Anno nono

Georgii III. Regis.

An Act to continue and render more effectual Two Acts for amending ſeveral Roads leading from the City of *Exeter*, and for repairing and widening ſeveral other Roads therein mentioned; and for rebuilding or repairing *Exe* Bridge, and making the Avenues leading thereto more commodious; and for building a Bridge over the River *Exe*, at or near *Counteſs Wear*, in the County of *Devon*.

WHEREAS by an Act paſſed in the Twenty firſt Year of the Reign of His late Majeſty, for amending ſeveral Roads leading from the City of Exeter, ſeveral Tolls or Duties and Powers were granted for repairing the ſaid Roads: And whereas another Act was paſſed in the Twenty ninth Year of the Reign of His late Majeſty, for amending and rendering more effectual the ſaid firſt mentioned Act: And whereas the Truſtees appointed to put the ſaid Acts in Execution have made great Progreſs in repairing the ſaid Roads, and have borrowed a conſiderable Sum of Money upon Preamble.

the Credit of the Tolls or Duties by the said Acts granted; but find the said Roads cannot be effectually repaired, widened, and kept in Repair, and the Money borrowed be repaid, unless the Term granted by the said first mentioned Act be further continued, and the Powers of the said Acts are altered and enlarged: And whereas Part of the Road leading from the Bottom of the Causeway nearest the North Gate, in the Parish of Saint David, in the County of the said City, to the Town of Crediton, being Part of the Road directed to be repaired by the said Acts, called Saint David's Hill, and the Entrance into the said City from the Bottom of the said Causeway, through North Gate Street, is very steep, dangerous, and incommodious to Travellers, and the Approach to North Gate Hill is very narrow, and the Passage thereof is greatly obstructed by the North Gate of the said City, and other Buildings projecting into the said Street: And whereas a certain Bridge called Exe Bridge, Part lying in the County of Devon, and other Part in the County of the City of Exeter, and the Avenue or Approach to the said Bridge from Saint John's Church in the Fore Street of the said City, being the publick High Road leading from London and the Eastern Parts of this Kingdom, to the Western Parts of the County of Devon, and to the County of Cornwall, is very narrow, steep, incommodious, and dangerous to Travellers passing over and through the same: And whereas it is apprehended the said Inconveniencies might be removed and avoided, if the said North Gate Hill was lowered in a proper Manner, and the said North Gate, and other Buildings projecting into North Gate Street, were taken down, and the Scite thereof was laid into the said Street, and the said Street was properly repaired; and if a Road or Highway was opened and made from a certain Place in the present Turnpike Road between Exeter and Crediton, on the North Side of Saint David's Hill, by Howell's House, through Howell's Lane, to and through certain Fields the Property of Tristram Whitter Clerk, into Pound Lane, and from thence through Part of Pound Lane and Part of Longbrooke Street, in the Parish of Saint David, to the Oxford Inn near the East Gate of the said City; and also if the said Bridge was widened, or a new Bridge built in or near to the same Place, and a new Approach opened from the present Bridge, or from such new Bridge, to the End of Fore Street, at or near the Church of Allhallows on the Wall, in the said City, and

the

Road made less steep from the Bridge to Saint John's Church: And whereas Part of the Road or Highway leading from Alphington Cross, in the Parish of Alphington, through the Parishes of Alphington, Saint Thomas the Apostle, and Brampford Speke, by Saint Thomas's Pound, and Exweek, to the Smith's Shop near Cowley Bridge, in the Parish of Brampford Speke aforesaid; and also the Road leading from the Turnpike Road at Morchard, through Lapford, to the Turnpike Road at or near Chawley in the said County of Devon, are in a ruinous Condition, narrow in some Places, and incommodious to Passengers: And whereas the said Roads or Highways cannot be opened, made, widened, and repaired, nor the other Purposes aforesaid be effected, 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 the said recited Acts, and all and every the Tolls or Duties, Authorities, Powers, Privileges, Provisions, and Clauses, therein contained (except so far as the same are herein after varied, altered, or amended, by this present Act) shall be and continue in full Force for and during all the Residue and Remainder of the Term by the said first mentioned Act granted, now to come and unexpired, and from and after the Expiration thereof, then for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and shall extend and have Relation, not only to the Roads in the said recited Acts mentioned, but also North Gate Street, and to the Road or Street from the Causeway at the Bottom of Saint David's Hill, through Part of North Gate Street, to Saint Paul Street; and also to a Road or Highway to be opened and made from a certain Place in the present Turnpike Road between Exeter and Crediton, on the North Side of Saint David's Hill, by Howell's House, through Howell's Lane, to and through certain Fields the Property of Tristram Whitter Clerk, into Pound Lane, and from thence through Part of Pound Lane, and Part of Longbrooke Street, in the Parish of Saint David's, to the Oxford Inn near the East Gate of the said City; and also to the said Bridge, and the intended Road, Street, or Avenue, leading therefrom; and also to the Road or Highway leading from the Turnpike-gate at Exweek Cross, otherwise Broken or Red Hill

Recited Acts, &c. further continued for 21 Years.

Croſs, to Cowley Croſs, by the Smith's Shop near Cowley Bridge aforeſaid; and alſo to the Road leading from the Turnpike Road at Morchard, through Lapford, to the Turnpike Road at or near Chawley aforeſaid, in as full and ample Manner as if the ſame were herein repeated and re-enacted in the Body of this preſent Act: Which ſaid additional Term hereby granted, is hereby declared and enacted to be ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the ſaid recited Acts, and of ſuch other Sum or Sums of Money as ſhall be borrowed upon the Credit thereof, and of this Act, ſo far as the ſame relate to the Purpoſes of the ſaid recited Acts, and this Act, except in ſuch Matters and Things as are herein after particularly provided for.

Continuance of this Act.

And be it further enacted, That all and every the Tolls or Duties, Authorities, Powers, Penalties, Forfeitures, Proviſions, Rules, Orders, and Clauſes, herein after mentioned and contained, ſhall endure, and have Continuance from the making of this Act, for and during the Reſidue of the Term now to come and unexpired of the ſaid recited Acts, and alſo for and during the ſaid additional Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament.

Truſtees Names.

And be it further enacted, That inſtead of the Truſtees appointed in or by virtue of the ſaid firſt recited Act, the ſeveral Perſons herein after named; to wit, The Right Honourable the Lord Viſcount Liſburne in Kingdom of Ireland, the Honourable Edward Clifford, the Honourable Thomas Clifford, Sir Thomas Dyke Acland, Sir John Saint Aubyn, Sir Richard Warwick Bampfylde, Sir John Chicheſter, Sir John Colleton, Sir Francis Henry Drake, Sir John Davie, Sir John Elwill, Sir John Moleſworth, Sir Stafford Northcote, Sir Wilmot Prideaux, Sir John Rogers, Sir John Trevelyan, Sir William Trelawney, Sir Bourchier Wrey, Sir George Yonge, Baronets; the Right Worſhipful the Mayor, Aldermen, and Common Council of the City of Exeter for the time being, the Venerable the Dean, Canons Reſidentiary, and Archdeacons of the Church of Exeter for the time being, the Chancellor of the Diocese of Exeter for the time being, John Abbott, Arthur Acland, Hugh Acland, John Acland Clerk, Thomas Ayſhford, John Ayſhford, John Andrew M. D. Edward Addicott, Humphry Aram, John Acland, Robert Abraham, John Aricot, Chriſtopher Bale, William Barber, Charles

Charles Baring, George Barnes of Thoverton, George Barnes of Woodbury, John Batterſby, Robert Battin, John Bellnett, John Biſhop, Theophilus Blackall, Thomas Blunt, Peter Beavis, Richard Blundell, George Bodley of Cheriton, John Bidgood, William Baſtard, Pollexfen Baſtard, Edmund Baſtard, George Baker, Joſeph Banks, Finney Belfield, Allan Belfield, John Bradford Clerk, William Brown, James Buller, Elijah Brooke, Nicholas Brooking, John Baring, John Bertie, Maniſter Bernard, Robert Burrow, George Burrow, Joſeph Burrow, Gilbert Burrington, Chriſtopher Beake, William Barter, John Bere, Joſeph Biſhop, John Bradford, Richard Blake, Clerks; Robert Bouchier, Thomas Bond, John Ball of Aſhcombe, Henry Brand, Tobias Browne, Thomas Burridge, John Blake, William Britton, Moſes Brocke, John Brimridge, Thomas Bridgman, Jeremiah Brett, Robert Butler, George Barne, William Birchingſhaw, George Bent M. D. John Buſſell, William Baſtard, Thomas Binford, Thomas Blake, Worthington Brice, John Buller, Edward Bovey, Robert Bradford, John Bickford, William Bellew, Henry Bellew, John Bulteel, Montagu Booth, John Burbydge, Richard Burbydge, Courtney Bulteel, John Hippiſley Coxe, Richard Hippiſley Coxe, Peregrine Courteney, Edward Collins, Peter Comyns, George Cooke Clerk, John Culme, Peter Culme, John Cranch, Peter Cockney, Richard Carr of Ide Clerk, John Cann junior, George Carwithen Clerk, John Charter, James Charter, Arthur Chave, John Codrington, Richard Coffin, Thomas Comyns, Robert Cook, Richard Copleſtone, Nathaniel Elias Coſſeratt, George Croſs, Edward Copleſtone, William Churchill, Chriſtopher Churchill, John Cruwys Clerk, Benjamin Cobley, Thomas Coleman, John Coleman, Benjamin Cleave, Robert Clapp, John Cann, John Croſs, James Croſſing, George Carwithen, Edward Chute, Richard Croſs, Richard Couch, William Clarke, Peter Clarke, Abraham Caeſlake, Bartholomew Davie Clerk, William Davie Clerk, Thomas Dawſon, John Dennis, Abraham Dennis, Jonas Dennis junior, Nathaniel Dewdney, John Dey, Hugh Downman Clerk, George Drake, Edward Holwell Drake Clerk, Francis Drewe, Thomas Roſe Drewe, John Duntze, Francis Drewe junior, John Duke, Edward Drewe, Philobeth Domett Clerk, John Dally, Hugh Downman, John Dunning, John Dunning junior, Richard Doidge, Richard Doidge Clerk, George Davy, John Dyer, Thomas Dyer, Philip Davie, John Davy, Charles Edwards, John Edwards, Richard Ellicombe, Samuel Elliott, Edward Ellis, Thomas Ellis,

Edward

Edward Eliot, John Eliot, George Fender, John Francis junior, John Fulford, Francis Fulford Clerk, Thomas Furlong junior, Charles Furlong, James Fynes, George Furſdon, William Foulkes, Henry Fry, James Fynes D.D. Henry Fothergill, Peter Foulkes, George Fender, Clerks; John Follett, John Francis, Richard Ford, James Francis, Robert Francis, John Forteſcue, John Floud, William Fryer, Egerton Filmore, William Farley, Thomas Fownes, John Gattey, Nicholas Geare, William Gifford, John Gifford, Joſeph Gillett, Thomas Glaſs, John Glubb Clerk, Samuel Graves, Edmund Granger Clerk, Nicholas Gay, William Gater, Nicholas Gould, George Glanville, Thomas Gearing, Joſeph Gearing, Thomas Glaſs M.D. Robert Gould, Abraham Gibbs, William Graves, Thomas Granger Clerk, George Goodridge, Edward Gould, Charles Hale, Samuel Haines, David Hamilton, Richard Harrington Clerk, Samuel Hart Clerk, John Heath, Matthew Heathfield, Chriſtopher Helliar, John Hodge, John Hodge of Honiton's Cliſt, Richard Hole, John Holmes junior, Edward Holwell, John Hugoe, Thomas Hugo Clerk, Thomas Hull, Richard Harward, John Harward, Edward Hewiſh, William Hellyar, William Hatherly Clerk, William Hole, Thomas Hurrell, Joſhua Hayter, Thomas Hutton, Tilleman Hodgkinſon Clerk, William Hayne, Robert Holeman, Robert Hawkins, William Hurly, William Horrell, John Hurris, Francis Hite, Chriſtopher Hamlyn, James Huiſh, William Hole, William Hooker, Humphry Hill, John Holmes, Andrew Holwell, James Hamlyn, James Modyford Haywood, John Hill, Richard Harris, John Harris, John Herring, John Bidlake Herring, Leonard Herring, Charles Hayne, Samuel Howard, Thomas Howard, Arthur Holdſworth, John Huxham Clerk, John Harris Clerk, James Hobbs Clerk, William Jackſon, William Ilbert, William Elford Ilbert, Richard Inglett, Thomas Johnſon Clerk, Jonathan Ivie, Herman Katencamp, William Kennaway, Robert Kennaway, Francis Kirkham, Arthur Kelly, Peter Kenwood, Abraham Kennaway, William Kennaway, Thomas Kingman, Henry Fownes Lutterell, William Land, William Langford, John Lee Clerk, Matthew Lee junior, John Lee junior, John Line, William Luke, John Luke, William Luſcombe, William Lake, Thomas Lee Clerk, Edward Lee, John Lightfoot, Philip Lane of Crediton, James Lee, Gilbert Langdon, Robert Lane, John Lee, Thomas Lee, Thomas Langworthy, John Ley, Matthew Lee, Matthew Limbrey, Samuel Luſcombe, John Lavington,

vington, Thomas Lavington, Thomas Lethbridge, Thomas Lane, John Ley junior, Henry Ley, Garland Langworthy, Alexander Luſcombe, Humphry Morrice, Robert Madge, Edward Manley, John Marſhall Clerk, Anthony Martin, Nicholas Medland, George Moore Clerk, John Moore, Samuel Moore, Doctor Samuel Muſgrave, William Muſgrave Clerk, William Clifford Martyn, Richard Moore, Henry Manning Clerk, Anthony Martyn, John Martyn, Philip Matthew, William Mann, John Morſhead, William Martin junior, Edward Martyn, Aaron Moore, Thomas Marker, Lyle Moxham, James Mitchell, Samuel Melhuiſh, Samuel Mare, Richard Milford, John Melhuiſh, John Milford, John Morris, Thomas Maunder, Matthew Mundy junior Clerk, Kellow Nation, Samuel Newte Clerk, William Newton, Anthony Noquier, Hugh Northcote, Thomas Northmore, John Norris, Robert Lydſtone Newcombe, Francis Stonard Newcombe, Daniel Newcombe Clerk, James Newberry, Philip Neyle, William Neyle Clerk, Thomas Naylor Clerk, Paul Orchard, William Long Oxenham, Paul Ourry, Iſaac Ourry, Henry Oſmond, Montagu Parker, Robert Palmer, Robert Palk, Walter Palk, John Parker, John Parkhouſe, John Vowler Parminter, Edward Payne junior, William Pidſley, John Pidſley, John Eyles Pierce, William Ponſford, William Mackworth Praed, Thomas Prowſe Clerk, Thomas Prowſe, Humphrey Prideaux, Thomas Putt, John Patch, James Pitman, Samuel Pierce, John Periam, John Palmer, Thomas Parker, Nicholas Payne, Jonah Pinſent, Nicholas Peeters, Robert Parker, John Prowſe, Simons Pidſley, Nicholas Page, Samuel Parminter, Adam Pierce, Richard Periam, William Pitfield, John Patch, Claude Paſſavant, Robert Prudon, Bartholomew Parr, Thomas Perryman, John Quick, Nutcombe Quick Clerk, Edward Ramſey, Arthur Raymond, Ambroſe Rhodes, Nicholas Roe Clerk, James Rowe Clerk, Charles Rowe, Charles Rowe junior, Richard Rowe, William Rowe, Robert Rowe, Edward Ratcliffe, John Reynolds, Edmund Roch, Roger Reed, Robert Reed, John Roberts, James Reynolds, Robert Radmore, Joſeph Rowe, Jacob Rowe, Denys Rolle, John Reed, Edward Ramſey, Arthur Raymond, Ambroſe Rhodes junior, Walter Radcliffe, John Radcliffe, Copleſton Radcliffe Clerk, Frederick Rogers, Joſeph Saunders, Richard Sawle, Thomas Scott, John Seale, Andrew Sellon, Iſaac Sercombe, William Short Clerk, Thomas Shute, William Sillifont, Thomas Sillifont, Robert Sowdon, William Speare, William Spicer, William Spicer Dix, Benjamin Spry, John Soper, Thomas

mas Smerdon Clerk, Elford Sparke, John Henry Southcote, John Savery, Waltham Savery, Thomas Seal, Samuel Stephens, James Stooke Clerk, George Sweet, Samuel Sweeting, Anthony Symonds, John Shapleigh, James Sheppard, John Short, Edward Sainthill, Samuel Short, William Sanford Clerk, John Stacey Clerk, Thomas Salter, George Symms, Daniel Saunders, Abraham Smith, John Salter, Samuel Stephens of Saint Thomas, John Southmead, John Sloeman, Auguſtine Smale, William Snow, Stephen Shute, Robert Skinner, John Skinner, Henry Saunders, Whitlock Sydenham, Nathaniel Spry, Richard Stephens, John Stoodly, Francis Sainthill, Samuel Symons junior, James Sealy, George Sealy, Samuel Shepherd, John Stabback, John Stephens, Thomas Smith, John Stafford, Peter Stabback, Robert Tarrant, John Tincombe of Topſham, John Tremlett, Anthony Tripe Clerk, William Troſſe, John Turner, Jonathan Tyers, George Trevelyan, William Troyte, Thomas Taylor, James Templar, Nicholas Tripe of Aſhburton, Thomas Taylor, Joſeph Taylor, Richard Turner, Solomon Tozer, John Tothill, John Tucker, John Terry, Burnel Townſend, Nicholas Tripe, John Thomas, Nicholas Thomas Tripe, Henry Tarrant, Thomas Townſend, John Tozer, Stephen Towgood, Richard Tremlett, Micajah Towgood, Peter Tucker of Biſhops Leigh, John Vinnicombe, Thomas Veal, William Wade, Samuel Walkey, John Rolle Walter, George Webber, Francis Webber, John Woolcombe, Thomas Weſtlake, James White, John Walrond, Robert Weſtcott Clerk, John Wood Clerk, Robert Wright Clerk, Simon Weſtcott Clerk, Philip Wiſh, John Wilcocks, Nicholas Williams, William Wright, John Webber, John Weſtcott, Thomas Wigginton, Thomas Wilcocks, Edward White, William Walker, Henry Wilmot, William Williams, John Walrond, Benjamin Withers, Francis Walrond, Thomas Wright, John Winſor, William Winſor, John Winſor junior, Peter Woodley, George Winſor, William Webber, Thomas Wood junior, Giles Yard, Joſhua Yeatherd, Gilbert Yard Clerk, Samuel Yonge, **together with every other Perſon having, at the Time of acting, ſuch an Eſtate in Land or Money as is herein after required for every Truſtee under this Act, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution, except as is herein after particularly provided and enacted.**

Provided

Provided always, and be it further enacted, That no Person shall be qualified or capable of acting as a Trustee in any Case in the Execution of the said recited Acts and this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, lying and being within the County of Devon or County or City of Exeter, or either of them, of the yearly Value of Eighty Pounds clear of all Reprizes, or be possessed of a Personal Estate to the Amount or Value of Two thousand Pounds, and whose general Place of Abode and Residence shall be within the said County: And if any Person, so made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same; to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Qualification of Trustees.

Penalty on acting if not qualified.

And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may cause to be erected and set up One Gate or Turnpike or Toll-house at Exweek, otherwise Broken or Red Hill Cross, in, upon, or across, the Road leading from the present Turnpike Gate at Exweek, otherwise Broken or Red Hill Cross, to Cowley Cross, by the Smith's Shop near Cowley Bridge aforesaid; and also in, upon, or across, the said Road leading from the Turnpike Road at Morchard, through Lapford, to the Turnpike Road at or near Chawley aforesaid, and to erect such Side-gates thereon as they the said Trustees, or any Five or more of them, shall think proper; and shall and may cause to be demanded, received, and taken, at such Gate or Turnpike and Side-gates, the same Tolls or Duties as are granted by the said first recited Act, before any Carriage or Cattle shall be

Trustees may erect a Turnpike on the *Exweek* Road,

and take Tolls thereat.

be permitted to pass through the said Gate or Turnpike or Side-gates; and the said Tolls or Duties, and the Money to be borrowed upon the Credit thereof, shall be and are hereby vested in the said Trustees, and shall be applied to and for the repairing and widening the said Roads, and the Execution of the said recited Acts and this Act, and to or for no other Use or Purpose whatsoever; and the said Tolls shall and may be levied in such Manner, and with such Remedies for the Non-payment or Evasion of the same, and with such and the same Exemptions, Powers, and Provisions, as by the said recited Acts and this Act are provided and granted with respect to the Tolls by the said first mentioned Act directed to be taken, and as are herein after mentioned; and when the said Gate or Turnpike shall be erected or set up, the said Trustees, or any Five or more of them, shall, and they are hereby required to cause all the other Gates or Turnpikes now erected by virtue of the said recited Acts, at and between Alphington Cross and Cowley Cross, by the Smith's Shop near Cowley Bridge aforesaid, to be taken down; and from thenceforth no other Gate or Turnpike shall be erected on the said Road by virtue of the said Acts or this Act.

Application of the Monies.

Gates between *Exweek Cross* and *Cowley Cross* to be taken down.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, as well upon the Credit of the Tolls or Duties hereby made payable at the said Gate or Turnpike to be erected in, upon, or across, the said Road, or at the Side-gates thereof, leading from the Turnpike-gate at Exweek, otherwise Broken or Red Hill Cross, to Cowley Cross, by the Smith's Shop near Cowley Bridge aforesaid; and upon, in, or across, the said Road leading from the Turnpike Road at Morchard, through Lapford, to the Turnpike Road at or near Chawley aforesaid; as upon all other the Gates erected or to be erected by virtue of the said former Acts, to borrow and take up at Interest any such Sum or Sums of Money as they the said Trustees, or any Nine or more of them, shall think needful; and may, and they are hereby impowered to mortgage or assign over the said Tolls or Duties, or any Part thereof, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, by such Method or Methods as is or are prescribed by the said first recited Act for the securing the Money borrowed upon the

Trustees may borrow Money on the Credit of the Tolls.

Mortgages may be assigned.

the Tolls or Duties thereby granted; and that every Person and Persons to whom any Mortgage or Assignment of the said Tolls shall be made, or who shall be intitled to the Money thereby secured, and his, her, or their, Assignee or Assignees, may, and is and are hereby impowered from time to time to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons, in like Manner as is by the said former Act directed.

The Post Road from *London* to *Plymouth* to be first repaired.

And whereas the Roads described in the said first recited Act, as leading from the lower End of Paris Street, in the County of the City of Exeter, to Straitway Head in the Parish of Whimple, and from the Plymouth Inn to Chudleigh Bridge, being Part of the Roads thereby directed to be repaired, and the great Post Road from London to Plymouth, have not yet been effectually repaired, but are now very ruinous and much out of Repair, and it would be greatly for the Advantage of the Publick if the same were immediately repaired; be it therefore further enacted, That the said Trustees, or any Five or more of them, by and out of the Money now in their Hands, or in the Hands of their Clerk or Clerks, Treasurer or Treasurers, collected or received, or to be collected or received by virtue of the said recited Acts and this Act, or by or out of any Money to be borrowed on the Credit thereof, shall, and they are hereby required forthwith to proceed in and effectually to complete the Making, Widening, Amending, and Repairing, of the said Roads last mentioned; and that next after the Completion thereof, such Parts of the Road leading from the Chapel of Saint Agnes, to the Town of Cullumpton, be likewise completed; any thing in the said recited Acts or this Act contained to the contrary thereof in any wise notwithstanding.

And whereas in and by the said recited Act it is provided, That nothing in the said Act contained shall extend, or be construed to extend, to impower the Trustees therein named to lay out or apply any of the Money arising by the Tolls or Duties granted and made payable by the said Act, in repairing any of the paved or pitched Streets leading through the Towns of Chudleigh, Alphington, Bradninch, and Newton Saint Cyres, or any other Town in the Roads mentioned in the said Act: And whereas it would be of great Advantage to Travellers, and of publick Utility, in case the Pavements or pitched Stones in the Streets leading through the

Towns aforesaid, were removed, and the said Streets well and sufficiently repaired, amended, and gravelled, in the same Manner as the several other Roads mentioned in the said recited Act are directed to be repaired: Be it therefore further enacted, That from and after the passing of this Act, so much of the said last mentioned Proviso as is herein before recited, shall be, and the same is hereby repealed; and that it shall and may be lawful to and for the said Trustees, or any Five or more of them, to repair, amend, and gravel, the said Streets, and every or any of them, or such Part of the same respectively as shall, in the Judgement of the said Trustees, be sufficient for the Purpose of a common publick Highway for Carts and Carriages, in the same Manner as other the Roads are or ought to be repaired; any thing in the said recited Act to the contrary thereof notwithstanding.

Power to pave Streets in particular Towns.

And whereas by the said first recited Act it is enacted, That no Person or Persons shall be charged with, or compellable to pay, any of the Tolls or Duties made payable by the said Act for any Horse, Mare, Gelding, Mule, Ass, or other Beast or Cattle going to or returning from Pasture, or from One Pasture Field to another in the Possession of the Owner of such Cattle; or from any Person or Persons residing in any of the Parishes in which any of the Roads thereby directed to be repaired do lie, who shall pass to and from Church, or other Place of Worship tolerated by Law, on Sundays; which Exemptions have been found inconvenient for want of some Limitation or Restriction being laid on the same; be it therefore further enacted, That from and after the passing of this Act no Person shall be exempted from the Payment of the Tolls by the said first recited Act granted for any Horse, Mare, Gelding, Mule, Ass, or other Beast, going to or returning from Pasture, or from One Pasture Field to another in the Possession of the Owner of such Cattle, unless such Pasture Field shall lie and be situate within Two Miles of the Gate or Turnpike through which such Horse or other Beast shall pass; and also that from and after the passing of this Act no Person shall be exempted from the Payment of the said Tolls, at any Gate or Turnpike erected or to be erected by virtue of the said recited Acts or this Act, who shall pass to and from Church, or other Place of Worship tolerated by Law, on Sundays, except such Church shall be his or her respective Parish Church, or except such Place of publick Worship shall be his or her usual Place of Worship.

Exemptions from Tolls altered.

And

And whereas by the said first recited Act it is also enacted, That none of the Tolls or Duties thereby granted, shall be demanded or taken for any Horse, Mare, Gelding, Mule, Ass, or other Beast, that shall be used or employed in the carrying Serges, or any other Woollen Goods, from the said City or County of Exeter, to any Fulling Mills, Tenter, or Rack, used or occupied by any Inhabitant of the said City or County of Exeter, or County of Devon, to be dyed or manufactured, whereby the Return of the said Goods from any such Fulling Mill, Tenter, or Rack, is now subject to the Payment of the Toll, to the Burthen of the Manufacturer of such Goods: For Remedy whereof, be it further enacted, That from and after the passing of this Act, the said Exemption from Toll in the said first recited Act contained shall extend to the conveying, drawing, or carrying, of Serges or any Woollen or other Goods, as well from any Fulling Mills, Leather Mills, Tenter, or Rack, used or occupied by any Inhabitant of the said City or County of Exeter, or County of Devon, to the said City or County of Exeter, as to any such Fulling Mills, Leather Mills, Tenter, or Rack, from the said City or County of Exeter; any thing in the said recited Acts or this Act contained to the contrary notwithstanding.

Extension of the Exemption from Tolls granted by the recited Act, relating to Serges or Woollen Goods.

And be it further enacted, That if any Person or Persons whatsoever shall apply for, lend to, ask of, or receive from, any Collector of the Tolls by the said recited Acts or this Act or either of them granted, any Note or Ticket by the said first recited Act directed to be given without passing through such Gate where such Ticket shall express or mention, with such Cattle or Carriage as shall be expressed or mentioned on such Ticket; or if any Collector of the Tolls at any Gate erected or to be erected by virtue of the said recited Acts or this Act shall be applied to for, or shall give or deliver to any Person or Persons whomsoever, any such Note or Ticket in Manner aforesaid, and shall not, within Three Days after such Application or Delivery, discover the Name of such Person, in case he shall be acquainted therewith, or otherwise give a Description of such Person to the Clerk or Treasurer to the said Trustees; then and in either of the said Cases, every Person so offending shall forfeit and pay the Sum of Five Pounds; to be levied, recovered, and applied, in the same Manner as any other Forfeiture or Penalty is by the said Acts directed to be levied, recovered, and applied.

Penalty on falsely obtaining Tickets.

Trustees may lease the Tolls.

And be it further enacted, That the said Trustees, or any Nine or more of them, may, at any Time during the Continuance of the said recited Acts and this Act, let the Tolls thereby or hereby granted, or any Part thereof, on Lease, to any Person or Persons, for any Term not exceeding Three Years, for such Sum or Sums of Money as the said Trustees, or any Nine or more of them, shall think reasonable; which Sum or Sums of Money shall be paid to the said Trustees, or any Nine or more of them, or to such Person or Persons as they shall appoint to receive the same, and shall be applied as the Tolls by the said recited Acts or this Act granted are directed to be applied, and to no other Use or Purpose whatsoever: Provided that Notice of the Time and Place of Meeting for such granting and letting to farm, under the Hand of the Clerk to the said Trustees, be given, by affixing the same upon the Guildhall and Castle of Exeter, and on all the Gates or Turnpikes which shall be erected by virtue of the said recited Acts or this Act, and by advertising the same in some or One of the Exeter News-papers (if any such be then published) at least Twenty Days before such Meeting.

Occupiers of Lands to cleanse Ditches, &c.

And whereas Disputes have arisen relating to the cleaning and keeping open the Ditches and Drains adjoining to the Roads directed to be repaired by the said recited Acts, and relating to the making and repairing the Tunnels or Bridges leading out of the said Roads into the Grounds adjoining; be it therefore further enacted, That in case any Possessor or Possessors, Occupier or Occupiers, of the Lands and Grounds next adjoining to any of the said Roads by the said recited Acts, or this Act directed to be repaired, or lying near the same, shall not, from time to time, and at all Times hereafter, upon Ten Days Notice to be given to him, her, or them, for that Purpose, by the Surveyor or Surveyors appointed by the said Trustees, at his and their own Expence, well and sufficiently make, scour, cleanse, and keep open, all and every the Ditches, Drains, Gutters, Troughs, Water Tables, or Watercourses, on the Side of, or adjoining to or near any of the said Roads, of a sufficient Depth and Breadth for the keeping of the said Roads and the Sides thereof dry, and for conveying the Water from the same, and from such Ditches and Drains, and also shall not, after such Notice as aforesaid, make, lay, repair, and keep open, good and sufficient Trunks, Tunnels, Plats, and Bridges, leading out of the said Roads, from the

Lands or Grounds adjoining thereto, where the same shall be necessary, or shall permit any Soil or Earth which shall be dug out of such Ditch, Drain, Gutter, Trough, Watertable, or Watercourse, or any other Soil or Earth whatsoever, to remain in the said Roads, after Notice given as aforesaid; every Person so offending in any or either of the said Cases, shall, for every such Offence, forfeit and pay the Sum of Ten Shillings: And if such Ditches, Drains, Gutters, Troughs, Watertables, Watercourses, Trunks, Tunnels, Plats, Bridges, or any of them, shall not be effectually made, laid, scoured, cleansed, opened, and repaired, within Ten Days more after such Notice as aforesaid; the Person or Persons so neglecting or refusing to perform such Work, shall forfeit and pay the Sum of One Penny per Foot in Length of such Ditches, Drains, Gutters, Troughs, Watertables, Watercourses, Trunks, Tunnels, Plats, and Bridges, which shall be so neglected to have been made, laid, scoured, cleansed, opened, and repaired as aforesaid; then, and in every such Case, it shall and may be lawful to and for the said Surveyor or Surveyors, and he and they is and are hereby authorized and impowered to cause such Ditches, Drains, Gutters, Troughs, Watertables, Watercourses, Trunks, Tunnels, Plats, and Bridges, to be made, laid, scoured, cleansed, opened, and repaired, and to pay for the making, scouring, cleansing, opening, and repairing, the same: And if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, together with the said Penalty of Ten Shillings and One Penny per Foot as aforesaid, upon Demand thereof by such Surveyor or Surveyors upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode; the said Money, and every Part thereof, together with the said Penalties and Forfeitures, upon Proof of the making, laying, scouring, cleansing, opening, or repairing, the said Ditches, Drains, Gutters, Troughs, Watertables, Watercourses, Trunks, Tunnels, Plats, or Bridges, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses before any Justice of the Peace for the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be)

to the Owner or Owners thereof, upon Demand, after all Charges paid.

And whereas the Mayor, Bailiffs, and Commonalty, of the said City have for many Years last past been seised of the Scite or Ground of the said Bridge, and of certain Messuages, Lands, Rents, and Hereditaments, the Produce or Parts of the Produce of which have for many Years past been or ought to be appropriated to the Repair of the said Bridge, and the Weir thereto belonging; but the same is greatly inadequate to the necessary Expence of widening or rebuilding the said Bridge, and keeping the same in proper Repair: And whereas the Church of Allhallows now is, and for several Years last past hath been, in a ruinous Condition, so that Divine Service hath not been there performed; and in order to make such intended Road, it will be necessary to take down the said Church, and also several Houses and Tenements lying between the said Church and the said Bridge, and to cut through and remove divers other Obstructions between the said Church and the said Bridge, and to erect Arches or Bridges over certain Streams, and a certain Highway between the said Church and the main Stream of the River Exe: And forasmuch as the same cannot be done, and the Purposes of this Act properly effected, without the Aid of Parliament, be it therefore further enacted, That the Trustees first herein before named and their Successors shall be, and they are hereby nominated and appointed Trustees for executing the several Powers and Authorities given to them in and by this Act, for the widening, building, adding to, or altering, the said last mentioned Bridge or Bridges, pulling down and removing the said Houses and Obstructions on the Sides of the said Bridge, and for pulling down the said Church of Allhallows, and opening the said Road, and pulling down the Houses, cutting through and removing the said Obstructions from the said Church to the said Bridge, and making the said Road and Arches, and other the Purposes relating thereto.

Power to repair *Exeter Bridge*;

and to take down Houses, and open the Avenues leading thereto.

And be it further enacted, That it shall and may be lawful to and for the said Trustees last mentioned, or any Nine or more of them, and they are hereby impowered, as soon as conveniently may be after the passing of this Act, to treat, contract, or agree, with the Owner or Owners, Occupier or Occupiers, of such or so much of the several Houses, Erections, or Buildings, on the said Bridge, or contiguous or near thereto, or of the Houses, Erections, or Buildings, Courts, Yards, Gardens,

Trustee may treat with Owners, &c. for the Sale of Houses, &c.

dens, or other Hereditaments, situate, lying, and being, between the Foot of the present Bridge, or the Bridge to be erected by virtue of this Act, and that Part of the Fore Street in the said City which adjoins to Allhallows Church, as shall be found necessary for the carrying the said intended Purposes into Execution, for the Purchase of such Houses, Lands, and Hereditaments, and of the Scite or Ground whereon such Houses, Erections, or Buildings, now stand, and their Interest therein, for such Sum or Sums of Money as the said Trustees, or any Nine or more of them, and the said Owner or Owners, Occupier or Occupiers, shall agree upon; and in case any Dispute or Difference shall arise between the said last mentioned Trustees and such Owner or Owners, Occupier or Occupiers, respecting such Purchase, the same shall be determined by a Jury of the County wherein such Houses, Erections, Buildings, or Hereditaments, are situated; and the said last mentioned Trustees, or any Nine or more of them, shall pursue such and the same Means and Methods for becoming possessed thereof, as are in and by the said recited Acts prescribed with respect to the purchasing and becoming possessed of any Land or Ground to be taken into and added to the Roads in the said recited Acts mentioned; and the Money to be paid for such Purchase, and Expences attending the same, shall be paid out of the Tolls collected or to be collected by virtue of the Powers and Authorities in the said Two first recited Acts, and which are consolidated by this Act.

Jury to determine Differences.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to take down the said last mentioned Houses, and also the Whole or such Part of the said Church of Allhallows, as any Nine or more of the said Trustees shall judge necessary and direct, and dispose of the Materials thereof by Sale or otherwise, and the Money arising therefrom shall be applied as herein after is mentioned; and it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to cause the said Bridge, and also the Road so to be made by virtue of this Act from the said Bridge, to or as far as Saint John's Church, in the Fore Street as aforesaid, to be built and made of such Width as they shall think proper, not less than Thirty five Feet wide in the Clear, and to cause the intermediate Hill to be altered or lowered, and the Bottom raised in a good and workmanlike Manner, so that the Passage may be rendered safe and commodious, and from time to time

Power to take down *Allhallows* Church, and widen the Street.

to

to keep the said Bridge and Road in Repair: Provided that the said Trustees shall not, nor shall any of them, lay out and expend in widening or pulling down, or rebuilding the said Bridge, or in purchasing the said Houses and Buildings, and in the taking down the same, and laying the Scite or Ground thereof into the said Way or Street; and also in the purchasing the said other Hereditaments, and in the making the said Hill less steep, and in the making the said Way or Street as aforesaid; any further or larger Sum than Ten thousand Pounds, exclusive of the Money which shall arise by Sale of the Materials of such Edifices, Buildings, and Erections, as shall be pulled down as aforesaid, and of the Rents and Profits to be accounted for and paid to the said Trustees, by the said Mayor, Bailiffs, and Commonalty of Exeter, as herein after mentioned; all which said Sums are to be laid out and applied for those Purposes.

Power to take down the Houses on the Bridge.

And be it further enacted by the Authority aforesaid, That as to all such Houses and Buildings as now are standing and being on the Scite or Ground of the said Bridge, and belonging to the said Mayor, Bailiffs, and Commonalty of the said City, as shall be found and adjudged by any Nine or more of the said Trustees necessary to be taken down for the Purpose of widening, altering, or building the said Bridge, the said Trustees, or any Nine or more of them, are hereby authorized and impowered to take or cause to be taken down the same, without making any Recompence or Satisfaction whatsoever, to the said Mayor, Bailiffs, and Commonalty, for any Estate or Interest they have therein; and from and after the same shall be so taken down, the Scite or Ground where n such Houses and Buildings stood shall be deemed a Part of the said publick High Road, and the Materials thereof applied as the Materials of the other Edifices, Erections, and Buildings, to be purchased as aforesaid are directed to be applied: And as to such of the Houses, Erections, and Buildings, now standing and being on the Scite or Ground of the said Bridge, as shall not be found or adjudged by the said Trustees, or any Nine or more of them, necessary to be taken down, if any such there be, the Mayor, Bailiffs, and Commonalty, of the said City, and their Successors, shall and they are hereby required annually in every Year on the Twenty fifth Day of December (the First Payment to be made on the Twenty fifth Day of December next) to account over and pay unto the said Trustees, or to such Person

or Persons as they, or any Nine or more of them, shall appoint, the whole Produce, as well the Fines on Renewal of Leases as the annual and other Rents and Profits thereof; and also in like Manner and at the same Time to account for and pay the Rents and Profits of all such other Messuages, Lands, Tenements, and Hereditaments, whereof they are now seised or intitled unto, as have been or ought to have been applied to the Repair of the said Bridge and Wear.

Trustees to have the same Power, &c. as by the recited Acts.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, appointed by the said first recited Act or this present Act, shall have, and they hereby are to have such and the same Powers and Authorities for procuring Materials for the making or repairing the said Bridge, and the said Road from thence to Saint John's Church, as are given and provided in the said recited Acts, or any of them,

Power to pull down North Gate, &c.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby impowered, as soon as conveniently may be after the passing of this Act, to treat, contract, and agree, with the Owner or Owners, Occupier or Occupiers of certain Houses and Buildings between the Bottom of Saint David's Hill, nearest North Gate, and the End of Saint Paul Street, and between Theatre otherwise Waterbeer Lane and Fore Street, situate in North Gate Street, and that obstruct the Approach to North Gate Hill, for the Purchase thereof, and of the Scite or Ground whereon the same stand, and their Interest therein, for such Sum and Sums of Money as the said Trustees, or any Five or more of them, and the said Owner or Owners, Occupier or Occupiers, shall agree upon; and in case any Dispute or Difference shall arise between the said Trustees, and such Owner or Owners, Occupier or Occupiers, respecting such Purchase, the same shall be determined by a Jury; and the said Trustees, or any Five or more of them, shall pursue such and the same Means and Methods for becoming possessed thereof as are in and by the said recited Acts prescribed with respect to the purchasing and becoming possessed of any Land or Ground to be taken into and added to the Roads in the said recited Acts mentioned; and the Money to be paid for such Purchase, and the Expences attending the same, shall be paid out of the Tolls collected or to be collected by virtue of the said recited Acts or this Act, or out of the

Money borrowed or to be borrowed upon the Credit thereof.

and to widen the Street and lower the Hill.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to take down the said Houses and Buildings, and also the said Gate called North Gate, and dispose of the Materials thereof by Sale or otherwise; and the Money arising therefrom shall be applied as herein after is mentioned; and the Scite or Ground whereon the said Houses and North Gate now stand, or such Part thereof as shall be necessary, shall for ever thereafter be deemed a publick and common Highway; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby impowered to cause the said Street or Hill called North Gate Street or Hill, to be altered and lowered in a good and workman-like Manner, so that the passing up and down the said Hill may be rendered safe and commodious for Passengers; and may also cause the said Way or Street from the Bottom of Saint David's Hill aforesaid, through Part of North Gate Street aforesaid, to Saint Paul Street aforesaid, to be well and sufficiently repaired and amended; and the said Way or Street from the Bottom of Saint David's Hill aforesaid, to Saint Paul's Street aforesaid, shall, from time to time, and at all Times thereafter, during the Continuance of the said recited Acts and this Act, be well and sufficiently repaired and kept in Repair by the said Trustees, or any Five or more of them, out of the Tolls or Duties to be collected by virtue of the said recited Acts or this Act, or out of the Money borrowed or to be borrowed upon the Credit thereof.

Not to expend more than 1000 *l.*

Provided always, That the said Trustees shall not, nor shall any of them, lay out and expend in the Purchase of the said Houses, and in the taking down the same and the said North Gate, and laying the Scite or Ground thereof into the said Way or Street, and also in the lowering the said Street or Hill called North Gate Street or Hill, and in the making the said Way or Street from the Bottom of Saint David's Hill to Saint Paul's Street aforesaid, any further or larger Sum than One thousand Pounds, exclusive of the Monies which shall arise by Sale of the Materials of the said Houses and of the said Gate called North Gate, which shall be laid out and applied for those Purposes.

Provided

Provided always, and be it further enacted and declared, That in case the said Trustees, or any Five or more of them, shall not, on or before Michaelmas-day, One thousand seven hundred and seventy, purchase the said Houses, and take down the same and the said North Gate, and lay the Scite and Ground whereon the same now stand into the said Way or Street, and also cause the said Street or Hill called North Gate Street or Hill to be altered and lowered in a good and workmanlike Manner, so that the passing up and down the said Street or Hill shall be rendered safe and commodious for Passengers, and also cause the said Way or Street from the Bottom of Saint David's Hill aforesaid, through Part of North Gate Street to Saint Paul's Street aforesaid, to be well and sufficiently repaired, amended, and properly gravelled, and procure an Approbation of the well-doing thereof by the Majority of the Trustees to be assembled at the next General Meeting which shall be held after Michaelmas-day, One thousand seven hundred and seventy; then and in such Case the Powers and Authorities hereby given for those Purposes shall be and are hereby declared null and void.

In case the Streets are not widened, &c. within a limited Time,

Powers for that Purpose to be void.

And whereas in and by the said first recited Act it is enacted, That the Trustees therein named at their first or other subsequent General Meeting, or the major Part of them then assembled, such major Part not being less than Nine, shall and may from time to time at their Discretion subdivide themselves, and the other Trustees not then present, for the Care and Service of the several respective Roads thereby intended to be repaired under certain Restrictions therein mentioned; and such Subdivisions have been made, and the Trustees have acted in such Subdivisions; by means whereof great Inconveniences have arisen in the Execution of the said Act; be it therefore further enacted, That from and after the passing of this Act, all and every the Clauses, Matters, and Things, in the said former Acts, or either of them, relating to the appointing of, and the Trustees entering into such Subdivisions, shall be, and the same are hereby repealed; and the respective Trustees, or any Five or more of them, now acting within such Subdivisions, shall and they are hereby required, within One Month after Notice given to them, or any Five or more of them, by the herein before named and appointed Trustees, or any Five or more of them, to pay or cause to be paid to the said Trustees, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them,

them, shall appoint to receive the same, all and every Sum and Sums of Money then in their Hands, or in the Hands of any Treasurer or Treasurers, or other Officers belonging to or appointed for the said respective Trusts; and the Care and Management of the said Roads shall be and remain in the said herein before named and appointed Trustees, in as full and ample a Manner as if no such Subdivision had been appointed: And whereas in and by the said last recited Act it is enacted, That after the Charges of passing the said Act, and the Charges of erecting the Turnpikes and Toll-houses, and other necessary Expences attending the Execution thereof, shall have been fully discharged, the several Tolls and Duties arising and levied on the said several Roads respectively shall be deemed so many separate Funds for the Repair of the respective Roads whereon the same should arise and become due, and should from thenceforth become vested in the Trustees to be appointed for such Roads respectively, and shall be applied for the Repairs thereof, and not elsewhere: And whereas great Inconveniencies have arisen by the said Funds being so kept separate as aforesaid, and the Purposes of the said Acts would be more effectually answered if all the Tolls or Duties, collected or received, or to be collected and received at the several Gates or Turnpikes erected and to be erected on the said Roads, and the Money borrowed and to be borrowed on the Credit thereof, were consolidated and made One Fund; be it therefore further enacted, That from and after the passing this Act, all and every Sum and Sums of Money in the Hands of any Treasurer or Treasurers to any of the said Trustees, and all and every the Tolls or Duties to be collected or received at all and every or any of the Gates or Turnpikes erected or to be erected on the said Road (except the Tolls or Duties to be collected or received at the Gate or Turnpike to be erected in or across the Road leading from Howell's House to the Oxford Inn, near the East Gate of the City of Exeter) in case any such Gates shall be erected, (which are herein directed to be applied to the Repair of the said Road only) shall be, and shall be deemed and taken to be, One and the same consolidated Fund, and shall be applicable and be applied to the repairing and widening all, every, or any of the Roads directed to be repaired by the said recited Acts and this Act (except as aforesaid) any thing contained in the said recited Acts or this

Tolls to be consolidated.

this Act, to the contrary thereof notwithstanding: Which said Tolls or Duties, so consolidated, shall be, and they are hereby declared and enacted to be, subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said recited Acts, and of such other Sum and Sums of Money as shall be borrowed upon the Credit thereof, and of this Act; except in such Cases, Matters, and Things, as are herein particularly provided for.

And whereas in and by the said first recited Act the Trustees therein named, or any Nine or more of them, were impowered, from time to time, in Manner therein directed, to borrow and take up, on the Credit of the Tolls or Duties arising by virtue of the said Act, any Sum of Money, not exceeding the Sum of Fifteen thousand Pounds, at Interest not exceeding Four Pounds per Centum per Annum: And whereas the said Trustees, or any Nine or more of them, were in and by the said Second recited Act impowered, from time to time, in the Manner therein also directed, to borrow and take up, on the Credit of the said Tolls or Duties, any further Sum of Money, not exceeding the Sum of Ten thousand Pounds, at such Rate of Interest as they should think expedient, not exceeding Four Pounds per Centum per Annum: And whereas under the said Powers, the Sum of Twenty three thousand two hundred and fifty Pounds has been borrowed, and is now due, on the Credit of the said recited Acts, and the same is found insufficient for amending the Roads appointed and directed to be amended by the said Act; and as well for that Purpose as for the Purpose of rebuilding or repairing the said Bridge, and the other Purposes herein before particularly mentioned and directed to be carried into Execution by the Trustees herein before first named, it will be necessary to borrow a further Sum of Money: Be it therefore enacted, That the Trustees first nominated and appointed by this Act, or any Nine or more of them, shall and may, and they are hereby impowered, as Occasion shall require, at any General Meeting of the same Trustees, pursuant to the said first recited Act, to borrow and take up at Interest, not exceeding Four Pounds per Centum per Annum, on the Credit of the said Tolls or Duties, any further Sum of Money, so as the Sums now due and hereafter to be borrowed do not in the Whole exceed the Sum of Thirty five thousand Pounds; unless the Person or Persons intitled to Four Fifths of the Money which

Power to borrow Money.

which shall be owing upon the Credit of the said Tolls or Duties do, by Writing under their Hands, consent to the borrowing more; and which Money, so to be borrowed as aforesaid on the Credit of the said Tolls or Duties, is to be charged thereon, and secured in like Manner as is by the said former Acts directed for securing the Money thereby authorized to be borrowed, and shall be laid out and applied for the general Trusts and Purposes of this Act, the Execution of which is intrusted to them; and the Lenders thereof, together with the Persons intitled to the Money due, shall be and are hereby declared to be Creditors in an equal Degree.

In case the Fund be insufficient, a *Sunday's* Toll.

And be it further enacted, That in case at any Time after the passing of this Act, the Tolls and Duties to be levied by the said recited Acts or this Act for amending the several Roads leading from the City of Exeter, shall be found insufficient to discharge the Interest of the Monies borrowed or to be borrowed by virtue of the said Acts or this Act, and the Charge of keeping the said Roads in Repair; then, and in such Case, there shall be paid to the Receiver or Receivers, Collector or Collectors, already nominated and appointed by, or in pursuance of, any of the said Two first recited Acts, or to be nominated or appointed by this present Act as aforesaid, for the Purpose of collecting and receiving the Tolls and Duties on any Cattle or Carriage passing through the several Turnpike Gates next adjacent to the said City of Exeter, before any Cattle or Carriage shall be permitted to pass on a Sunday through any of the said last-mentioned Turnpikes, or through any Turnpike to be erected by virtue of this or any other Act of Parliament near the same, certain additional Tolls, equal to and besides those which at present are or hereafter may or shall be received or collected by virtue of the said recited Acts, or either of them, or by virtue of this present Act, or any future Act that shall be hereafter made; and the said additional Tolls shall and may be levied in such Manner, and with such Remedies for the Non-payment or Evasion of the same, and with such and the same Powers, Exemptions, and Provisions, as in the said recited Acts are provided and granted in respect to the Tolls by the first-mentioned Act directed to be taken; and the said additional Tolls shall be, and the same are hereby declared to be vested in the said Trustees last mentioned, for such and the like Trusts and Purposes as the said Tolls and Duties consolidated as aforesaid are directed to be appointed.

And

And be it further enacted, That for the better avoiding the Inconveniencies herein before recited, it shall and may be lawful to and for the Truſtees herein after-named and appointed, to cauſe a Road or Highway to be opened, made, and repaired, from a certain Place in the preſent Turnpike Road between Exeter and Crediton, on the North Side of Saint David's Hill, by Howell's Houſe, through Howell's Lane, and to and through certain Fields, the Property of Triſtram Whitter Clerk, into Pound Lane; and from thence, through Part of Pound Lane and Part of Longbrooke Street, to the Oxford Inn near the Eaſt Gate of the ſaid City of Exeter; and that Sir Thomas Dyke Acland, John Andrew, Sir Richard Warwick Bampfylde, William Barber, William Bellew, John Buller, James Buller, James Carrington Clerk, Sir John Chicheſter, Benjamin Cleave, Richard Croſs, George Croſs, John Dally, Sir John Davie, Thomas Dawſon, Edward Drewe, John Ellis, George Furſdon, Nicholas Gay, George Abraham Gibbs, Thomas Glaſs, Robert Gould, Charles Hale, Edward Huiſh, Edward Holwell, Thomas Johnſon Clerk, William Lake, George Moore Clerk, Sir Stafford Northcote, Hugh Northcote Clerk, John Parker, John Patch, Samuel Pierce, William Pitfield, William Mackworth Praed, John Quicke, Nutcombe Quicke Clerk, William Short Clerk, John Stoodley, Robert Tarrant Clerk, John Tremlett, Richard Tremlett, John Walter, James White, Edward White, and their Succeſſors, to be elected as Truſtees are appointed to be elected by the ſaid recited Acts, ſhall be, and they are hereby appointed Truſtees to put this Act in Execution, ſo far as relates to the opening, making, and keeping in Repair, the ſaid Road or Highway leading from the ſaid certain Place in the preſent Turnpike Road between Exeter and Crediton, on the North Side of Saint David's Hill, by Howell's Houſe, through Howell's Lane, to and through certain Fields, the Property of Triſtram Whitter Clerk, into Pound Lane; and from thence through Part of Pound Lane and Part of Longbrook Street, to the Oxford Inn near the Eaſt Gate of the ſaid City. Truſtees for *Howell Lane* Road.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid laſt mentioned Truſtees, or any Five or more of them, to treat, contract, and agree, with the Owner or Owners, Occupier or Occupiers, of any Lands or Grounds which they the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary to make uſe of for the opening and making the ſaid laſt mentioned Road or Highway, for the Purchaſe thereof, and Truſtees may contract for the Purchaſe of Lands to be laid into the Roads.

their Interest therein, for such Sum and Sums of Money as they the said Trustees, or any Five or more of them, and the said Owner or Owners, Occupier or Occupiers, shall agree upon; and in case any Dispute or Difference shall arise between the said Trustees and such Owner or Owners, Occupier or Occupiers, respecting such Purchase, the same shall be determined by a Jury; and the said Trustees, or any Five or more of them, shall pursue such and the same Means and Methods for becoming possessed thereof, as are in and by the said recited Acts prescribed with respect to the purchasing and becoming possessed of any Land or Ground to be taken in and added to the Roads in the said recited Acts mentioned; and the Money to be paid for such Purchase or Purchases, and the Expences attending the same, shall be paid out of the Tolls to be collected at the Gate or Turnpike to be erected in, upon, or across, the said Road or Highway, or out of any Money to be borrowed upon the Credit thereof.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted, That the said last mentioned Trustees, or any Five or more of them, shall and may cause to be erected and set up a Gate or Turnpike and Toll-house, in, upon, or across, Pound Lane, at a certain Place where the new Road through the Fields of Tristram Whitter Clerk will join or lead into Pound Lane aforesaid, between Saint David's Hill and Long-

and take Tolls thereat.

brooke Street; and shall cause to be demanded, received, and taken, at such Gate or Turnpike, One Moiety only of the respective Tolls or Duties granted by the said first recited Act, before any Carriage or Cattle shall be permitted to pass through the said Gate or Turnpike; and the said Tolls or Duties, and the Money to be borrowed on the Credit thereof, shall be and are hereby vested in the said Trustees, and shall be applied to and for the opening, making, and keeping in Repair, the said Road from a certain Place in the present Turnpike Road between Exeter and Crediton, on the North Side of Saint David's Hill, by Howell's House, through Howell's Lane, to the Oxford Inn aforesaid, and the Execution of this Act, so far as the same relates to the said Road or Highway, and to or for no other Use or Purpose whatsoever; and the said Tolls shall and may be levied and leased in such Manner, and with such Remedies for the Non-payment or Evasion of the same, and with such and the same Exemptions, Powers, and Provisions, as by the said recited Acts or this Act are provided and granted with respect to the Tolls by the said first recited Act directed to be taken.

And

And be it further enacted, That it shall and may be lawful to and for the said last mentioned Trustees, or any Five or more of them, upon the Credit of the Tolls or Duties hereby made payable at the said Gate or Turnpike to be erected in, upon, and across, Pound Lane, between Saint David's Hill and Longbrooke Street aforesaid, to borrow and take up at Interest any such Sum or Sums of Money as they the said Trustees, or any Five or more of them, shall think needful; and may, and they are hereby impowered to mortgage or assign over the said Tolls or Duties, or any Part thereof, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, by such Method or Methods as is or are prescribed by the said first recited Act for the securing the Money borrowed upon the Credit of the Tolls or Duties thereby granted; which said Sum and Sums of Money so to be borrowed, shall be laid out and applied in and for the opening, making, and keeping in Repair, the said Road or Highway through Howell's Lane, Pound Lane, and Longbrooke Street, to the Oxford Inn aforesaid, and other the Purposes of this Act, so far as the same relate thereto, and to and for no other Use or Purpose whatsoever; and that every Person and Persons to whom any Mortgage or Assignment of the said Tolls shall be made, or who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may, and is and are hereby impowered from time to time to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons, in like Manner as the Securities by the said former Act are transferrable.

Trustees may borrow Money on the Credit of the Tolls.

Mortgages may be assigned.

Provided always, and be it further enacted and declared, That the said Trustees, shall not erect, or cause to be erected, any Gate, Turnpike, or Toll-house, in, upon, or across, Pound Lane, at such certain Place as before mentioned, or to receive, take, or demand, any of the Tolls or Duties hereby granted and empowered to be taken at such Gate or Turnpike as aforesaid, until the Powers and Authorities herein before granted for the Purposes of widening and rendering safe and commodious the said North Gate Street or Hill, and the said Way or Street through North Gate Street to Saint Paul's Street, shall be null and void; any thing in this Act contained to the contrary notwithstanding.

Condition upon which *Pound Lane* Turnpike is to be erected.

And whereas the Road or Highway leading out of the Turnpike Road between Alphington Church and Crab

Lake, in the Parish of Exminster, at or near a Lane called Bear's Hill Oak Corner, to and through a Ford called Countess Wear, and from thence to the Turnpike Road leading from Larkbear to the Town of Topsham, at a Place called The Red Post, leading to Riding Lane, is a publick Highway, in a ruinous Condition, and narrow and incommodious for Passengers, and the said Ford being frequently dangerous for Passengers, and many People having been drowned in attempting to pass it, it would be of publick Utility if a Bridge was erected over the said River Exe, at or near the said Ford, and the said Road was repaired and widened; but as the same cannot be done without the Aid of Parliament, be it further enacted, That the Right Honourable Wilmot Lord Viscount Lisburne in the Kingdom of Ireland, the Honourable Edward Clifford Esquire, the Honourable Thomas Clifford Esquire, Sir Thomas Dyke Acland, Sir Richard Warwick Bampfylde, Sir John Carew, Sir John Chichester, Sir Francis Henry Drake, Sir John Davie, Sir Stafford Northcote, Sir John Rogers, Sir George Yonge, Arthur Acland, Hugh Acland, John Acland, General A'Court, Thomas Ayshford, John Ayshford, John Andrew, M. D. John Acland Clerk, John Burbydge, James Buller, Richard Burbydge, John Buller junior, Worthington Brice, Peter Beavis, Richard Blundell, Thomas Blunt, Henry Langford Brown, John Bidgood, John Baring, George Baker, Finney Belfield, Allan Belfield, Charles Baring, Robert Barber, John Ball of Ashcombe, George Bent M. D. Thomas Binford, Thomas Blake, the Reverend Theophilus Blackall, John Bertie, Maninster Barnard, John Bradford, John Birdell, Gilbert Burrington, Christopher Beeke, William Barter, John Bradford, Clerks; John Hippisley Coxe, Richard Coxe, Peregrine Courtenay, Henry Cruwys, Edward Collins, John Cholwich, Peter Comyns, Robert Cook, Benjamin Cobley, James Cleave, John Cross, Nathaniel Clark, Henry Chowne, James Cosserat, Richard Cross, William Clarke, Robert Collier, the Reverend Edward Coppleston, George Cook, William Churchill, John Cruwys, William Crowther, James Carrington, Clerks; Edward Drewe, Francis Drewe, Francis Rose Drewe, John Dally, Hugh Downman, Richard Dinneford, John Dyer, Thomas Dyer, John Duntze, Henry Distin, the Reverend William Davie, John Davy, Richard Ellicombe, William Ellicombe, Clerks; George Fursdon, William Foulkes, James Fynes D. D. John Follett, William Fryer, Thomas Finnemore, Egerton Filmore, James Fynes, the Reverend John Fortescue, Peter Foulkes, Clerks; Samuel Graves, Thomas Glass M. D.

Trustees for building a Bridge over *Countess Wear.*

Robert Gould, George Abraham Gibbs, John Goss, Nicholas Gear, the Reverend Edmund Granger, Thomas Granger, John Glubb, Clerks; Charles Hale, John Harward, William Hellyar, William Hobbs, Christopher Hamlyn, Thomas Hull, Stephen Hawtrey, John Heath, the Reverend William Hatherley, Thomas Hurrell, Tilloman Hodgkinson, Richard Harrington, Clerks; Jonathan Ivie, Richard Inglett, William Ilbert, Elford Ilbert, John Kelly, Abraham Kennaway, William Kennaway, Herman Katenkamp, Henry Fownes Lutterell, William Land, William Lake, John Ley, John Ley junior, Matthew Lee junior, Matthew Limbrey, Samuel Luscombe, John Lavington, John Line, William Langford, Josiah Lee, the Reverend George Lacy, John Lee, Thomas Ley, John Locker, Clerks; William Clifford Martyn, Lyle Moxham, Thomas Northmore, Francis Stonard Newcombe, James Newberry, Anthony Noguier, Colonel John Newton, Daniel Newcombe Clerk, Robert Orm, John Parker, Montagu Edmund Parker, Reymundo Putt, Thomas Putt, James Pitman, Samuel Pierce, Richard Parminter, John Patch, John Prowse, Thomas Prowse Clerk, William Pitfield, Robert Palk, the Reverend John Pitman, James Pitman, William Putt, Clerks; John Quicke, Nutcombe Quicke Clerk, Ambrose Rhodes, Edward Ratcliffe, Robert Radmore, Denys Rolle, Nicholas Rowe Clerk, William Spicer, Richard Spicer, John Shapleigh, John Shapleigh junior, John Short, Samuel Short, John Stoodly, Thomas Sowdon, Thomas Salter, John Salter, Samuel Symons, the Reverend William Short, John Stracy, John Sleech, Clerks; John Henry Southcote, Thomas Taylor, John Terry, Robert Tarrent, John Tremlett, Micajah Towgood, William Tumey, James Templar, William Trosse, Jonathan Tyers, William Johnson Temple Clerk, John Walter Esquire, John Westcott, William Webber, James Webber, William Williams, John White, Richard Whitburne, William Webber, Francis Webber, Ambrose Wilkins Clerk, and William Younge, shall be, and they are hereby nominated and appointed Trustees for executing the several Powers and Authorities given to them in and by this Act, so far as the same relates to the widening and repairing the said Road leading out of the said Turnpike Road between Alphington Church aforesaid and Crab Lake, in the Parish of Exminster, at or near a Lane called Bear's Hill Oak Corner, to and through a Ford called Countess Wear, and from thence to the Turnpike Road leading from Larkbear aforesaid, to the Town of Topsham, at the said Place called Red Post, leading to Riding Lane; and for building and erect-

ing a Bridge at Counteſs Wear aforeſaid, in the Manner as is herein after mentioned; and for that Purpoſe that any Nine or more of them, being duly qualified as by this Act is provided and directed, or ſuch Perſon or Perſons as they, or any Nine or more of them, ſhall authorize and appoint, ſhall and may build and erect, or cauſe to be built and erected, a Bridge and Cauſeway at or near the ſaid Ford or Place called Counteſs Wear, over and acroſs the ſaid River Exe, in ſuch Manner as any Nine or more of the ſaid Truſtees ſhall by any Writing under their Hands direct and appoint; and ſhall and may build and erect, or cauſe to be built and erected, a Gate or Gates, Turnpike or Turnpikes, and alſo a Toll-houſe or Toll-houſes, in or upon Part of the ſaid Road; and ſhall demand, receive, and take, ſuch Tolls and Duties as in and by the ſaid firſt recited Act are granted and directed to be received, before any Horſe, Mare, Gelding, Mule, Aſs, Cattle, Coach, Chariot, Landau, Berlin, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatſoever, ſhall be permitted to paſs through any of the ſaid Gates or Turnpikes ſo to be erected as aforeſaid: Which ſaid reſpective Tolls and Duties ſhall be demanded and taken, and the Monies thereby collected and received ſhall be and are hereby veſted in the ſaid laſt mentioned Truſtees; and the ſame and every Part thereof ſhall be paid, applied, and diſpoſed of and aſſigned to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner, as is herein after mentioned and directed; and the ſaid Truſtees, or any Nine or more of them, are hereby impowered, by themſelves, or any Perſon or Perſons by them, or any Nine or more of them, under their Hands and Seals, thereunto authorized, to levy the Tolls or Duties hereby required to be paid upon any Perſon or Perſons who ſhall, after Demand thereof made, refuſe to pay the ſame, in ſuch Manner, and by ſuch Ways and Means, as the Tolls and Duties are directed to be recovered in and by the ſaid recited Acts, or either of them.

Truſtees may erect Turnpikes and Toll-houſes, &c.

and take Tolls thereat.

Application of the Monies.

And be it further enacted, That out of the firſt Money ariſing by the Tolls or Duties which ſhall be collected at the ſaid Gate or Gates, Turnpike or Turnpikes, ſo to be erected on the ſaid laſt mentioned Road, or out of ſuch Money as ſhall be borrowed on the Credit thereof, the ſaid laſt mentioned Truſtees, or any Nine or more of them, ſhall, in the firſt Place, pay and diſcharge all the Expences of procuring and paſſing this

Act

Act of Parliament, so far only as the same relates thereto; and shall apply the Remainder of the Money so raised in erecting the said Bridge and such Turnpikes and Toll-houses as they shall think proper, and in the repairing and widening the said Road, and afterwards in keeping the said Bridge and Road in Repair, and in executing all other the Purposes of this Act, so far as the same relates thereto, and to or for no other Use or Purpose whatsoever.

The Draw-bridge to be continued as formerly.

And whereas, for the Convenience of Ships, Barges, and other Vessels, passing and repassing the Works or Cut called The Haven, leading to and going from the City of Exeter, a Drawbridge is and hath been for many Years last past erected and built upon and over the said Haven Cut, which is Part of the said Road or Highway leading out of the Turnpike Road between Alphington Church and Crabb Lake, in the Parish of Exminster aforesaid, at or near the said Lane called Bear's Hill Oak Corner, to the said Turnpike Road leading from Larkbear to the Town of Topsham, at the said Place called The Red Post, leading to Riding Lane aforesaid; be it therefore further enacted, That the said Drawbridge shall continue and be at the Place aforesaid where it hath heretofore been built and erected for the Use of the Ships and Vessels so passing and repassing to and from the City of Exeter as aforesaid; subject to all the Powers, Laws, Customs, and Penalties, which the same is now subject to and governed and directed by; but so that the Person or Persons directing, managing, and drawing back the said Bridge for the Purposes aforesaid, do not keep the same open and unshut for any longer Time than is necessary for the passing and repassing the said Ships, Barges, or Vessels; and that as soon as any Ship, Barge, or Vessel whatsoever, shall have passed or repassed the said Drawbridge as aforesaid, that the Person or Persons who shall have drawn back and opened the same for the Purposes aforesaid do and shall forthwith place the same in its former State, so as that Travellers and Passengers may not be obstructed in passing the said Road, in such Manner as by any Law, Usage, or Custom, they have hitherto been enabled to do: And if the Person or Persons so drawing back and opening the said Drawbridge do not shut the same, and put it in its former Place and State for the Use of the Travellers and Passengers as aforesaid, and fasten the same as it ought to be fastened, as soon as the said Ships, Barges, and Vessels, shall have passed or repassed as aforesaid; he, she, or they, shall forfeit and pay

the Sum of Forty Shillings for every such Neglect or Refusal for the Use of the said Road and Bridge, to be recovered in the same Manner as the Penalties and Forfeitures inflicted in and by the said recited Acts are directed to be levied and recovered; and after such Default made by such Person or Persons as aforesaid, it shall and may be lawful to and for the Toll-gatherer appointed by the said Trustees, or any Nine or more of them, or any other Person or Persons who shall have Occasion to pass that Way and to use the said Drawbridge, to put and place the said Drawbridge in its former State, and to fasten the same in such a Manner that it may be used for Travellers and Passengers as aforesaid.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall meet together at the Salutation Inn, in the Town of Topsham, in the County of Devon, on the First Day of June, One thousand seven hundred and sixty nine, and shall then begin to put this Act in Execution so far as the same relates to the erecting the said Bridge and repairing the said Road in such Manner as they, or any Nine of them, shall think proper and necessary; and shall then choose a Clerk or Clerks to write their Orders, and for other Purposes; and shall then from time to time adjourn themselves, and shall afterwards meet at the Place aforesaid, or at any other Place or Places within the Town of Topsham, or Parish of Exminster, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day; then, and in such Case, the said Meeting shall stand appointed for that Day Sevennight, and so on from Week to Week on the same Day, until another Day shall be appointed by the said Trustees, or any Nine or more of them; and that the Trustees at their First Meeting and all their subsequent Meetings shall defray their own Charges and Expences.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said last mentioned Trustees, or any Nine or more of them, upon the Credit of the Tolls or Duties hereby made payable at the Gate or Gates, Turnpike or Turnpikes, to be erected in, upon, or across, the said last mentioned Road, to borrow and take up at Interest any Sum or Sums of Money as they the said Trustees, or any Nine or more of them, shall think needful, not exceeding in the Whole the Sum of Three thousand Pounds, unless with the Consent

sent of Persons intitled for the time being to Four Fifths of the Money borrowed on the Credit of the said Tolls; and the said Trustees may and are hereby impowered to mortgage or assign over the said Tolls or Duties, or any Part thereof, to any Person or Persons for any Term or Number of Years as a Security or Securities for any Sum or Sums of Money that shall be so borrowed, and the Interest thereof, by such Method or Methods as is or are prescribed by the said first recited Act for securing the Money to be borrowed upon the Credit of the Tolls or Duties thereby granted; which said Sum and Sums of Money so to be borrowed shall be laid out and applied in and for the opening, making, and keeping in Repair the said last mentioned Road, and erecting and building the said Bridge over the said Ford or Wear called Countess Wear, and other the Purposes of this Act, so far as the same relates to the said last mentioned Road and Bridge, and to and for no other Use or Purpose whatsoever; and that every Person or Persons to whom any Mortgage or Assignment of the said Tolls shall be made, or who shall be intitled to the Money thereby secured, and his, her, and their Assignee or Assignees, may and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any Person or Persons, in like Manner as the Securities by the said former Acts are transferrable.

And whereas the Trustees nominated and appointed in and by the said first recited Act, are thereby impowered to erect a Gate or Gates, Turnpike or Turnpikes, on the Side of any Highways or Roads, cross any Lane or Way leading out of the same, and there to receive such Tolls as are by the said Act imposed and appointed to be taken at the Turnpikes to be erected by virtue thereof, so as the same do not extend to a double Charge in case of passing through any other of the Turnpikes to be erected by virtue of the said Act; be it further enacted, That in case the said Bridge at the said Ford called Countess Wear shall hereafter be erected in pursuance of this Act, and the said Trustees first named and appointed in and by this Act, or any Five or more of them, shall at any Time or Times after the passing of this Act, think proper to erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, across, or on the Side of any Part or Parts of the Road, at or between Honiton's Clist and Straitway Head, or in, upon, across, or on the Side of any Part or Parts of the Road leading at or between Bishop's Clyst and

Direction as to Payment of Tolls at particular Gates.

and Ayleſbear Hill; and alſo to erect, or cauſe to be erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, acroſs, or on the Side of any Part or Parts of the Roads at or near certain Places called Bearſhill Oak Corner and Red Poſt, no Perſon or Perſons, who ſhall have paid the Tolls granted by the ſaid firſt recited Act, for the paſſing of any Carriage or Cattle through any Gate or Turnpike erected in, upon, acroſs, or on the Side of the Road at or between Honiton's Cliſt and Straitway Head, or in, upon, acroſs, or on the Side of the Road leading from Biſhop's Cliſt to Ayleſbear Hill, ſhall be thereby exempt from the Payment of the ſame Tolls for the paſſing of the ſame Carriage or Cattle through any Gate or Gates, Turnpike or Turnpikes, erected in, upon, acroſs, or on the Side of, any Part or Parts of the Roads at or near the ſaid Places called Bearſhill Oak Corner and Red Poſt; nor ſhall any Perſon or Perſons, who ſhall have paid the Tolls granted by the ſaid firſt recited Act, for the paſſing of any Carriage or Cattle through any Gate or Gates, Turnpike or Turnpikes, erected in, upon, acroſs, or on the Side of, any Part or Parts of the Roads at or near the ſaid Places called Bearſhill Oak Corner and Red Poſt, be thereby exempt from the Payment of the ſame Tolls for paſſing of the ſame Carriage or Cattle through any Gate or Gates, Turnpike or Turnpikes, erected in, upon, acroſs, or on the Side of, any Part or Parts of the Road at or between Honiton's Cliſt and Straitway Head, or in, upon, acroſs, or on the Side of, any Part or Parts of the Road at or between Biſhop's Cliſt and Ayleſbear Hill; any thing in the ſaid recited Acts or this Act contained to the contrary thereof in any wiſe notwithſtanding.

Provided always, That no Perſon or Perſons, who ſhall have paid any of the ſaid Tolls for the paſſing of any Carriage or Cattle, through any Gate or Turnpike erected at or near the ſaid Place called Bear's Hill Oak Corner, ſhall be ſubject or liable to the Payment of any Tolls for the paſſing of the ſame Carriage or Cattle through any Gate or Turnpike erected at or near Red Poſt aforeſaid; nor ſhall any Perſon or Perſons, who ſhall have paid any of the ſaid Tolls for the paſſing of any Carriage or Cattle through any Gate or Turnpike erected at or near the ſaid Place called Red Poſt, be ſubject or liable to the Payment of any Tolls for the paſſing of the ſame Carriage or Cattle, through any Gate or Turnpike erected at or near Bear's Hill Oak Corner aforeſaid.

And be it further enacted, That all and every the Tolls or Duties, Authorities, Powers, Privileges, Provisions, and Clauses, in the said recited Acts and this Act contained, shall extend and have relation to the repairing and widening the Road or Highway leading out of the Turnpike Road between Alphington Church and Crab Lake, in the Parish of Exminster, at or near a Lane called Bearshill Oak Corner, to and through a Ford called Countess Wear; and from thence to the Turnpike Road leading from Lackbear to the Town of Topsham, at a Place called The Red Post leading to Riding Lane, and to the erecting a Bridge over the River Exe, at or near the said Ford called Countess Wear, in as full and ample a Manner as if the same were now here repeated and re-enacted, and as the same shall be found necessary in the Execution of this Act, so far as it relates to the repairing the said Road, and erecting the said Bridge, and shall continue and be in Force for and during all the Residue and Remainder of the said Term granted by the said first recited Act now to come and unexpired, and from and after the Expiration thereof, then for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament. Powers of former Acts and this Act to extend to *Countess Wear* Bridge and Road.

And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of the said recited Acts or this Act, shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons, in any Messuages, Houses, Lands, Grounds, or Hereditaments, or for any Loss or Damage than what shall have been agreed to and offered by the Trustees, or any Five or more of them, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any Right, Interest, or Property, in any such Messuages, Houses, Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, concerning the ascertaining and determining the Value of any such Right, Property, or Interest, or Losses or Damages sustained as aforesaid, shall be borne and paid by the Trustees, or any Five or more of them, out of the Tolls or Duties, or out of any Money to be borrowed upon the Credit thereof: But if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Expences of the Juries how to be borne.

Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Messuages, Houses, Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid; that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the Trustees shall have such Controversy or Dispute.

Charges of passing this Act to be First paid.

And be it further enacted, That Three Fourths of the Charges and Expences of obtaining and passing this Act shall be paid out of the Monies which have arisen, or shall arise by or out of the Tolls collected or to be collected by virtue of the said recited Acts or of this Act, as far as the same relate to the Roads hereby committed to the Care of the Trustees first named, or out of the Money borrowed or to be borrowed upon the Credit thereof; and the remaining One Fourth of the said Charges and Expences shall be paid out of the Money to be collected and borrowed on the Credit of the Tolls to be taken on passing the said intended Bridge or Road at or near Countess Wear.

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters and Things herein contained, such Action or Actions, Suit or Suits, and every of them, shall be commenced within the Space of Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed and done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials which shall be had, commenced, or prosecuted thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited,

General Issue.

or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in any such Action or Suit shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Suit, or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs in any other Case by Law. Treble Costs.

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

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FINIS.