				
3	The Chamber of Exeter	{ James Jones Tanner, Esquire -	{ James Jones Tanner, Esquire -	The Shilbay Field.
4	Ditto - -	{ Alfred and W. C. Bodley - -	{ Alfred and W. C. Bodley - -	{ House, Iron Foundry, and Gardens.
5	Ditto - -	- - - -	The Chamber - -	Coal Yards.
6	Ditto - -	George Buckland -	George Buckland -	{ Store-rooms, Shed, and Yard.
7	Ditto - -	James Pearse -	James Pearse -	Drying Lofts.
8	Ditto - -	Joseph Ratcliffe -	Joseph Ratcliffe -	{ Mill Yards, Streams, and Gardens.
9	{ The Commissioners of Improvement }	- - - -	The Public - -	Footpath or Road.
10	Ditto - -	- - - -	The Commissioners -	Garden.
11	{ The Chamber of Exeter -	{ Dale, Petts, and Duncombe -	{ E. Cox, W. Wrefford, R. Radford, H. Bidwell, W. Plimsaul, James March - -	{ Cottage. Garden.
12				
<i>Parish of Saint Mary Major.</i>				
13	Mrs. Gully - -	- - - -	Richard Bolt - -	House.
14	{ The Commissioners of Improvement - }	- - - -	The Commissioners	Waste Ground or Yard.
15	James Wright -	- - - -	{ Ann Madocks and Thomas Trump -	{ House.
<i>Parish of Saint Leonard.</i>				
16	Richard Bastard -	- - - -	Richard Bastard -	Quay or Road.
17	Ditto - -	- - - -	Robert Dymond -	House, Offices, and Garden.
18	William Hooper -	Hooper and Ebbels	Hooper and Ebbels -	{ Limekilns, House, Yard, &c.
19	Mrs. Wills - -	- - - -	Mrs. Wills - -	Road and Quay.
20	{ Hooper, Kingdon, and Wills - }	- - - -	{ Hooper, Kingdon, and Wills - }	Road.
<i>Parish of Saint Thomas the Apostle.</i>				
21	Miss Eliza Temple	- - - -	Robert Rooks -	Pasture Field.
<i>Parish of Saint Thomas the Apostle and the Holy Trinity.</i>				
a	The Chamber of Exeter	- - - -	Thomas Mitchell -	{ Ferry, Ferry-house, and Offices.