Anno decimo

Georgii III. Regis.

An Act to impower the Justices of the Peace for the County of *Devon* to apply a Sum of Money, out of the County Stock, for the opening, making, and maintaining a convenient and commodious Highway, from the High Street in the City of *Exeter* to the Castle of *Exeter*.

WHEREAS the present Highway leading from the High Street in the City of Exeter to the Castle, where all publick Courts of Judicature are held for the County of Devon, and to which there is great and frequent Resort, is so very narrow, steep, and dangerous, that it is impossible for Two Carriages to pass by each other, and very hazardous for Foot Passengers: And whereas a convenient and commodious Highway might be opened and made from the said High Street to the Castle, through Part of Castle Lane, and through certain Lands and Grounds of Philip Drake Esquire, and other Grounds the Property of several Preamble.

several Persons, to and across a Lane leading to the new Buildings, and from thence to the said Castle, if some of the Lands and Grounds aforesaid were purchased for that Purpose, and some Buildings of small Value now standing on some Parts thereof were taken down; and the opening and making such Highway will be of great Convenience to all Persons resorting to the said Castle, and of publick Use: And whereas Application has been made to the Justices of the Peace for the said County, to apply Part of the County Stock to the making a commodious Highway or Approach from the said High Street to the said Castle, which they are willing to do, but are advised they cannot apply any Part of the County Stock for that Purpose without the Aid 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 it shall and may be lawful to and for all and every Person and Persons named, or to be named, in the present or any future Commission of the Peace for the County of Devon, who are hereby constituted Commissioners for carrying this Act into Execution, to cause a Highway to be opened and made, from the High Street in the City of Exeter to the Castle, through certain Lands and Grounds of Philip Drake Esquire, and other Grounds the Property of several Persons, and to and across a Lane leading to the new Buildings, and from thence to the said Castle, of such Width and in such Manner as the said Commissioners, or any Seven or more of them, shall think proper; and to take down the Buildings which are standing thereon, and likewise such Part of all Houses and Buildings situate and lying any where in the present Highway, between the High Street and Castle aforesaid, as shall project beyond their respective Foundations, or be in any Manner incommodious and an Obstruction to the free passing to and fro of all Persons in Carriages, through the Highway intended to be made by virtue of this Act; and the Whole of the said intended Highway, from the said High Street to the Castle aforesaid, when so made, opened, widened, and perfected, from Time to Time to amend and keep in Repair, and therefrom to remove all Bulks, Penthouses, Posts, and other Impediments whatsoever; and for those Purposes

Justices to be Commissioners for the Purposes of this Act.

Their Power.

poſes, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to meet at ſome Houſe within the ſaid City of Exeter, or at the Caſtle aforeſaid, as ſoon as conveniently may be after the Paſſing of this Act; publick Notice of the Time and Place of ſuch intended Meeting, ſigned by Seven or more of the ſaid Commiſſioners, being affixed upon the Weſt Door of the Cathedral Church in the ſaid City, and likewiſe publiſhed in One of the Exeter Newſpapers, Fourteen Days at leaſt before ſuch Firſt Meeting; and that it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, ſo met, to adjourn unto, and thenceforwards to meet, by virtue of Adjournments, at ſuch Time and Times, and Place and Places within the ſaid City or Caſtle, as they ſhall appoint, until all the Purpoſes of this Act ſhall be completed; and at any ſuch Meeting or Meetings, to treat, contract, and agree with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Houſes, Buildings, Courts, Yards, Gardens, Lands, or other Hereditaments, as ſhall be found neceſſary for the Purpoſe of opening and making ſuch Highway, for the Purchaſe thereof, or of ſuch Part thereof, as they ſhall think proper, and of the Scite or Ground whereon ſuch Houſes or Buildings now ſtand, and for their Intereſt therein, for ſuch Sum or Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, and the ſaid Owners, Proprietors, Occupiers, and Perſons intereſted, ſhall agree upon; and out of the County Stock already raiſed, or hereafter to be raiſed, to pay, or cauſe to be paid, for ſuch Houſes, Buildings, Courts, Yards, Gardens, Lands, or other Hereditaments, or for ſuch Part thereof to be purchaſed as aforeſaid, ſuch Sum or Sums of Money as ſhall be agreed upon between the ſaid Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Commiſſioners, or any Seven or more of them, ſo aſſembled, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe, as well as the Coſts and Expences attending the making, maintaining, and preſerving the ſaid Highways, and likewiſe of the obtaining and paſſing of this Act.

Commiſſioners may contract for the Purchaſe of Lands to be taken into the Road.

And whereas it may happen that ſome Perſons, or Bodies Politick, Corporate, or Eccleſiaſtical, Feoffees

in Trust, Femes-covert, Infants, or others, who are seised or possessed of, intitled unto, or interested in, some Houses, Buildings, Courts, Yards, Gardens, Lands, or Hereditaments, or some Part or Share thereof, which may be necessary to be pulled down, or purchased and set out for the Purposes of this Act, may be willing to treat and agree to sell the same, but are incapable of selling, granting, or conveying the same; be it therefore further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Ecclesiastical, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Infants, or other Trustees whatsoever, and for all Femes-covert, and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Houses, Buildings, Courts, Yards, Gardens, Lands, or Hereditaments, or any Part thereof, to sell and convey the same, or any Part thereof, and all their Estate, Right, Title, and Interest whatsoever, of, in, or to the same, to the said Commissioners, or any Seven or more of them, or to such Person or Persons, and their Heirs for ever, as the said Commissioners, or any Seven or more of them so assembled, shall direct, in Trust for them the said Commissioners, or any Seven or more of them, for the Purposes in this Act contained; and that all Contracts, Agreements, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances and Assurances in the Law whatsoever, be good, valid, and effectual, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; and all Persons are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Bodies Politick, &c. may treat for the Sale of Lands, &c.

If Persons interested shall refuse to treat, &c.

And be it further enacted, That if any Bodies Politick, Corporate, or Ecclesiastical, Corporations Aggregate or Sole, Femes-covert, Infants, or other Person or Persons whomsoever, in and by this Act empowered and qualified to contract for, sell, convey, and dispose of any Part of the Premises herein before-mentioned, or any other Person or Persons interested therein, shall refuse

fuse to treat or agree as aforesaid, or by reason of Absence, or otherwise, shall be prevented from treating and agreeing, or shall decline or refuse to sell, convey, and dispose of the Premises whereof, or wherein, or whereunto they respectively shall be so seised, possessed, interested, or intitled as aforesaid, or their respective Rights, Titles, Claims, or Interests in, to, or upon the same, or any Part thereof, unto the said Commissioners, or to such Person or Persons as they shall nominate or appoint for the Purposes, and according to the Tenor, true Intent, and Meaning of this Act, or shall not produce or make out a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners, or any Seven or more of them, so assembled; it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, so assembled, and they are hereby authorised and impowered to issue their Warrant or Warrants to the Sheriffs of the County of Devon and the County of the City of Exeter respectively, thereby commanding and requiring them respectively to impanel, summon, and return, at such Time and Place as the said Commissioners, or any Seven or more of them, shall appoint, a competent Number of substantial and disinterested Persons, qualified to serve on Juries; and the said Sheriffs, and their Deputies, are hereby authorised, directed, and required accordingly to impanel, summon, and return a competent Number of substantial and disinterested Persons to serve on Juries, not less than Twelve from each County; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve (consisting of Six so returned from each County) shall be drawn, in such Manner as the Juries for the Trial of Issues joined in his Majesty's Courts at Westminster, by an Act made in the Third Year of the Reign of his late Majesty, intituled, An Act for the better Regulation of Juries, are directed to be drawn; which Persons so to be impanelled, summoned, and returned, are hereby required to come and appear before the said Commissioners, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be directed and appointed; and all Persons concerned shall have their lawful Challenges (but not challenge the Array of the Panel) against any of the said

Commissioners to issue their Warrant to the Sheriff for returning a Jury.

Jurors may be challenged.

Witneſſes may be examined upon Oath.

ſaid Jurymen when they come to be ſworn; and the ſaid Commiſſioners, or any Seven or more of them, ſo aſſembled, are hereby authoriſed and impowered, by Warrant or Order from Time to Time, as Occaſion ſhall require, to call before them all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary to be examined as Witneſſes before them, and to examine them on their Oath or Oaths touching the Premiſes (which Oath or Oaths the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter); and the ſaid Commiſſioners, or any Seven or more of them, ſo aſſembled, if they think fit, ſhall and may likewiſe authoriſe the ſaid Jury to view the Place or Places, or Matters in Queſtion, in ſuch Manner as they ſhall direct; and the ſaid Commiſſioners, or any Seven or more of them, ſhall have Power to adjourn ſuch Meeting from Day to Day, as Occaſion ſhall require; and ſuch Jury, Witneſſes, and Parties ſhall attend, until all ſuch Affairs for which they ſhall be ſummoned ſhall be concluded; and the ſaid Jury, upon their Oaths (which Oaths the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter) ſhall enquire of the Value of ſuch Houſes, Buildings, Courts, Yards, Gardens, Lands, or other Hereditaments which ſhall be neceſſary to be purchaſed, and of the reſpective Eſtate and Intereſt of every Perſon ſeiſed or poſſeſſed of, or intereſted therein, or in any Part thereof; and ſuch Jury ſhall aſſeſs the Sum or Sums of Money to be paid to ſuch Perſon or Perſons, for the Purchaſe of ſuch their Eſtates and Intereſt which ſhall be neceſſary to be ſo purchaſed; and the ſaid Commiſſioners, or any Seven or more of them, ſo aſſembled, ſhall and may give Judgement for ſuch Sum and Sums of Money ſo to be aſſeſſed; which ſaid Verdict or Verdicts, and the ſaid Judgement, Decree, and Determination thereon (Notice in Writing being given to the Perſon or Perſons intereſted, at leaſt Fourteen Days before the Time of ſuch Aſſeſſment, declaring the Time and Place of the Meeting of the ſaid Commiſſioners and the Jury, by leaving ſuch Notice at the Dwelling-houſe of ſuch Perſon or Perſons, or at his, her, or their uſual or laſt Place or Places of Abode, or with ſome Tenant or Occupier of ſome of the ſaid Houſes, Buildings, Courts, Yards, Gardens, Lands, or other Hereditaments,

Jury to ſettle the Damage and Recompence.

Verdict of the Jury to be final.

ments intended to be valued and assessed) shall be binding and conclusive, to all Intents and Purposes whatsoever, against all and every Person and Persons, Bodies Politick, Corporate, and Ecclesiastical, claiming any Estate, Right, Title, Use, or Interest in, to, or out of the same, either in Possession, Remainder, or Expectancy, as well Infants and Issue unborn, Lunaticks, Ideots, Femes-covert, and Persons under any other legal Incapacity or Disability, and all Cestuiques Trusts, his, her, and their Heirs, Successors, Executors, and Administrators, as against all other Persons whomsoever; and the said Verdicts, Judgements, and Decrees, and all other Proceedings of the said Commissioners, or any Seven or more of them, so assembled, and the Judgements so to be made, given, and pronounced, as aforesaid, shall be fairly written or ingrossed in a Book to be kept for that Purpose by the Clerk; and the said Verdicts, Judgements, and Decrees, and all other such Proceedings, shall be deemed and taken to be Records to all Intents and Purposes whatsoever; and the same, or a Copy thereof signed by the Clerk, shall be deemed and taken to be good and effectual Evidence and Proof in any Court or Courts of Law or Equity whatsoever; and all Persons may have Recourse to the same gratis, and take Copies thereof, paying for every Copy, not exceeding Two hundred Words, Four-pence, and so proportionably for any less Number of Words.

Proceedings to be entered in a Book.

Books may be read in Evidence.

And be it further enacted, That upon Payment of such Sum or Sums of Money, so to be assessed and decreed as aforesaid, the Person or Persons to whom the same shall be so assessed and decreed for the Purchase of the Houses, Tenements, Lands, and Hereditaments, or for the Purchase of any Estate or Interest therein, shall make and execute, or procure to be made and executed, good, valid, and legal Conveyances and Assurances in the Law to the said Commissioners, or any Seven or more of them, or such Person or Persons as the said Commissioners, or any Seven or more of them, so assembled, shall nominate and appoint, and their Heirs, in Trust for the said Commissioners, of such Houses, Buildings, Courts, Yards, Gardens, Lands, and other Hereditaments, or any Part thereof, or of such Estate and Interest for which such Sum or Sums of Money shall be so awarded, and shall procure all necessary Parties

On Payment of Purchase-money, legal Conveyances to be made to Commissioners.

to execute such Conveyances, Assignments, and Assurances, and shall do all Acts, Matters, and Things requisite and necessary to make a clear, good, and perfect Title to such Premises to the said Commissioners, or such Person or Persons as they shall appoint as aforesaid; and such Conveyances, Assignments, and Assurances shall contain all such reasonable and useful Covenants as shall, on the Part of the said Commissioners, be required: And in case such Person or Persons, to whom any such Sum or Sums of Money shall be so awarded or due as aforesaid, shall not be able to evidence their Title to the Premises to the said Commissioners, or any Seven or more of them, so assembled, and to make or procure to be made, good, valid, and legal Conveyances thereof to the said Commissioners, or to such Person or Persons as the said Commissioners, or any Seven or more of them, so assembled shall appoint; or shall refuse or neglect so to do, being thereunto required; and such Sum or Sums so assessed and awarded, and due as aforesaid, being produced and tendered to be paid to them, on their making such Title, and executing, and procuring to be executed such Conveyances, Assignments, or Assurances as aforesaid; or in case such Persons, to whom such Sum or Sums of Money shall be so assessed or due as aforesaid, cannot be found within the County of Devon, or the County of the City of Exeter; or if, by reason of any Disputes depending in any Court of Law or Equity, or for Defect of Evidence, or otherwise, it shall not appear to the said Commissioners, or any Seven or more of them, what Person or Persons is or are entitled; or if any Mortgagee or Mortgagees shall refuse to take his, her, or their Mortgage-money due on the Premises, after Notice given to him, her, or them for that Purpose, as herein-after is provided; then, and in all and every such Case and Cases, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, so assembled, to order the Sum or Sums so assessed and awarded as aforesaid, as the Value or Purchase-money for such Houses, Buildings, Courts, Yards, Gardens, Lands, or other Hereditaments, or as shall be due on such Mortgage, to be paid into the Hands of the Treasurer of the County Stock, for the Use of the Parties interested in the said Premises, to be paid to them according to their respective Estates and Interests in the said Premises, as the said Commissioners, or any Seven

On Neglect or Refusal, &c. to convey,

Purchase-monies to be paid to the Treasurer of the County,

for the Use of the Parties interested;

Seven or more of them, so assembled, shall, by any Order to be made by them, direct; and, immediately on such Payment, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons respectively for whose Use the same was paid, into or out of such Houses, Buildings, Courts, Yards, Gardens, Lands, and other Hereditaments, shall vest in the said Commissioners, and they shall be deemed in Law to be in the actual Possession thereof to all Intents and Purposes, as fully and effectually, as if every Person having an Estate in the said Premises had actually conveyed the same by Lease and Release, Bargain and Sale inrolled Feoffment, with Livery and Seisin, Fine and Recovery, or any other legal Conveyance whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use such Payments were made, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife or Wives of such Person or Persons, and all Estates Tail, in Reversion or Remainder, against the Issue and Issues of such Person and Persons, and every Person claiming under them, to all Intents and Purposes whatsoever.

and Estates thereupon to vest in the Commissioners,

in bar of Dower, &c.

Provided always, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, so assembled, after such Payment into the Hands of the said Treasurer as aforesaid, on the Application of any Person or Persons interested in any, or any Part of such Houses, Buildings, Courts, Yards, Gardens, Lands, or other Hereditaments, or the Monies so paid into the Hands of the said Treasurer for the Purchase thereof, or in respect of any Right or Interests therein, to place out and invest, or cause to be placed out or invested, such Sum or Sums of Money, or any Part thereof, in some of the Publick Funds, or on Government Securities, at Interest, in the Name of any Person or Persons authorised and appointed by them for that Purpose, in Trust to transfer and assign the same to such Person or Persons to whom the Money so paid shall belong, on their executing proper Conveyances as aforesaid; and, in the mean Time, in Trust to pay the Interest and Dividends arising therefrom to such Person or Persons who shall be from Time to Time entitled to receive the same.

Such Monies may, on Application, be invested in the Funds, &c.

Provided

Meſne Profits, how to be recovered, &c.

Provided alſo, That all and every Perſon and Perſons, who would be entitled to recover the meſne Profits of the Premiſes againſt the Perſon or Perſons in Poſſeſſion, in caſe the ſame had not been ſo conveyed to the ſaid Commiſſioners, or by their Directions as aforeſaid, ſhall be entitled to recover the Sum or Sums to ariſe from ſuch Intereſt and Dividends as aforeſaid by Action of Debt againſt the Perſon or Perſons who ſhall receive the ſame; and the ſaid Commiſſioners, or any Seven or more of them, ſo aſſembled, are hereby impowered and authoriſed to make ſuch Order as aforeſaid on the ſaid Treaſurer for the Payment of ſuch Sum or Sums of Money, or any Part thereof, as ſhall be neceſſary, in order to their being inveſted in the Funds or Government Securities; and the ſaid Commiſſioners ſhall be quieted in the Poſſeſſion of the Houſes, Buildings, Courts, Yards, Gardens, Lands, and other Hereditaments, for which ſuch Monies ſhall be ſo paid as aforeſaid; and ſhall not be anſwerable or accountable in any Court of Law or Equity for the Money to be ſo depoſited and placed out as aforeſaid, any otherwiſe than according to the Tenor, Purport, and true Meaning of this Act.

Mortgagees, on Notice and Payment, to convey to Commiſſioners;

And be it further enacted, That every Mortgagee or Mortgagees of any Houſes, Buildings, Courts, Yards, Gardens, Lands and Hereditaments which ſhall be purchaſed in purſuance of this Act, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively, on having Three Months Notice in Writing given to him, her, or them from the ſaid Commiſſioners, or any Seven or more of them, or any Perſon authoriſed by them, that they will pay off and diſcharge the Principal and Intereſt Money which, at the Expiration of the ſaid Three Months, ſhall be due on ſuch Mortgage, ſhall, at the End of the ſaid Three Months after every ſuch Notice, or Payment or Tender of the Principal and Intereſt Money which ſhall be then due, convey and aſſign his, her, or their reſpective Eſtates or Intereſts in and to the ſaid mortgaged Premiſſes to the ſaid Commiſſioners, or any Seven or more of them, or to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Seven or more of them, ſo aſſembled, ſhall nominate or appoint, in Truſt for the ſaid Commiſſioners, to the Uſes and Purpoſes of this Act; and if any ſuch Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall refuſe ſo to do, then all

on Refuſal, Intereſt to ceaſe.

Intereſt

Interest on every such Mortgage, from the Expiration of the said Three Months after any such Notice given as aforesaid, shall cease and determine.

Tenants to quit Possession on 30 Days Notice.

And be it further enacted, That in case the said Commissioners, or any Seven or more of them, so assembled, or any Person authorised by them, shall, after any Houses, Buildings, Courts, Yards, Gardens, Lands, or Hereditaments shall be purchased by them in pursuance of this Act, give Thirty Days Notice in Writing to all and every the Tenants or Occupiers of any such Houses, Edifices, or Premises which shall be so purchased, to quit or deliver up the Possession of such Houses, Buildings, Courts, Yards, Gardens, Lands, or Hereditaments at the Expiration of such Thirty Days; then all and every such Tenants or Occupiers shall, at the End of such Thirty Days after every such Notice, peaceably and quietly deliver up the Possession of the Premises so by him, her, or them respectively occupied, whether upon Lease or otherwise, to the Person or Persons who shall be appointed by the said Commissioners, so assembled, to take Possession thereof; and if any Person or Persons, so in Possession, shall refuse to give up such Possession at the Expiration of such Thirty Days after every such Notice as aforesaid, it shall and may be lawful for the said Commissioners, or any Seven or more of them, so assembled, from Time to Time to issue a Warrant or Warrants to the Sheriffs of the County in which such House, Buildings, Courts, Yards, Gardens, Lands, Hereditaments, and Premises shall respectively lie, to cause Possession thereof to be delivered to such Person or Persons who shall be in such Warrant or Warrants nominated to receive the same; and the said Sheriff is hereby required to deliver Possession, according to such Warrant or Warrants, of the Premises therein mentioned, and to levy such Costs as shall accrue by means of the Issuing and Execution of every such Precept or Precepts, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused to give up such Possession as aforesaid, and shall refuse or neglect to pay the same Costs.

On Refusal, Sheriff to deliver Possession,

and levy the Costs.

Penalty on Sheriffs, &c. making Default;

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, so assembled, from Time to

Time to impose any reasonable Fine, not exceeding the Sum of Fifty Pounds, on such Sheriff or Sheriffs, his or their Deputy or Deputies, and of Two Pounds on any Bailiff or Bailiffs or Agents respectively, who shall make any Default in the Premises, and on any Persons who, after being being duly summoned and returned on any such Jury or Juries, shall not appear, and also on any Witness or Witnesses, who, on due Summons, shall not attend, or attending shall refuse to be sworn, or who being sworn shall refuse to give Evidence, and on any Persons summoned and returned on such Jury or Juries, or being sworn thereon, shall not give his or their Verdict, or shall in any other Manner wilfully neglect his or their Duty in or touching the Premises, contrary to the true Intent and Meaning of this Act; and from Time to Time to levy such Fine or Fines, by Distress and Sale of the Offender's Goods, together with the reasonable Charges of every such Distress and Sale, returning the Overplus (if any) to the Owner; and all such Fines which shall be recovered and received, shall be accounted for, and applied towards the Purposes of this Act.

to be levied by Distress.

Purchase-monies to be paid to Nominees, in Trust,

And be it further enacted, That the principal Money to arise from the Sale of any Houses, Buildings, Courts, Yards, Gardens, Lands, or Hereditaments which shall be purchased, for the Purposes of this Act, of any Body Politick, Corporate, or Ecclesiastical, Corporation Aggregate or Sole, Feoffees in Trust, Husbands, Guardians, Committees, or other Trustees, or from any Feme or Femes-covert, shall be paid to such Persons as they shall respectively nominate to receive the same, in Trust, with all convenient Speed to be reinvested in the Purchase of other Messuages, Lands, Tenements and Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Houses, Buildings, Courts, Yards, Gardens, Lands, and Hereditaments, which shall be purchased from them respectively by the said Commissioners as aforesaid, were respectively settled, limited, or assured at the Time of such the Purchasing of the same, or so many thereof as, at the Time of making such Conveyances and Settlements, shall be existing and capable of taking Effect.

to be reinvested in other Purchases,

to be settled to like Uses.

And

And be it further enacted, That until the principal Money arising from such Sale can be reinvested in the Purchase of other Messuages, Lands, Tenements, or Hereditaments as herein before directed, it shall and may be lawful to and for the Persons nominated to receive such Purchase-money as aforesaid, and the Survivor of them, and his Representatives, to invest or place out all or any Part of such Money as shall be paid to them, upon the Trusts, and for the Intents and Purposes aforesaid, upon Government or other Securities, as they shall think proper, and occasionally to alter and transpose such Securities; and such Trustees, and the Survivor of them, and his Representative or Representatives, shall stand possessed of, and interested in such Monies, and the Funds and Securities wherein the same shall be so invested; and in consequence thereof do and shall, from Time to Time, pay and apply the Dividends, Interest, and Produce thereof accruing, until such Time as such Money shall be so invested in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, for the Benefit of such Person or Persons as would have been entitled to the Rents and Profits of the Premises sold, in case no Sale had been made in pursuance of and for the Purposes of this Act. Money to be placed in the Funds till Purchase made.

And whereas by reason of the Purchases which the said Commissioners are hereby impowered to make by virtue of this Act, they may happen to be possessed of some Piece of Ground over and above what may be necessary for the opening and making the said Highway; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to sell and dispose of such Piece or Pieces of Ground, either together or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same, giving Preference to the Person or Persons of whom the same shall have been purchased. Commissioners may sell overplus Ground.

And be it further enacted, That in case any Jury or Juries, to be summoned and sworn pursuant to the Authority of this Act, 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 in any such Houses, Buildings, Courts, Yards, Gardens, Lands, or Hereditaments, than what shall have been agreed to, and offered by the said Commissioners, Expences of Jury, how to be borne.

or

or any Seven or more of them, so assembled, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property as aforesaid; that then, and in such Case, the Costs and Expences of summoning and returning the Jury and Witnesses concerning the ascertaining and determining the Value of any such Right, Property, Interest, or Damages sustained as aforesaid, shall be borne and paid by the said Commissioners, or any Seven or more of them, out of the Monies hereby granted: But if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give or deliver in a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by the said Commissioners, or any Seven or more of them, so assembled, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Houses, Buildings, Courts, Yards, Gardens, Lands, or Hereditaments; then, and in such Case, the Costs and Expences of summoning and returning the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute.

Limitation of Sum to be expended.

Provided always, That nothing herein contained shall extend to impower the said Commissioners, or any of them, to lay out and expend in Purchase or Purchases of any Houses, Courts, Yards, Gardens, Lands, or Hereditaments, for the Purposes aforesaid, and in opening and making the said Highway to the said Castle, any further or larger Sum than One thousand Pounds, over and above the Costs and Expences attending the obtaining and passing of this Act, and exclusive of the Monies which shall arise by the Sale of such Piece or Pieces of Ground as aforesaid, and of the Materials of the said Houses and other Buildings which shall or may be purchased and pulled down for the Purposes of this Act; all of which Monies shall be applied to and for the Purposes of this Act, and to no other Use or Purpose whatsoever.

Writings to be without Stamps.

And be it further enacted, That no Deeds of Lease, Release, Bargain and Sale, Feoffment, Assignment, Articles of Agreement, Contracts, or other Deeds, to be used in the Purchase, Conveyance, or Assurance of any Lands, Tenements, or Hereditaments, to the said Commissioners in pursuance of this Act, or in the executing

ting of any of the Powers authorised thereby, or any Proceedings of the said Commissioners in the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

Limitation of Actions.

And be it further enacted, That if any Action shall be brought or Suit commenced against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Premises, or any of them, such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards; and the Venue for the Trial of the Issue of every such Suit shall be laid in the County of Devon, or in the County of the City of Exeter, and not elsewhere; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence at the Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall not be brought within the Time before limited, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against such Plaintiff or Plaintiffs, or if, upon Demurrer, Judgement shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may or can have for Costs in other Cases of Law.

General Issue.

Treble Costs.

On Non-attendance of Seven Commissioners,

And whereas it may happen, that at any Meeting or Meetings to be held for the Purposes of this Act, Seven Commissioners may not be present to adjourn such Meeting or Meetings; be it further enacted, That where such Number shall not be present to adjourn, such Meeting shall stand over to the Day Sevennight of such Adjournment, and so on from Week to Week until such Number shall be present; and that all subsequent Meetings of such Commissioners, where Seven shall be present, shall be as valid and legal to all Intents and Purposes, as if such Adjournment had been made by Seven or more Commissioners.

Meeting to stand adjourned to that Day Sevennight.

Publick Act. And be it further enacted, That this Act shall be deemed a Publick Act; and shall be taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.