



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xlvii.

An Act for altering, extending, and improving the
Exeter Canal. [14th May 1829.]

WHEREAS the Mayor, Bailiffs, and Commonalty of the City of *Exeter* are the Owners of a navigable Canal which was formed by their Predecessors many Centuries since, for conveying Goods, Wares, and Merchandize, in Barges, Boats, and other Vessels, from the Tideway or navigable Channel of the River *Exe* above the Town of *Topsham* in the County of *Devon* to a Point immediately above the *King's Arms* Sluice in the Parish of *Saint Thomas the Apostle* in the same County, so as to join the River *Exe* at the public and open Quay at *Exeter* situate in the Parish of the *Holy Trinity* in the County of the same City: And whereas the said ancient Canal, having been formed very imperfectly, was till lately subject to the Ebb and Flow of the Tide from the said River *Exe* at its former Entrance through a Sluice called the *Lower Sluice* situate above the said Town of *Topsham*, and thereby the Banks of the said Canal were frequently injured, the Repairs thereof rendered expensive, and the Navigation of a considerable Portion of the said Canal liable to great and daily Obstruction, Uncertainty, and Delay: And whereas the said Mayor, Bailiffs, and Commonalty have lately stopped up the aforesaid late Entrance at the Lower Sluice, and have extended the said Canal lower down into the deeper Part of the Tideway or navigable Channel of the said River *Exe*, to a Place called *Turf*, below the said Town of *Topsham*, and contemplate the opening of a Lock or Entrance above the Town of *Topsham*, as herein-after mentioned,

[*Local.*]

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and

Corporation
of Exeter
may com-
plete the
Canal from
the King's
Arms Sluice
to the Turf.

and have altered and improved the ancient Part of the said Canal above the said late Lower Sluice, and the said Works are not yet completed: And whereas by stopping up the said Entrance at the Lower Sluice, and extending the said Canal to the present Entrance at *Turf* as aforesaid, a more certain, expeditious, and easy Communication has already been opened between the Mouth of the River *Exe* and the City of *Exeter*, and by the said intended Lock above the Town of *Topsham* the Communication between that Place and the Quay at *Exeter* will be fully preserved, and the Completion of the Improvements of this Canal will be of great public Utility: And whereas the said Mayor, Bailiffs, and Commonalty, in the Progress of the aforesaid several Works, have expended very large Sums of Money, and are unable properly to complete the same without borrowing further Sums for that Purpose: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Bailiffs, and Commonalty for the Time being of the said City of *Exeter*, and their Successors and Assigns, Proprietors of the said Canal, shall be and they are hereby authorized and empowered to complete and maintain the said Canal, from the said *King's Arms* Sluice in the Parish of *Saint Thomas the Apostle* in the County of *Devon* to the said Place called the *Turf*, below the Town of *Topsham* in the said County, lately extended and improved as aforesaid, and for that Purpose to keep closed and stopped up the former Entrance into the ancient Part of the said Canal at and through the Lower Sluice, and to substitute in the Stead thereof the present Entrance, at the Extremity of the said extended Canal at *Turf*, and also the Lock or Entrance to be opened above the Town of *Topsham*, as herein-after mentioned and otherwise to improve the same Canal as herein-after is mentioned, and to do and perform all other Works, Matters, and Things directed and intended to be done and performed by virtue of this Act, subject to the Rules, Orders, and Directions herein-after expressed.

Corporation
to do all
Things neces-
sary for
maintaining
the said
Canal.

II. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and they are hereby authorized and required, from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to open and keep navigable and passable for Boats, Barges, and other Vessels the said Canal so lately extended as aforesaid, from the Tideway or navigable Channel of the River *Exe* at or near to the said Place called *Turf*, in the Parish of *Exminster* in the said County of *Devon*, and also from a certain intended Entrance into the said Canal from the said navigable River *Exe* above the Town of *Topsham* as herein-after mentioned, into the ancient Part of the said Canal above the late Lower Sluice, and from thence to a Point immediately above the *King's Arms* Sluice as aforesaid, so as to preserve the aforesaid Communication with the *Exeter* public Quay, and also to widen the ancient or upper Part of the said Canal, and to strengthen the Banks of the said ancient and extended Canal by widening the same, or otherwise as Occasion shall require, at the several Places mentioned and described in the respective Maps or Plans of the said Canal deposited with the
respective

respective Officers of the Clerk of the Peace of the said County of *Devon* and County of the City of *Exeter*, and at such other Places on the said Canal as shall from Time to Time hereafter be found necessary, not exceeding Thirty Feet in Breadth measured horizontally from the Boundary of such the present Banks or Towing Paths; and the said Mayor, Bailiffs, and Commonalty are hereby fully authorized and required, from Time to Time and at all Times hereafter, to continue to supply the said Canal with Water from the River *Exe*, as heretofore anciently they have been accustomed to do; and to cleanse, scour, deepen, embank, enlarge, vary, alter, or divert any Brook, Stream, or Watercourse adjoining or situate within the Line of the said Canal, and which may be necessary for the Purpose of draining and carrying off the same, or which shall or may hinder, prevent, or otherwise obstruct the Completion of the said Works; and for the several Purposes aforesaid, by their Deputies, Servants, Agents, and Workmen, to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or of any Part thereof, and to set out and ascertain such Parts thereof as they the said Mayor, Bailiffs, and Commonalty shall think necessary and proper for the altering, improving, completing, maintaining, and using of the said Canal and other Works and Conveniences already made or hereby authorized to be made; and there to bore, dig, cut, trench, and excavate, and also to remove, carry away, and take, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got out in the altering or completing, or which may hinder, prevent, or obstruct the making, carrying on, maintaining, or repairing the said Canal and other Works respectively, according to the true Intent and Meaning of this Act; and also to make, build, erect, and set up, in or upon the said Canal, or in or upon the Lands adjoining or near thereto respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Culverts, Sluices, Locks, Flood Gates, Weirs, Banks, Embankments, Dams, Pens of Water, Basins, Wharf, Quay, Houses, Toll Houses, Landing Places, Weighing Beams, Cranes, Gates, Fences, and Conveniences for the Purposes aforesaid, as and where the said Mayor, Bailiffs, and Commonalty shall think requisite and convenient; and also from Time to Time to alter, repair, amend, or discontinue the same or any of them; and to place, lay, work, or manufacture any Materials on the Lands or Grounds at or near to the Place or Places where the said Works or any of them shall be carrying on; and from Time to Time to alter, make, build, erect, construct and keep in repair any Piers, Arches, Aqueducts, and other Works in, upon, over, or across any Roads, Rivers, or Brooks, for making the said Canal and Cuts, or the Tunnels, Aqueducts, Soughs, Trenches, Gutters, Watercourses, and Sluices which shall communicate with the said Canal; and also to alter, improve, make, set out, and appoint such Towing Paths, Banks, Roads, and Ways for the towing, hauling, or drawing of Boats, Barges, and other Vessels passing upon the said Canal with Men, Horses, or otherwise, and such convenient Places for Boats, Barges, and other Vessels to turn, lie, or pass each other in, as the said Mayor, Bailiffs, and Commonalty shall think proper and expedient; and also to dig, take, and carry away

away any Soil, Clay, Gravel, Sand, or Stone, which shall be proper, requisite, and convenient for the carrying on, repairing, and maintaining of the said Canal and several Works aforesaid, or any of them, in or from the Grounds of any Person or Persons adjoining thereto; and also to construct, erect, make, and do all or any other Works, Matters, and Things whatsoever which they may think convenient and necessary for the carrying on, completing, repairing, improving, maintaining, and using of the said Canal and other Works, in pursuance of and according to the true Intent and Meaning of this Act; they the said Mayor, Bailiffs, and Commonalty, their several Deputies, Agents, Officers, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in manner herein-after mentioned to the Owners and Proprietors of and other Persons interested in the Lands, Grounds, Tenements, or Hereditaments, Waters, Watercourses, or Brooks respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Mayor, Bailiffs, and Commonalty, and their Agents, Officers, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject to such Provisions and Restrictions as are herein-after mentioned.

Power to
make a Lock
above the
Town of
Topsham.

III. And be it further enacted, That the said Mayor, Bailiffs, and Commonalty shall and they are hereby required, within Three Months next after the passing of this Act, for the Purpose of performing and preserving the Communication by the said Canal between the said City of *Exeter* and the Tideway of the said River *Exe* above the said Town of *Topsham*, to begin to construct and make, and within Two Years next after the passing of this Act as aforesaid to complete and perfect, a proper Lock, of such Dimensions and Construction, and in such Situation within the Distance of Two hundred and sixty Yards above the Bridge opposite to *Topsham Ferry*, and which Bridge is now placed across the said Canal, as shall be effectual and convenient for the Passage, in, through, and out of the same Lock and Canal, of Ships, Vessels, Lighters, Barges, Boats, Craft, and all Goods waterborne of the same Size and Magnitude as could at any Time heretofore pass through the old Canal from the late Lower Sluice before the said Canal was extended as aforesaid; and that after the said Lock shall be made, the same Lock, Gates, Wing Walls, and other Works thereto belonging, shall at all Times for ever hereafter be maintained and kept in good Repair and Condition by the said Mayor, Bailiffs, and Commonalty, and that the said Lock, and the Gates thereto belonging, shall be under the Controul, Management, and Direction of the said Mayor, Bailiffs, and Commonalty, and of such Agent or Agents as they shall from Time to Time appoint for that Purpose: Provided nevertheless, that after the same shall be so completed as aforesaid, it shall be lawful for all Persons, with such Ships, Vessels, Lighters, Barges, Boats, Craft, and all Goods waterborne as aforesaid, to pass at all Times from and to the Tideway of the said River *Exe* above the said Town of *Topsham*, through the said Lock so to be made as aforesaid, into and from the said Canal, and to navigate
and

and use the said Canal to and from the said Lock in as ample and complete a Manner, and upon Payment of the same Tolls, and subject to the same Regulations as by this Act provided in respect of Ships, Vessels, Lighters, Barges, Boats, Craft, and all Goods waterborne passing to and from the said Canal by the said new Entrance at or near the said Place called *Turf*.

IV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Mayor, Bailiffs, and Commonalty, under any Pretence whatsoever, to take or suffer to be taken or used for the said Canal any Rivulet, Spring, Watercourses, or Streams of Water now or lately flowing into the said River *Exe*; but that all such Rivulets, Springs, Watercourses, and Streams of Water which shall or may be crossed or diverted by the said Canal, or any Conductor, Aqueduct, or other Works appertaining thereto, shall be well and effectually tunnelled and conducted under such Canal or other Works by the said Mayor, Bailiffs, and Commonalty, immediately into the former and ancient Course of such Rivulets, Springs, Watercourses, or Streams of Water, or in such Manner as that the whole thereof shall flow into the said River *Exe*.

Rivulets to be conducted into their ancient Course, or into the River *Exe*.

V. And be it further enacted, That the said Mayor, Bailiffs, and Commonalty shall, at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Bridges across the said Canal, or any Aqueduct, Conductor, or Watercourse leading into the same, with proper Approaches to such Bridges respectively, and also Gates and Stiles in and through all the Hedges and Fences to be by them made on the Side of such Towing Paths as aforesaid, in such Manner as any Two or more Justices of the Peace for the said County shall from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds or Hereditaments adjoining to such Canal; and all such Bridges, Gates, Stiles, and other Works and Conveniences so to be made as aforesaid shall from Time to Time thereafter be supported, maintained, and kept in sufficient Repair by the said Mayor, Bailiffs, and Commonalty for the Time being.

For making Bridges across the Canal, and Fences and Gates on the Sides of the Towing Path.

VI. And be it further enacted, That in case the said Mayor, Bailiffs, and Commonalty shall refuse or neglect to make, erect, and set up such Bridges, Gates, and Stiles as before mentioned, or to maintain and support the same when erected, set up, and made in such Manner as aforesaid, for the Space of Thirty Days next after the Times to be appointed by the said Justices as aforesaid, and after Notice shall have been given by or on behalf of the Owner or Owners of any such Lands or other Hereditaments, who shall find themselves aggrieved by any such Refusal or Neglect, to the said Mayor, Bailiffs, and Commonalty for the Time being, then and in every such Case it shall be lawful for any of the Owners or Occupiers of the said adjacent Lands, Grounds, or Hereditaments, who shall find himself, herself, or themselves aggrieved as aforesaid, to make, erect, and set up such Bridges, Gates, and Stiles as shall be necessary, and shall have been before directed or appointed by the said Justices to be made,

[*Local.*] 13 H erected,

If the Corporation do not make Bridges, &c. Land Owners may do it at the Expence of the Corporation.

erected, and set up by the said Mayor, Bailiffs, and Commonalty for the Time being as aforesaid, and to maintain, repair, and support the same, from Time to Time as Occasion shall require, so that in making and maintaining such Works the said Canal, or the Banks thereof, or the Feeders belonging thereto, shall not be stopped or hindered for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, and other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Mayor, Bailiffs, and Commonalty for the Time being; and in case the same shall not be paid to the said Owners or Occupiers by the said Mayor, Bailiffs, and Commonalty for the Time being, within Seven Days after Demand, then the same shall and may be recovered from the said Mayor, Bailiffs, and Commonalty, or their Treasurer, by Warrant under the Hand and Seal of the said Justices, in manner herein-after mentioned.

Proviso as to
Repairs of
Bridge at
Countess
Wear.

VII. Provided always, and be it enacted, That nothing herein contained shall extend to make liable the said Mayor, Bailiffs, and Commonalty to the Repairs of the Bridge across the said Canal at a Place called *Countess Wear*, otherwise than heretofore.

Regulations
as to Ascent
to Bridges
and Height
of adjoining
Fences.

VIII. And be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road, the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Exception as
to the Horse-
ferry Bridge.

IX. And whereas, in consequence of the said Canal being immediately adjoining to the River *Exe*, it will be impracticable to build the Bridge communicating with the Horseferry opposite to the Town of *Topsham* so as to have an Ascent of only One Foot in Thirteen; be it therefore enacted, That nothing herein-before contained shall extend or be construed to extend to the Bridge over the said Canal at the Approach from the Horseferry over the River *Exe* opposite to the Town of *Topsham*.

If old Roads
are destroyed,
new ones to
be made,

X. And be it further enacted, That when and as often as it shall be found necessary, by the said Mayor, Bailiffs, and Commonalty, to make or cut through any Carriage or Horse Road, be the same public or private, or so much injure the same as to render the same impassable or inconvenient for Carriages or Horses, or the Persons entitled to the Use and Benefit thereof, the said Mayor, Bailiffs, and Commonalty shall, at their own Expence, before any such Road shall be taken, cut through, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may be) to be set out and made instead thereof, and shall put or cause to be put the same in good and sufficient Repair and Condition.

XI. And

XI. And whereas it may happen, by Floods or unexpected Accidents, that the Locks or other Works of the said Canal may be injured or destroyed, and the adjacent Lands may thereby suffer Damage, and it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damage; be it therefore further enacted, That when and as often as any such Case shall happen, it shall be lawful for the said Mayor, Bailiffs, and Commonalty, without Interruption from any Person or Persons, to enter into any Lands adjoining or near to the said Canal and other Works, or any of them, not being the Land whereon any House or other Building stands, or an Orchard, Garden, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to House, and to dig for, work, get, and carry away and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty with the Owner or Occupier of or any other Person interested in such Lands, doing as little Damage thereby as the Nature of the Case will admit, and making Recompence for the same to the Owner or Occupier of and all other Persons interested in all such Lands, within the Space of Three Calendar Months next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, in case the Parties do not agree amongst themselves, shall be settled and determined or assessed by the Ways and Means by this Act directed with respect to other Damages to be done by making and completing the said Canal.

In case the Works are damaged by Floods, the Corporation may enter any Lands to get Materials for the immediate Repair.

XII. And to the Intent that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Mayor, Bailiffs, and Commonalty shall and may and they are hereby required, at their own proper Costs and Charges, to make or cause to be made Arches, Tunnels, Culverts, Drains, or other Passages over, under, by the Side of, or into the said Canal, the said Navigation, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal, or which may be affected by the Extension thereof, without obstructing or impounding such Water more than formerly; and likewise to make or cause to be made such Back Drain or Drains as may be necessary and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal, Locks, Basins, and other Works already made or hereby directed to be made, or either of them, to the Prejudice of any of the Lands or Grounds contiguous thereto or which may be affected thereby; and also to make in proper Situations Watering Places for Cattle, where by means of the said Canal the Cattle of any Person or Persons occupying Lands adjacent to the said Canal, Locks, Basins, or other Works, or any or either of them, shall be deprived of their ancient Watering Places, and to supply the same at all Times with Water; and all such Arches, Tunnels, Culverts, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair, by the said Mayor, Bailiffs, and Commonalty; and if at any Time after Twenty Days Notice in Writing shall, by or on behalf of the

Drains to be made to convey Water from Lands adjoining, and Watering Places provided for Cattle.

the said Owners or Occupiers of such Lands as aforesaid, or either of them, be given to the Receiver General of the said Mayor, Bailiffs, and Commonalty, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any Two or more Justices of the Peace for the County within which such Lands shall lie, from Time to Time, as often as there shall be Occasion, enabling such Person or Persons to cleanse, and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, and the reasonable Expences thereof, and for any Injury or Damage such Owners or Occupiers may have sustained in consequence of such Neglect of making, cleansing, maintaining, or repairing as aforesaid, (to be ascertained by the said Justices,) shall be defrayed by the said Mayor, Bailiffs, and Commonalty; and in case of Neglect or Refusal to satisfy and defray the Amount of such Expences, Injuries, and Damages, for the Space of Twenty-one Days after Demand thereof made upon the Receiver General of the said Mayor, Bailiffs, and Commonalty, such Amount of Expences, Injuries, and Damages shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Mayor, Bailiffs, and Commonalty: Provided always, that such Owner or Occupier of such Lands as aforesaid shall at the Time of making such Complaint have his or her respective Ditches, Drains, and Passages for Water, and Watercourses leading to or from the Drains, Culverts, and Passages of the said Canal, Locks, Basins, and other Works already made or hereby directed to be made, and each and every of them, sufficiently cleansed and opened to convey Water into and along the same; and provided also, that nothing in this Act contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal, Locks, Basins, or other Works already made or hereby directed to be made, or any of them, which may injure the said Navigation already made or hereby authorized to be made.

For cleansing
of Ditches.

XIII. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the said Canal and other Works, or any of them, shall, by reason of their not being sufficiently cleansed or opened, hinder or obstruct the free Passage of the Water to or from the Drains, Culverts, and Passages belonging to the said Canal, and if the same shall not be perfectly cleansed and opened within Twenty-one Days next after Notice in Writing shall have been given thereof to or left at the Place of Abode of such Owner or Occupier, by the Receiver General of the said Mayor, Bailiffs, and Commonalty, it shall then be lawful for the said Mayor, Bailiffs, and Commonalty, (an Order in Writing for the said Purpose having been first obtained from any Two or more Justices of the Peace for the County in which the same Ditches or Drains shall be,) from Time to Time, as often as there shall be Occasion, to open and cleanse, or cause to be opened and cleansed, the said Ditches or Drains; and the reasonable Expences thereof, when ascertained and allowed by the said Justices, or

any Two of them, shall be repaid to the said Mayor, Bailiffs, and Commonalty, by such Owner or Occupier as aforesaid; and in case of Refusal to satisfy the same within Three Calendar Months after Demand shall have been made thereof, such Charges and Expences shall and may be recovered and levied in such Manner as Forfeitures and Penalties are herein-after directed to be recovered.

XIV. And be it further enacted, That for better effecting the several Purposes aforesaid, and carrying this Act into execution, it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and they are hereby fully authorized and empowered, to purchase Lands, Tenements, and Hereditaments, to them and their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties and Forfeitures of the Statutes of Mortmain, subject always to the Provisions herein contained.

Power to
purchase
Land, &c.

XV. And whereas Maps or Plans of the said Canal with the Extension and Improvements intended to be completed, together with Books of Reference containing a List of the Names of the Owners and Occupiers of the Lands through which any new Cut in the same, and on which the Widenings of the Towing Paths and other Banks of the said Canal, are intended to be carried and made, have been deposited for public Inspection at the Offices of the Clerks of the Peace of the County of *Devon* and County of the City of *Exeter* respectively; be it further enacted, That the before mentioned Maps or Plans and Books of Reference shall remain with the Clerks of the Peace of the said County of *Devon* and County of the City of *Exeter* respectively, and that all Persons shall at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the said respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies and Extracts of the said Books of Reference, and so in proportion for any greater Number of Words; and the said Maps or Plans and Books of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be Evidence in all Courts of Law or elsewhere; and the said Mayor, Bailiffs, and Commonalty, in improving the said Canal and Works hereby authorized to be made, shall not deviate more than One hundred Yards from the respective Lines or Courses so described thereof in the said Maps or Plans and Books of Reference respectively as aforesaid.

Plans and
Books of
Reference
to be left
with Clerk
of Peace,
and be open
to Inspection.

Deviation.

XVI. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Mayor, Bailiffs, and Commonalty, or any Interruption be given to the Completion of the said Canal, or Widenings of the Banks of the said Canal, and any other Works hereby authorized to be made, or any of them, on account of any Error or Omission in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the said City of *Exeter* and County of the same City, or for the said County of *Devon*, (as the Case may require,) and be certified by

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

[*Local.*]

Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses and
Gardens not
to be injured
without Con-
sent.

XVII. And be it further enacted, That nothing herein contained shall authorize or empower the said Mayor, Bailiffs, and Commonalty, or any other Person or Persons, to take, use, injure or damage, for the Purposes of the said Canal, Cuts, and Navigation, or other Works hereby authorized to be made, or any of them, any House, Building, Limekiln, or Quay which was erected or built before the First Day of *January* One thousand eight hundred and twenty-nine, or any Land or Ground which on or before the said First Day of *January* was set apart and used as and for any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent in Writing of the Owner and Proprietor thereof first had and obtained.

Bodies Po-
litics &c.
empowered
to treat and
convey
Lands for
the Purposes
of this Act.

XVIII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for improving the said Canal, or making or improving the other Works and Conveniences hereby authorized to be made, or any of them, or any Part thereof, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on the Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Mayor, Bailiffs, and Commonalty; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Mayor, Bailiffs, and Commonalty; and such Conveyances and Assurances shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; namely,

Form of
Conveyance.

‘ I of in consideration of the Sum of
‘ to be paid by the Mayor, Bailiffs, and Com-
‘ monalty of the City of *Exeter*, do hereby, in pursuance and by virtue
‘ of the Power in that Behalf contained in the Act passed in the
‘ Tenth Year of the Reign of His Majesty King *George* the Fourth,
‘ intituled [*here insert the Title of this Act*], grant, release, assign, and
‘ confirm unto the said Mayor, Bailiffs, and Commonalty all [*here*
‘ *insert the proper Description of the Lands or Hereditaments intended*
‘ *to be conveyed,*] and all my Estate and Interest therein, to hold unto
‘ and for the Use of the said Mayor, Bailiffs, and Commonalty, and
‘ their Successors for ever, according to the true Intent and Meaning

of the said Act. In witness whereof I have hereunto set my Hand
and Seal, the Day of in the Year of our
Lord .

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law, to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

XIX. And be it further enacted, That if in completing the said Canal, or any other of the said Works hereby authorized to be made, any Close or Field shall be cut through or divided so that the Owner or Owners of any such Close or Field shall not have any other Land adjoining or contiguous to what shall be left on each or either Side of the said Canal, or any of the said Works, then and in every such Case the said Mayor, Bailiffs, and Commonalty shall also take and purchase such Piece or Parcel, Pieces or Parcels of such Close or Field so to be left as aforesaid, and shall pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto required for the Purposes of this Act; provided that the Owner or Owners, Person or Persons entitled to the Possession and to the Rents and Profits of such Field or Close, and empowered as herein-before expressed to convey for the Purposes of this Act, shall, by Writing under his, her, or their Hand or Hands, require the said Mayor, Bailiffs, and Commonalty to take and purchase the same, together with the Land or Ground required for the Purposes of this Act; and all Conveyances made thereof in manner aforesaid shall be binding and conclusive in manner herein-before provided.

Small Pieces
of Land ad-
joining the
Canal to be
purchased.

XX. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees or other Persons herein-before capacitated to sell and convey Lands, Tenements, or Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or Hereditaments through, in, or over which the said Canal or other Works hereby authorized are intended to be made, or any of them, shall receive Satisfaction for the Value of such Lands, Tenements, or other Works and Hereditaments, and for the Damages to be sustained in making and completing the said Works herein-before directed, in gross Sums, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said Mayor, Bailiffs, and Commonalty; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Mayor, Bailiffs, and Commonalty may and shall be at liberty to enter upon, and from thenceforth for ever to have, take, and enjoy the said Lands, Tenements, and Hereditaments, for the Use and Maintenance of the said Canal; and in case the said Mayor, Bailiffs, and Commonalty, and the said Parties interested in such Lands, Tenements, and Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-after directed.

Satisfaction
to be made
for Damages.

XXI. And

In case the Parties refuse, or are incapable to act, the Value to be settled by a Jury.

Jury to be summoned by the Sheriff or Coroner.

XXI. And for settling all Differences which may arise between the said Mayor, Bailiffs, and Commonalty, and the several Owners of or Persons interested in the Lands, Tenements, or other Hereditaments which shall or may be taken, used, affected, damaged, or prejudiced in pursuance or execution of the Powers hereby granted touching the Purchase Money or Recompence to be paid or made for the same; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested, entitled, or empowered to sell as aforesaid, for and on behalf of himself, herself, or themselves, or for and on behalf of their respective Cestuique Trusts, or of the Person or Persons entitled in Remainder after them as aforesaid, shall refuse to accept such Purchase Money or Recompence as shall be offered in Writing by the said Mayor, Bailiffs, and Commonalty, or their Agent, and shall give Notice thereof in Writing to the said Mayor, Bailiffs, and Commonalty within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled, interested, or empowered to sell as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Mayor, Bailiffs, and Commonalty concerning the same, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage or other Impediment not provided for by this Act be incapable of treating or making such Agreements as shall be expedient for enabling the said Mayor, Bailiffs, and Commonalty to proceed in the making and carrying on of the said Canal and other the Works aforesaid; then, and in any or either of the said Cases, the said Mayor, Bailiffs, and Commonalty shall and they are hereby empowered and required, from Time to Time, to issue a Warrant or Warrants under their Common Seal to the Sheriff of the County in which such Lands, Tenements, or Hereditaments shall be, or in case such Sheriff or his Under Sheriff shall happen to be One of the Body of the said Mayor, Bailiffs, and Commonalty, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the same County not interested as aforesaid, or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to summon, return, and impanel, and the said Sheriff, Coroner, or any other Person is hereby accordingly authorized, empowered, and required to summon, return, and impanel a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to come and appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant or Warrants shall be appointed; and out of such Persons so to be summoned, returned, and impanelled, a Jury of Twelve Men shall be drawn by the said Sheriff or Coroner, or some Person to be by him appointed, in such and the same Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster* are by Law directed to be drawn; and in case
a suf-

a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon and call before him all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and may order and authorize the said Jury, or any Six or more of them, either before or after they are sworn, to view the Place or Places or Matter in controversy; and such Jury, upon their Oaths, shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Tenements, or Hereditaments as aforesaid, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been so sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated, repaired, or remedied by the said Mayor, Bailiffs, and Commonalty, and which can or will be no further obviated, repaired, or remedied by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; provided that not less than Ten Days Notice in Writing of the Time and Place of meeting of the said Jury shall be given by the Receiver General of the said Mayor, Bailiffs, and Commonalty, to the Party or Parties with whom such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise, or if there shall be no such Tenant or Occupier, by affixing the same on or upon the same Premises.

In default of Attendance of Jurymen, Bye-standers may be returned.

Witnesses may be summoned.

Jury may view the Place or Matter in question.

Verdict and Judgment to be conclusive.

XXII. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give concerning the Value of Lands, Tenements, and Hereditaments separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Value of Lands and Damages to be ascertained separately.

XXIII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which

Compensation Money to be apportioned.

which shall be agreed for, determined, and adjusted or assessed in manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Verdicts of
Jury to be
recorded.

XXIV. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person, present at the taking of such Verdicts and pronouncing of such Judgments respectively, shall be kept by the respective Clerks of the Peace of the said County of *Devon* and the County of the said City of *Exeter* respectively, as the Case shall require, amongst the Records of the Quarter Sessions of the said Counties respectively, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have free Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and also to make Copies thereof, paying for each Copy after the Rate of Sixpence for every Seventy-two Words.

Owners of
Lands to be
taken for
Canal not to
be Jurymen.

XXV. Provided always, and be it further enacted, That no Person shall be summoned or chosen to be of such Jury who shall be an Owner or Occupier of any Lands, Grounds, Waters, Tenements, or other Hereditaments, which shall be required for any of the Purposes of the said Canal or Navigation, or any of the Works hereby authorized to be made, or be a Mortgagee of the Tolls thereof, or who shall hold any Office or Place of Trust or Emolument under the said Mayor, Bailiffs, and Commonalty, or be otherwise interested in the said Canal.

Penalty upon
the Sheriff,
Jurors, or
Witnesses
making De-
fault.

XXVI. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, or (being of the Society of Persons called *Quakers*) to make his solemn Affirmation, or to be examined or give Evidence, then and in every such Case every such Person so offending shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant or Warrants under the Hand and Seal of any Two of His Majesty's Justices of the Peace for the County in which the said Lands, Tenements, or Hereditaments shall be situate, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus of the Money thereby produced, after such Penalty, and the Charges of such Distress and Sale, shall be deducted.

XXVII. And

XXVII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons who in any Examination to be taken by virtue of this Act upon their Oath, or (being of the Society of Persons called *Quakers*) upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, or before any such Sheriff, Under Sheriff, or Coroner, or other Person acting in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Juries to be under the same Regulations as those of the Courts at *Westminster*.

Persons giving false Evidence subject to the Penalties of Perjury.

XXVIII. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money for Recompence or Satisfaction, or for the absolute Sale of any Lands, Tenements, or other Hereditaments of or belonging to any Body or Bodies Politic, Corporate, or Collegiate, or to any Person or Persons, or as Compensation for any Damages done or to be done to any Lands, Tenements, Hereditaments, or other Property, than had been previously offered by or on behalf of the said Mayor, Bailiffs, and Commonalty, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation or a smaller Sum than shall be given by such Verdict had been previously offered or tendered in respect thereof by or on behalf of the said Mayor, Bailiffs, and Commonalty, or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with and make Conveyances to and receive Compensation from the said Mayor, Bailiffs, and Commonalty, as herein-before mentioned, then and in all such Cases all the reasonable Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled by the said Sheriff, Under Sheriff, Coroner, or other Persons so impannelling, summoning, and returning such Jury, and be defrayed by the said Mayor, Bailiffs, and Commonalty; and in case such Costs shall not be paid by the said Mayor, Bailiffs, and Commonalty, within Five Days after the same shall be demanded, the same shall and may be levied, by virtue of any Warrant under the Hand and Seal of any Justice of the Peace acting in and for the County in which such Lands, Tenements, or Hereditaments shall be situate, by Distress and Sale of the Goods and Chattels of the said Mayor, Bailiffs, and Commonalty; but if any Verdict shall be given for the same Sum as had been previously offered by or on behalf of the said Mayor, Bailiffs, and Commonalty, or for a less Sum than had been so previously offered, or in case of such Refusal or Neglect to enter into Treaty with or make Conveyances to or receive Compensation from the said Mayor, Bailiffs, and Commonalty, by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise, legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in

For Payment of Expences of Juries.

all

all such Cases (except where by reason of Absence or otherwise any Person or Persons shall have been prevented from treating and agreeing as aforesaid, when such Costs and Expences shall be paid by the said Mayor, Bailiffs, and Commonalty,) the Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled in like Manner by the said Sheriff, Under Sheriff, Coroner, or other Person so impannelling, summoning, and returning such Jury, and be borne and paid in equal Proportions by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons with whom the said Mayor, Bailiffs, and Commonalty shall have such Disputes or Controversies; and the said Mayor, Bailiffs, and Commonalty; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged; and in case no Compensation shall be given by such Verdict where the Dispute is for Compensation only, such Costs and Expences shall and may be recovered by the said Mayor, Bailiffs, and Commonalty, by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeiture incurred by this Act.

Remedy
for Persons
recovering
Damages,
in case of
Default of
Payment.

XXIX. And be it further enacted, That in case Default shall be made by the said Mayor, Bailiffs, and Commonalty in making Payment of all and every the Sum and Sums of Money agreed upon, awarded, or assessed as and for Compensation or Satisfaction for any Damages, as herein-before provided, to the Bodies Politic or Corporate, or Person or Persons, to whom and in whose Favour the same shall have been so agreed upon, awarded, or assessed, by the Space of Twenty-one Days after the Demand in Writing made thereof to the Receiver General of the said Mayor, Bailiffs, and Commonalty, it shall be lawful for Two or more Justices of the Peace acting within their respective Jurisdictions, and they are hereby required, upon due Proof of the Default to be made before them upon Oath, by an Order under their Hands to appoint One or more Person or Persons to receive the Tolls or Rates hereby granted and made payable, or any of them, and thereout in the first place to pay all and every such Sum and Sums of Money respectively so agreed upon, awarded, or assessed as aforesaid, and the Costs, if any, occasioned by such Default of Payment thereof, together with legal Interest for the same, to the Person and Persons entitled to receive Payment thereof, and also the Costs and Expences of collecting and receiving the said Tolls or Rates, (every such Person so to be appointed giving Security to the said Mayor, Bailiffs, and Commonalty for the due and faithful Execution of his or their Office, as they the said Justices shall deem proper and sufficient,) and the Person and Persons so appointed shall be deemed a Collector or Collectors of the said Tolls or Rates, and shall have such and the same Powers for collecting the same as if he or they had been appointed for that Purpose by the said Mayor, Bailiffs, and Commonalty, until such Sums, together with the Interest thereon, and

and the Costs and Charges of recovering and receiving the same shall be fully paid and satisfied; or otherwise the Party or Parties so aggrieved by such Default of Payment shall and may recover such Sum and Sums so agreed upon, awarded, or assessed, and not paid as aforesaid, together with Interest and Costs for the same, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, against the said Mayor, Bailiffs, and Commonalty, with full Costs of Suit; or otherwise, in case such Sums so agreed upon, awarded, or assessed, as aforesaid, together with Interest and Costs as aforesaid, shall not be satisfied and paid within the Space of Four Calendar Months, it shall be lawful for the Party or Parties so aggrieved and interested as aforesaid to seize and distrain any Boats, Barges, Vessels, or other Goods or Effects of the said Mayor, Bailiffs, and Commonalty, which shall be found in the said Canal or any Part thereof, or any of the Works thereof or thereunto belonging, (Information of such Distress being immediately given to the said Mayor, Bailiffs, and Commonalty,) and to detain the same until Payment of such Sums, together with Interest and Costs, together with the reasonable Charges attending such Distress; and if the Goods or Effects so belonging to the said Mayor, Bailiffs, and Commonalty shall not be redeemed within Ten Days next after the making such Distress, and Notice thereof given in Writing as aforesaid, the same may and shall be sold and disposed of in such Manner as the Law directs in Cases of Distress for Rent.

XXX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, or for any Estate of Freehold belonging to any Feme Covert, or to any Trustees or other Person or Persons who have no Power to convey the same, or give a valid Receipt for such Money or Sum, such Money, in case the same shall amount to or exceed the Sum of Two hundred Pounds, shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Mayor, Bailiffs, and Commonalty of the City of *Exeter*, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same

Application
of Compen-
sation when
amounting to
or exceeding
200*l.*

1 G. 4. c. 35.

[*Local.*]

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same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where Compensation is less than 200*l.* and exceeds 20*l.*

XXXI. Provided always, and be it further enacted, That if any such Money so agreed or awarded to be paid as lastly herein-before is mentioned shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by the Mayor, Bailiffs, and Commonalty of the said City of *Exeter*, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

Where less than 20*l.*

XXXII. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Mayor, Bailiffs,

liffs, and Commonalty shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXXIII. And be it further enacted, That in case the Party or Parties to whom any Money shall be agreed or awarded to be paid as aforesaid cannot be found, or be not known or discovered, or shall refuse to receive the same, or shall not produce a good Title to the Premises to the Satisfaction of the said Mayor, Bailiffs, and Commonalty, or shall refuse to execute a Conveyance or Conveyances of the Premises, then and in every such Case it shall be lawful for the said Mayor, Bailiffs, and Commonalty to order the said Sum or Sums so agreed or awarded to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out a good Title, &c.

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

In case of disputed Title, the Person in Possession to be deemed lawfully entitled.

was

was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXXV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Mayor, Bailiffs, and Commonalty hereby incorporated, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to enter Lands upon Payment or Tender of Purchase Money.

XXXVI. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of or as a Recompence for any such Lands or Hereditaments, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Compensation, or into the Bank of *England*, as herein-before is mentioned, within Twenty-one Days after the same shall have been so agreed for, determined, or awarded, or if the Party or Parties entitled or interested, or any of them, cannot be found, or be not known or discovered, or shall refuse to receive the same, or shall not produce a good Title to the Premises, or to the Interest which they claim therein, to the Satisfaction of the said Mayor, Bailiffs, and Commonalty, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *England* as herein directed, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and their Agents, Servants, or Workmen, thereupon and not before to enter upon such Lands, Grounds, or other Hereditaments respectively, and then and thereupon the Lands and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth become vested in and become the sole Property of the said Mayor, Bailiffs, and Commonalty, to and for the Purposes of this Act, for ever; and such Tender, Payment, or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder, or his, her, and their Issue, and of every other Person whomsoever therein.

XXXVII. And

XXXVII. And be it further enacted, That all and every Bodies and Body Politic, Corporate, and Collegiate, and all and every Person and Persons, who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, shall, on Payment or Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Mayor, Bailiffs, and Commonalty, or their Receiver General, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Mayor, Bailiffs, and Commonalty, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Mayor, Bailiffs, and Commonalty, or their Receiver General, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, upon Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the said Mayor, Bailiffs, and Commonalty, or to such Person or Persons as they shall appoint; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the Value of the Premises to be ascertained as directed by this Act, then the said Mayor, Bailiffs, and Commonalty shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of the Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed; provided also, that in case any such Mortgagee shall neglect or refuse to convey and assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any such Mortgage into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of every such Mortgagee, and also of every Mortgagor or Owner of the same Premises, and of all and every Person and Persons in Trust for him, her, or them, or any of them, shall vest in the said Mayor, Bailiffs, and Commonalty, to all Intents and Purposes whatsoever; and in case any Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken by the said Mayor, Bailiffs, and Commonalty, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments, to the said Mayor, Bailiffs, and Commonalty, or to such

Mortgagees
to convey on
Payment or
Tender of
Principal and
Interest.

such Person or Persons as shall be appointed in Trust for them; and in default of their so doing, and on Payment of such Money into the Bank of *England* for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as aforesaid, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and also of every Mortgagor or Owner of the same Premises, and of all and every Person or Persons in Trust for them or any of them, in the Lands, Tenements, or Hereditaments the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Mayor, Bailiffs, and Commonalty, and they shall be deemed to be in the actual Possession of the said Premises, to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Power to
raise Money
by Mortgage
for carrying
on the Canal
and Naviga-
tion.

XXXVIII. And, to the Intent that the said Mayor, Bailiffs, and Commonalty may be enabled to carry on and complete the said Canal and Works, be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty to raise by Mortgage as hereinafter mentioned a competent Sum of Money for completing the said Canal, and the Locks, Basin, and other Works hereby authorized to be made, and all other the Works and Conveniences to the same belonging, or requisite and useful thereto respectively; and the Money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards Payment, Discharge, and Satisfaction of all Fees and Disbursements in obtaining and passing the Act, and for making the Surveys, Plans, and Estimates preparatory and incident thereto, and all other Expences relating to the same, and all the Residue and Remainder of such Money shall be used and applied for and towards making, completing, and maintaining the said Canal, and other Works respectively hereby authorized to be made, and to other the Purposes of this Act.

Money may
be raised by
Mortgage of
the Canal
and Tolls.

XXXIX. And be it further enacted, That in case the said Mayor, Bailiffs, and Commonalty shall be desirous to raise a Sum by way of Mortgage of the said Canal and Works, and the Tolls, Duties, or Rates authorized to be taken by this Act, then and in such Case it shall be lawful for the said Mayor, Bailiffs, and Commonalty to borrow and take up at Interest from any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, who shall be willing to advance and lend the same, upon the Credit of the said Canal, as to them shall seem most fit and convenient, and they are hereby authorized and empowered to assign and make over the said Canal, and all the Works thereunto appertaining, and the Tolls, Duties, or Rates to arise by virtue of this Act, or any of them, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage under the Common Seal of the said Mayor, Bailiffs, and Commonalty, according to the Form following; (that is to say,)

‘ WE, the Mayor, Bailiffs, and Commonalty of the City of *Exeter*,
 ‘ Proprietors of the *Exeter* Canal, in consideration of the Sum
 ‘ of to us paid by of
 ‘ do hereby, by virtue of an Act passed in the Tenth Year of the
 ‘ Reign of King *George* the Fourth, intituled [*here set forth the Title*
 ‘ *of this Act*], bargain, sell, and transfer unto the said
 ‘ all and singular the Rates, Tolls, or Sums of Money arising by
 ‘ virtue of the said Act, and also the said Canal, and all Right, Title,
 ‘ and Interest of us the said Mayor, Bailiffs, and Commonalty of, in,
 ‘ and unto the same, and to hold unto the said
 ‘ his Executors, Administrators, and Assigns, until the said Sum
 ‘ of , together with Interest for the same after
 ‘ the Rate of *per Centum per Annum*, shall be
 ‘ fully paid off and discharged. Given under our Seal, the
 ‘ Day of

Form of
Mortgage.

And all Parties to whom such Mortgages shall be made shall be
 equally entitled to their Proportion of the said Tolls, Rates, and
 Premises, according to their respective Sums in such Mortgages men-
 tioned to be advanced, without any Preference by reason of the
 Priority of Date of any such Mortgage, or on any other Account
 whatsoever; and the Money so to be borrowed is hereby directed and
 appointed to be laid out and applied for and towards the improving,
 completing, and maintaining the said Canal and Works already made
 and hereby authorized to be completed, and other the Purposes of
 this Act, and to no other Use or Purpose whatsoever; and an Entry
 or Memorial of every such Mortgage, containing the Number and
 Date thereof, and an Account of the Name or Names of the Party
 or Parties (with their proper Additions) to whom the same shall have
 been made, and of the Sum of Money borrowed, together with the
 Rate of Interest to be paid thereon, shall within Fourteen Days next
 after the Date thereof be written and inserted *gratis* in One or more
 Book or Books to be kept for that Purpose by the Receiver General
 of the said Mayor, Bailiffs, and Commonalty; which Book or Books
 shall and may be perused at all seasonable Times by the Creditors of
 the said Undertaking, without Fee or Reward; and all and every
 Person or Persons to whom any such Mortgage shall have been made,
 or who shall be entitled to the Money thereby secured, may from
 Time to Time assign or transfer his, her, or their Right, Title, In-
 terest, or Benefit therein to any Person or Persons whomsoever; which
 Transfer may be made according to the Form following; (that is to
 say,)

Mortgages
may be trans-
ferred.

‘ I of the Sum of of paid by in consideration
 ‘ of do hereby transfer a certain Mortgage made Form of
 ‘ by the Mayor, Bailiffs, and Commonalty of the City of *Exeter*, Pro- Transfer of
 ‘ prietors of the *Exeter* Canal, Number Mortgage.
 ‘ Date the Day of bearing
 ‘ the Principal Sum of and the Interest now due
 ‘ and hereafter to become due thereon, and all my Right and Property
 ‘ therein, to the said his Executors, Administrators,
 ‘ and Assigns. In witness whereof I have hereto set my Hand
 ‘ and Seal, this Day of And

Memorial of
Transfers to
be made.

And every such Transfer shall within Fourteen Days after the Date thereof be produced and notified to the Receiver General of the said Mayor, Bailiffs, and Commonalty, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Dates and Names of the Parties in the said Book or Books to be kept for entering the said original Mortgages, for which last-mentioned Entry such Receiver General shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry made every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and it shall not be in the Power of the Person or Persons who shall have made such an Assignment or Assignments at any Time afterwards to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof.

Money may
be raised by
Annuity or
Tontine.

XL. And be it further enacted, That in case the said Mayor, Bailiffs, and Commonalty shall think it advisable to raise all or any Part of the Money authorized to be raised for the Purposes of this Act, by granting Annuities for One or more Life or Lives, or for Terms of Years, or by way of Tontine, instead of such Mortgages as aforesaid, then and in such Case it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and they are hereby authorized and empowered so to do, and in such Case, by Writing under their Common Seal, to grant any Annuity or Annuities to or in Trust for any Person or Persons who shall contribute, advance, and pay into the Hands of the Receiver General of the said Mayor, Bailiffs, and Commonalty, any Sum or Sums of Money for the Purchase of such Annuity or Annuities; which Annuity or Annuities shall be granted and made payable during the Life or Lives either of the Purchaser or Purchasers thereof, or the Life or Lives of any Person or Persons whomsoever to be nominated by or on the Behalf of such Purchaser or Purchasers at the Time of the Payment of his, her, or their Purchase Money, and shall be charged upon and made payable out of the Tolls, Rates, and Duties to be made under the Powers of this Act, or upon or out of any Lands and Hereditaments or any Property for the Time being vested in the said Mayor, Bailiffs, and Commonalty by virtue of this Act, as in the Grant or Grants of such Annuity or Annuities shall be expressed; and so often as any Money for the Purposes of this Act shall be raised by way of Tontine, then such Tontine shall be in such Classes at Interest, and with such Benefit of Survivorship, and subject to such Rates, Orders, and Regulations, as the said Mayor, Bailiffs, and Commonalty shall make respecting the same, (which shall be binding and conclusive upon all the Contributors thereof); and the Grant of every such Annuity shall be in the Words or to the Effect following, with such Additions, Omissions, and Variations as Circumstances may require; (that is to say,)

Form of
Grant of
Annuity.

‘ WE, the Mayor, Bailiffs, and Commonalty of the City of *Exeter*,
‘ acting in pursuance of an Act passed in the Tenth Year of
‘ the Reign of His Majesty King *George* the Fourth, intituled *An*
‘ Act [here set forth the Title of this Act], in consideration of the
‘ Sum of _____ paid by _____ to the Receiver
‘ General of the said Mayor, Bailiffs, and Commonalty, (the Pay-
‘ ment

ment whereof is hereby acknowledged,) do hereby grant unto the
said an Annuity or yearly Sum of
to be paid out of the Rates, Tolls, and Duties
to be raised, levied, and collected by virtue of the said Act, or to
be payable out of and charged upon all that [*here describe the*
Lands, Hereditaments, or other Property to be charged]; which
Annuity or yearly Sum of shall be paid to the
said or his [*or her*] Assigns, during
the Term of his [*or her*] Life, [*as the Case may be,*] to the said
his [*or her*] Executors, Administrators,
or Assigns, during the Life of or during the
Lives of and the Life of the Survivor,
upon the Day of , the
Day of , the Day of , and
the Day of , in every Year, during
the Life or Lives of him, her, or them the said
at the the first quarterly Payment thereof to
be made upon the Day of next ensuing
the Date hereof. In witness whereof we have hereunto set our
Common Seal, the Day of .

And every such Grant of Annuity shall be good, valid, and effectual
in the Law; and every Annuity so to be granted as aforesaid shall be
and is hereby charged upon and shall be payable and paid by the
Receiver General of the said Mayor, Bailiffs, and Commonalty, or
any other Person or Persons in that Behalf concerned, out of the
Tolls, Rates, and Duties, or other Property charged therewith, ac-
cording to the Grant of such Annuity: Provided always, That nothing
herein contained shall be deemed, construed, or taken to extend to
make the Mayor, Bailiffs, and Commonalty personally, or their respec-
tive Estates, Lands, or Tenements, Goods and Chattels, liable to the
Payment of any of the Monies to be borrowed or secured, or Annuities
so to be granted in pursuance of this Act, by reason of their giving
or executing any such Assignments, Bonds, or other Securities as
aforesaid.

Corporation
not to be
personally
liable.

XLI. And be it further enacted, That it shall be lawful for the
several Persons entitled to any of the Securities for the Money to be
borrowed, secured, or raised as aforesaid, and their respective Exe-
cutors, Administrators, or Assigns, (as the Case may be,) at any Time
by Writing under their Hands and Seals to assign and transfer such
Securities, and all Benefit and Advantage thereof, to any Person or
Persons whomsoever; and every such Assignment or Transfer may
be in the Words or to the Effect following; (that is to say,)

Securities
maybe
transferred.

I A. B. being entitled to the Sum of [or An-
nuity of] secured to and
his or her Assigns, [*or his or her Executors, Administrators, or*
Assigns, as the Case may be,] by virtue of an Assignment [*or Bond,*
or Grant of Annuity,] bearing Date the Day of
under the Common Seal of the said Mayor,
Bailiffs, and Commonalty, acting in execution of an Act passed in
the Tenth Year of the Reign of His Majesty King George the
[Local.] 13 N Fourth,

Form of
Transfer of
Security.

‘ Fourth, intituled *An Act* [*here set forth the Title of this Act*], upon
 ‘ the Credit of the Tolls and Duties granted or payable by the said
 ‘ Act, or charged upon or payable out of [*here state the Property*
 ‘ *charged with the Debt or Annuity to be assigned*], do hereby trans-
 ‘ fer all my Right and Interest in and to the same Sum [*or Annuity*],
 ‘ and all Interest and other Money now due and arising thereon,
 ‘ unto his [*or her*] Executors, Administrators, or
 ‘ Assigns. Dated the _____ Day of _____

Copies of
 Securities
 to be entered
 in a Book.

And a Copy or an Extract of every such Bond or Security as afore-
 said, and of every such Transfer as aforesaid, together with the Num-
 ber or Numbers thereof, and of every Grant of Annuity, and every
 Transfer thereof made in pursuance of this Act, shall be entered in a
 Book to be kept for that Purpose by the Receiver General of the
 said Mayor, Bailiffs, and Commonalty, which Extract or Memorial
 shall specify and contain the Date, Names of the Parties, and Sums
 of Money thereby secured or transferred, to which Books any Person
 or Persons interested shall at all seasonable Times have Access, and
 shall have free Liberty to inspect the same, without Fee or Reward;
 and for entering of every such Security or Transfer the said Receiver
 General shall be paid, by the Person or Persons to whom such
 Security or Transfer shall be made, the Sum of Two Shillings and
 Sixpence, and no more; and every such Transfer, after the entering
 thereof as aforesaid, shall entitle the Person to whom such Transfer
 shall be made, and his or her Executors, Administrators, or Assigns,
 to the Benefit of the Security thereby transferred, without any
 Registry or Enrolment thereof.

Restrictions
 as to the
 Grant of
 Annuities.

XLII. And for preventing any improvident Grants of Annuities,
 be it further enacted, That the Amount of every Annuity to be
 granted by virtue of this Act shall be regulated according to the
 Price of the Three Pounds *per Centum* Consolidated Bank Annuities
 at the Time of the granting the same, in the Manner and at a Rate
 prescribed by any Act in force for enabling the Commissioners for
 the Reduction of the National Debt to grant Life Annuities.

Former
 Mortgages
 to have Pri-
 ority.

XLIII. And be it further enacted and declared, That nothing in
 this Act contained shall extend or be construed to extend to inva-
 lidate, defeat, make void, or in any Manner affect any existing Mort-
 gages or Incumbrances of the said Canal and the Profits thereof to any
 Person or Persons whomsoever, who may have advanced Money on the
 Credit thereof and of the other Property of the said Mayor, Bailiffs,
 and Commonalty, or any Proceedings which may have been taken at
 any Time before the passing of this Act, or which shall or may be
 taken at any Time after the passing of this Act, for the Recovery of
 the Money secured thereby or any Part thereof, and that the same
 shall be prior Charges on the Tolls or Rates authorized to be taken
 by this Act, and shall precede and have Priority over any Mortgage
 which shall or may hereafter be granted or entered into by the said
 Mayor, Bailiffs, and Commonalty under or by virtue of this Act; and
 that all and every the Powers and Authorities, Rights and Privileges,
 which shall at any Time from and after the passing of this Act be
 vested in the said Mayor, Bailiffs, and Commonalty, for the Purpose of
 completing

completing and carrying on the said Canal and all additional Works and Premises which shall or may be obtained by the said Mayor, Bailiffs, and Commonalty, by means of any further Sums hereby authorized to be raised; shall form a Part of and are hereby enacted and declared to form a Part of and to be comprehended in the several Premises and Interests assured to the several Persons respectively named as such Mortgagees, in like Manner in every respect as if such additional Works, Powers, and Authorities, Rights and Privileges, had been particularly named and inserted in and had formed Part of the several Premises assured by any such existing Mortgages respectively; any thing contained in this Act, or in any previous Mortgages respectively, to the contrary thereof notwithstanding.

XLIV. And be it further enacted, That from and after the passing of this Act there shall be paid to the said Mayor, Bailiffs, and Commonalty, or to such Person or Persons as they shall appoint to receive the same, in respect of every Ship, Vessel, or Craft entering into or using the said Canal, Locks, or Basins, such Tolls or Rates, according to the registered Tonnage of such Ship, Vessel, or Craft, as the said Mayor, Bailiffs, and Commonalty in Common Council assembled shall from Time to Time think reasonable and appoint, not exceeding the Tolls or Rates herein-after mentioned; (that is to say,) if such Ship, Vessel, or Craft shall be above Ten Tons and under One hundred and ten Tons, the Sum of Sixpence for every Ton; and if the same shall be more than One hundred and ten Tons, the Sum of Nine-pence for every Ton; and if the same shall be less than Ten Tons, the Sum of Five Shillings for such Ship, Vessel, or Craft; which said Tolls shall be payable by the Master or Commander or other Person or Persons having the Command of any such Ship, Vessel, or Craft.

Duties on
Vessels.

XLV. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels required to be registered by any Act or Acts of this Kingdom, or of the Kingdom of *Ireland*, or entering or using the said Canal, Locks, or Basins, and liable to the Payment of any of the Rates or Duties of Tonnage by this Act imposed, shall be ascertained according to the certified Tonnage in the Ship's Register, and the Master or other Person having the Command of any such Ship or Vessel is hereby required to produce such Certificate of Registry at the Time of Payment of the said Rates and Duties to the Person or Persons who shall be duly authorized to collect and receive such Duties; and in case of any Dispute in or about the same, or in case of any Dispute in respect of the Tonnage of any Ship or Vessel not required to be registered, or of any Foreign Ship or Vessel, then the Tonnage of any such Ship or Vessel shall be ascertained in the Manner and according to the Directions of an Act made in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the registering of British Vessels*.

For ascertaining the
Tonnage
or Admeasurement of
Ships.

6 G. 4. c. 110.

XLVI. And be it further enacted, That if the Wharfinger or Collector or Collectors of any of the said Rates or Duties, or such other Person or Persons as the said Mayor, Bailiffs, and Commonalty shall in that Behalf nominate or appoint, and the Master or other Person or Persons

Power to
measure
Ships in case
of Dispute.

Persons

Persons having the Charge or Command of any Ship or other Vessel, cannot agree about or otherwise ascertain the Tonnage of such Ship or other Vessel, then and in every such Case it shall and may be lawful for the said Wharfinger, Collector or Collectors, or Person or Persons appointed as aforesaid, from Time to Time and at all convenient and reasonable Times to stop, detain, enter into, measure and gauge the same; and in case the same shall upon such measuring or gauging appear to be of greater Tonnage than shall be set forth and contained in the Account which shall be given thereof, then the Master, Owner, or Person giving in such Account shall pay the Costs and Charges of such measuring and gauging; all which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the Rates and Duties hereby granted or imposed are hereby appointed to be recovered and levied; but if any such Ship or other Vessel shall be found to be of the same or of less Tonnage than the same shall by such Account appear to be of, then the said Wharfinger, Collector or Collectors, or such other Person or Persons appointed as aforesaid respectively, shall pay the Costs and Charges of such measuring or gauging, and shall also pay such further Damages as shall appear to Two or more Justices of the Peace for the County or Place on the Oath of One or more credible Witness or Witnesses to have arisen from such Detention; and in default of immediate Payment thereof by the said Collector or Collectors, or by the said Mayor, Bailiffs, and Commonalty for the Time being, (as the Case may be,) the same may be recovered from the said Collector, or Mayor, Bailiffs, and Commonalty, (as the Case may be,) by Distress and Sale of his or their Goods, by Warrant under the Hand and Seal of such Justice, or otherwise by Action of Debt, or on the Case in any of His Majesty's Courts of Record at *Westminster*, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Collector, or Mayor, Bailiffs, and Commonalty, (as the Case may be); and if any Master, Commander, or other Officer of any Ship or Vessel, or any Person or Persons whomsoever, shall obstruct or hinder any Person or Persons so employed in or for measuring or gauging any Ship or Vessel in pursuance of this Act, every such Master, Commander, or other Person shall for every such Offence forfeit any Sum not exceeding Fifty Pounds over and above the said Rates.

Certain Rates
to be paid to
the Corpora-
tion for all
Goods
carried upon
the Canal.

XLVII. And be it further enacted, That from and after the passing of this Act there shall be paid to the said Mayor, Bailiffs, and Commonalty, or to such Person or Persons as they shall appoint to collect and receive the same, for and upon all Goods, Wares, and Merchandize conveyed or carried upon the said Canal, or upon any Part thereof, the Rates and Duties contained and severally set forth in the Schedule to this Act annexed; which said Rates and Duties shall be paid by the Master or Commander or other Person or Persons having the Command or Charge of any Ship in which the same shall be imported, exported, or carried, or by the Merchant or Merchants or other Person or Persons conveying, exporting or importing, or carrying such Goods, Wares, and Merchandize, or in whose Custody or Possession the same shall be delivered, or by whom the same shall

shall be shipped respectively, upon the Delivery or Shipping of the same respectively.

XLVIII. And be it further enacted, That it shall be lawful for the Mayor, Bailiffs, and Commonalty of the said City of *Exeter* in Common Council assembled, from Time to Time, as and when they may see fit, to reduce, apportion, alter, modify, and regulate, and after such Reduction, Alteration, Modification, or Regulation again to raise and increase, and so from Time to Time to reduce, alter, modify, regulate, and raise, the Rate of the said several Tolls, Duties, and Sums of Money, so that the Rate of the said respective Tolls, Duties, or Sums of Money, or of any or either of them respectively, shall not be raised or increased beyond the Rate thereof mentioned and specified in this Act, and so that there be always one and the same Rate at the same Time for the Ships, Vessels, Lighters, Barges, Boats, Craft, Goods, and Merchandize respectively, from all Persons whatsoever, and whether the said Ships, Vessels, Lighters, Barges, Boats, Craft, Goods, and Merchandize shall enter the said Canal by the said new Entrance at or near the said Place called *Turf*, or by the said intended Lock so to be made above the said Town of *Topsham* as aforesaid.

Rates may be reduced, altered, or modified.

XLIX. And be it further enacted, That the said Mayor, Bailiffs, and Commonalty shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, upon some conspicuous Part of the Wharfinger's Office at the Quay at *Exeter*, or on some Part of the Works of the said Canal, a Table containing a printed or painted List of all the Rates of Tonnage and Duties payable to the said Mayor, Bailiffs, and Commonalty by virtue of this Act, and to renew the same whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated : Provided always, that it shall not be lawful for the said Mayor, Bailiffs, and Commonalty to demand or take or cause to be demanded or taken any Rates or Duties by virtue of this Act, but for and during such Time as the said Table shall remain so affixed as aforesaid.

Table of Rates to be put up and continued.

L. And for the more easy collecting the said Tolls, Rates, or Duties, be it further enacted, That the Master, Owner, or Manager of every Ship, Vessel, or Craft navigated upon or along the said Canal shall give a just Account in Writing signed by him to the Wharfinger or Collector of the said Rates or Duties at the Place or Places where he shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods, Wares, Merchandize, and Things contained in every such Ship, Vessel, or Craft, and of the Place from whence such Goods were or are shipped or brought, and where intended to be landed or carried ; and also of the Quantities, Qualities, and Weight of such Goods as shall have been discharged or taken out of such Ship, Vessel, or other Craft within the Limits of the said Canal, before their Arrival at the Place where such Account is to be given ; and in case any such Master, Owner, or other Person shall neglect or refuse such Account, or refuse to give such Account, or refuse to produce his Permit or Bill of Lading to any such Wharfinger or Collector, if demanded, or shall give a false Account thereof, or shall deliver any

Masters of Boats to give Account of the Lading to the Wharfinger or Collector.

Part of his Lading or Goods at any other Place than that mentioned in such Account, every Person so offending shall forfeit and pay the Sum of Five Pounds for every such Offence, over and above the Rates or Duties which shall be payable for the same; which said Forfeiture, in case of Refusal of Payment thereof on Demand, shall and may be recovered in the same Manner as the said Rates or Duties are herein appointed and directed to be recovered.

Goods to be weighed or gauged immediately after being landed.

LI. And be it further enacted, That all such Goods, Wares, and Merchandize as shall be brought into or be conveyed on the said Canal, and shall be chargeable with the said Rates and Duties according to the Weight or Measure thereof, shall be respectively weighed or gauged, as the Case shall require, immediately or as soon as may be after the same shall be shipped, landed, or unshipped, and before any Samples for Sale shall be taken from the same.

Persons not to take in or unload Goods but at the public Wharf or Quay.

LII. And be it further enacted, That if any Person, except as herein mentioned, navigating or working or employed in navigating or working any Ship, Vessel, or other Craft upon the said Canal, Locks, or Basins, shall load, unload, or take into or out of any such Ship, Vessel, or Craft any Goods, Wares, Merchandize, or Things whatsoever liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, at any Place or Places adjoining the said Canal and Works, (except at the Wharf and Landing Place at or near to the said *King's Arms* Sluice, upon or belonging to the said Canal, and at the ancient and present Quay at *Exeter*, or any private Quays above or below the aforesaid *Exeter* Quay,) without having first obtained a Consent in Writing for that Purpose from the said Mayor, Bailiffs, and Commonalty, or One of their Agents or Collectors, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds: Provided always, that nothing in this Act contained shall prejudice or affect the ancient and accustomed Rights of the Owners and Occupiers of the Limekilns and Coalyards respectively situate opposite to the *King's Arms* Sluice to land and lodge on and load from the Quay there Stone, Coals, Culm, and such other Articles and Things as they have heretofore been used and accustomed to land and lodge and load there respectively.

For Recovery of Rates and Tolls.

LIII. And be it further enacted, That all the Rates, Tolls, and Duties herein-before authorized to be demanded and taken by the said Mayor, Bailiffs, and Commonalty shall be paid to such Person or Persons, at such Place or Places upon or near to the said Canal or at or near to the *Exeter* Quay, and in such Manner and under such Regulations, as the said Mayor, Bailiffs, and Commonalty shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such Rates, Tolls, or Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same, it shall be lawful for the said Mayor, Bailiffs, and Commonalty, or for the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid, and he and they is and are hereby authorized and empowered, to seize any Ship, Vessel, or Craft, and the Boats and Tackle thereof, or distrain the Goods, Wares, Merchandize, or Commodities for or in respect of which such Tolls, Rates, or Duties respectively ought to have

have been paid as aforesaid, or any Part thereof, the Ship, Vessel, or Craft laden with any such Goods, Wares, Merchandize, or Commodities, or any other Boat, Barge, or Vessel, Goods or Commodities, belonging to the Owner of such Ship, Vessel, or Craft, and lying or being upon the said Canal, the ancient *Exeter* Quay, or the Quays or Basins hereby authorized to be made, and to detain the same respectively until full Payment shall be made of such Tolls, Rates, or Duties, and of all Arrears of the same, which may be then due from the same Owner of any such Ship, Vessel, or Craft, or Goods, Wares, Merchandize, or Commodities, to the said Mayor, Bailiffs, and Commonalty, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Six Days from the taking thereof, the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

LIV. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of any such Toll or Tolls, Rate or Rates, or of the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining to retain such Distress, or the Money arising from such Sale, as the Case may happen, till the Amount of the Rates shall be ascertained by some Justice of the Peace for the County or Place where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Rates due, or of the Charges of distraining for the same; and it shall be lawful for such Justice to award such Costs to either Party as in his Discretion shall seem proper; and if such Costs to be so awarded shall not forthwith be paid, any Justice shall and may grant his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the said Mayor, Bailiffs, and Commonalty, or of the Person or Persons liable to pay the said Costs, (as the Case may be,) rendering the Overplus (if any), after defraying such Costs and the Expences attending such Distress and Sale, to the Owner or Owners of such Goods and Chattels so distrained.

In case of Dispute the Justices to settle the Amount of Rates due.

LV. And be it further enacted, That all and every Person and Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Ways and Roads belonging to the said Mayor, Bailiffs, and Commonalty, the Proprietors, (except the Towing Paths,) for the conveying of Goods and other Things to and from the said Canal, and the intended Wharf or Landing Place belonging thereto, such public Wharf extending in Length from the upper End of the said Canal near to the *King's Arms* Sluice Five hundred Feet, and also with Ships, Vessels, and other Craft to navigate, pass upon, and use the said Canal, for the Purpose of conveying any Goods, Wares, Merchandize, and Things whatsoever thereon, and also to use the said new intended Wharf and Landing Place for the loading and unloading the same, and the said Towing Paths for hauling and drawing of such Boats, Barges, and other Vessels, upon Payment of such Rates for the same as aforesaid; subject nevertheless to the Rules, Orders, Bye Laws, and Regulations which shall from Time to Time

Navigation to be free on Payment of the Rates.

Time be made by the said Mayor, Bailiffs, and Commonalty, the Proprietors, by virtue of this Act.

Mayor,
Bailiffs, and
Commonalty
may make
Bye Laws.

LVI. And be it further enacted That the said Mayor, Bailiffs, and Commonalty, at any Chamber to be holden at the Guildhall of the City of *Exeter*, shall have full Power and Authority from Time to Time to make such new Rules, Orders, Bye Laws, and Regulations, for the good Government of the said Canal, and for the good and orderly carrying on, completing, maintaining, and using of the said Canal, and other Works and Things which shall be made or provided for or on account of the same, and of and concerning all Boats, Barges, and other Vessels, and all Goods and Commodities, which shall be navigated or conveyed thereon respectively, and also for preventing the Deposit of any Stone, Ballast, or other Material, or the lying, being, or abiding of any Lighter, Barge, or Vessel, to moor and ballast, load and unload, within Three hundred Yards of the lowest Tideway Entrance at the Mouth of the said Canal below a certain Place called *Turf*, and for the well governing of the Bargemen, Boatmen, and others who shall carry or convey or have the Care of any Goods, Wares, or Merchandize into or upon any Part of the said Canal, and from Time to Time to alter or repeal such Rules, Orders, Bye Laws, and Regulations, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the said Mayor, Bailiffs, and Commonalty in Chamber assembled shall seem meet, not exceeding the Sum of Ten Pounds for any One Offence; which Rules, Orders, Bye Laws, and Regulations, being reduced into Writing under the Common Seal of the said Mayor, Bailiffs, and Commonalty, shall be binding upon and be observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of this Realm or any of the express Directions of this Act; and all such Rules, Orders, Bye Laws, and Regulations, shall be painted on Boards, and hung up in some conspicuous Place on the said Canal, and renewed as often as the same shall become obliterated or defaced.

Lock-keepers
not to give
any undue
Preference
to Boats.

LVII. And be it further enacted, That if any Lock-keeper, Wharfinger, or other Servant belonging to the said Mayor, Bailiffs, and Commonalty, shall give any undue Preference or shew any Partiality to any Ship, Vessel, Boat, or Barge, in passing through any Lock upon the said Canal, or in loading or unloading any Goods, Wares, or Merchandize at the aforesaid Quays or Wharf, Weigh-beams, Cranes, and other Machines belonging to the said Mayor, Bailiffs, and Commonalty, every Person so offending shall forfeit and pay for every such Offence the Sum of Five Pounds.

Penalties on
Persons
misusing
the Locks,
&c.

LVIII. And be it further enacted, That if any Person or Persons shall wantonly or unnecessarily open, or cause to be opened, any Lock, Sluice, Flood Gate, Paddle, Valve, or Clough belonging to the said Canal, already made or hereby directed to be made, or any of the Works thereto belonging, or when necessarily emptying a Lock
for

for the Purpose of passing into or entering the same, shall neglect to shut the top Gate or Gates thereof, and the Paddles, Valves, or Cloughs thereto belonging, before he shall draw the Paddles, Valves, or Cloughs of the bottom Gates thereof or any of them, or shall suffer any Ship, Boat, Barge, or other Vessel to strike or run upon any of the Bridges or Locks thereof, or shall flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Canal, and the said Locks, Basins, and other Works already made or hereby authorized to be made, or shall leave any Gate or Gates, Paddle, Valve, or Clough of any Lock open and running after any Ship, Boat, Barge, or other Vessel shall have passed through the same, (except in such Cases as are otherwise ordered,) or shall draw or cause to be drawn any Paddle, Valve, or Clough on the said Canal, so as to mispend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

LIX. And be it further enacted, That every Person opening any Swivelbridge or Drawbridge already or hereafter to be laid over or across the said Canal hereby authorized to be completed, shall and he is hereby required and directed, as soon as any Ship, Vessel, or Craft shall have passed any such Bridge, to close, shut, or let down and fasten the same; and every Person neglecting so to do shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds; and in case any such Bridge shall be left open longer than necessary for the Passage of any Ship or Vessel, or if through the Neglect or Carelessness of any Person belonging to such Ship or Vessel, then the Master or Owner of such Ship or Vessel shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds; and if any Person or Persons shall wilfully open or cause to be opened any such Swivelbridge or Drawbridge when the same is not required for the Passage of any Ship, Vessel, or Craft through the same, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Swivel or
Drawbridge
to be shut
after Ships
have passed.

LX. And be it further enacted, That the Master or Owner of any Ship, Vessel, or Craft navigating or passing upon the said Canal, shall be and he is hereby made answerable for all such Damage, Spoil, or Mischief as shall be done by his Boat, Barge, or Vessel, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works in, upon, or belonging to the said Canal, either by loading or unloading or by navigating any such Boat, Barge, or Vessel, or by any other Means whatsoever, and also for any Trespasses or Damage that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the said Navigation, by leaving open Gates or otherwise, and for any Trespass whatsoever, contrary to the said several Directions and Restrictions in this Act contained, or any Bye Laws to be made in pursuance thereof, or any of them; and

[Local.] 13 P every

Owners of
Boats to be
answerable
for Damage
done by
their Vessels
or Servants.

every such Master or Owner shall, upon Conviction before any Justice of the Peace, either upon Confession or upon the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths such Justice is hereby empowered and required to administer,) pay the Person or Persons injured the Damage to be ascertained by such Justice, provided such Damages do not exceed the Sum of Twenty Pounds; and upon Nonpayment on Demand the same shall be levied by Distress and Sale of the Goods and Chattels of such Master or Owner, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied, or if the Damages shall exceed the Sum of Twenty Pounds, then the same may be sued for and recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

Masters to recover from their Servants any Sums for their Default.

LXI. And be it further enacted, That in case the Owner or Owners of any Ship, Vessel, or Craft, navigating upon the said Canal and other Works hereby authorized to be made, shall be compelled to pay any Penalty, or to make any Satisfaction for any Damages, by reason of any Neglect or Default done or committed by his or their Sailors, Boatmen, or Watermen, or any of them, contrary to the Provisions in this Act contained, such Sailors, Seamen, Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Damages, with the Costs thereof, to such Owner or Owners; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty, Satisfaction, or Damages, and that the same and the Costs thereof have not been repaid to him or them by such Sailors, Seamen, Servants, Boatmen, or Watermen, or any of them, although demanded, (such Oath to be made before any Justice of the Peace for the County of *Devon*, or for the City and County of the City of *Exeter*,) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Penalty for destroying the Works.

LXII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously break, throw down, or destroy any Bridges, Locks, Tunnels, Banks, or other Works to be erected and made by virtue of this Act, or any Part thereof, every such Person shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried shall have Power and Authority to cause such Person or Persons to be punished by Transportation, or in such other Manner as any Felony may be punished by the Laws and Statutes of this Realm, or in mitigation thereof such Court may award such Sentences as the Law directs in Cases of Felony.

Obliging Officers to deliver up Books of Account.

LXIII. And be it further enacted, That all the present or other Wharfinger, Receiver, Clerk, Collector, or other Officer of the said Mayor, Bailiffs, and Commonalty, and all Persons who may be appointed by them for the Purposes of this Act, who shall be removed, or quit the Service of the said Mayor, Bailiffs, and Commonalty, and the respective Executors and Administrators of any who may die, shall immediately thereupon produce and deliver up to the said Mayor, Bailiffs, and Commonalty,

Commonalty, all Books, Accounts, Papers, and Writings whatsoever which shall be in their respective Custody or Power, in anywise relating to the Affairs of the said Canal, or of the said Mayor, Bailiffs, and Commonalty; and every such Officer or other Person as aforesaid, who shall neglect or refuse to deliver up such Books, Accounts, Papers, and Writings, or any of them, shall forfeit unto the said Mayor, Bailiffs, and Commonalty, or to the Receiver General for the Time being of the said Mayor, Bailiffs, and Commonalty, any Sum not exceeding One hundred Pounds; and that it shall be lawful for the said Mayor, Bailiffs, and Commonalty, at any such Chamber as aforesaid, to call for and settle all Accounts of Money received, paid, laid out, and disbursed on account of the said Canal, by the Wharfingers, Treasurers, Collectors, and other Officers to be appointed by them as aforesaid, or by any other Person or Persons employed by or concerned for or under the said Mayor, Bailiffs, and Commonalty in and about the said Canal up to that Time.

Corporation
may audit
and settle
Accounts.

LXIV. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Mayor, Bailiffs, and Commonalty, or any Person or Persons acting by or under their Authority, and such Sum and Sums of Money shall not be paid by the said Mayor, Bailiffs, and Commonalty to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made from the said Mayor, Bailiffs, and Commonalty in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Mayor, Bailiffs, and Commonalty by virtue of this Act, or of the Goods and Chattels of their Wharfinger or Receiver General for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Mayor, Bailiffs, and Commonalty, or to their Wharfinger or Receiver General for the Time being: Provided always, that it shall be lawful for such Wharfinger or Receiver General to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

In case of
Nonpayment
of Compensation
for Damages,
the same to
be levied by
Distress of
the Goods of
the Corporation.

LXV. And

For Recovery
of Penalties.

LXV. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or of any Rule, Order, or Bye Law to be made in pursuance thereof, (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed,) shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon the Appearance or Nonappearance of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereof as such Justice or Justices shall think proper; and upon Conviction of any Person such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals, for levying the Penalty or Forfeiture, by virtue of this Act, or of any Bye Law made in pursuance thereof, and imposed for such Offence, together with the Costs of Conviction, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice, or before some other Justice of the Peace for the said County or Place in which such Offence shall be committed, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, (such Day or Days not being more than Seven Days from the taking of any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Receiver General of the said Mayor, Bailiffs, and Commonalty,

Commonalty, and shall be applied and disposed of towards defraying the Expences of the said Navigation; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

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

Justices may proceed by Summons in the Recovery of Penalties.

LXVII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace, or other Magistrate or Magistrates by or before whom any Offender shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Non-payment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

Damages and Charges in case of Dispute to be settled by Justices.

LXVIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve upon the said Mayor, Bailiffs, and Commonalty any Notice or Notices, Writ or Writs, or other legal Proceeding, or Proceedings in Equity, the Service upon the Town Clerk, Receiver General, or any Officer of the said Mayor, Bailiffs, and Commonalty, or left at his last or usual Place of Abode, or upon the Harbour Master of the said Mayor, Bailiffs, and Commonalty, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said Mayor, Bailiffs, and Commonalty.

Service of Notice on Mayor, &c.

LXIX. And be it further enacted, That it shall be lawful for any Person or Persons who shall see any Offence committed against this Act, by any Person destroying or doing any wilful Damage to the said Canal or any other Works by this Act authorized to be made, completed, and maintained, contrary to any of the Provisions hereinbefore contained, to apprehend and detain any such Offender, without any Warrant or other Authority than this Act, and to convey such Offender, or cause him to be conveyed by some Constable or other Peace Officer, before any Justice of the Peace for the County or Place

For Apprehension and Commitment of Offenders in certain Cases.

Place in which the Offence shall be committed, who shall forthwith proceed against such Offender according to the Provisions in this Act contained.

For compelling Witnesses to attend.

LXX. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained in the Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, (or in case of a Quaker or Quakers on solemn Affirmation,) and to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Form of Conviction.

LXXI. And be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect ; (that is to say,)

‘ to wit. } **BE** it remembered, That on
 ‘ [Time of Conviction] at [Place of Conviction], [Name
 ‘ of Offender] of [Addition of Offender] was duly convicted before me,
 ‘ [or us,] [Names and Style of convicting Justice or Justices,] for that
 ‘ the said [Name of Offender] on [Time of committing Offence], at
 ‘ [Place of committing Offence], did [here state the Offence against the
 ‘ Act according to the Fact], contrary to the Form of the Statute made
 ‘ in the Tenth Year of the Reign of His Majesty King George the
 ‘ Fourth, intituled [here set forth the Title of this Act]; and I [or we]
 ‘ do therefore declare and adjudge that the said [Name of Offender]
 ‘ has forfeited for the said Offence the Sum of [Fine], or shall be com-
 ‘ mitted to [Place of Imprisonment] for the Space of [Time of Im-
 ‘ prisonment]. Given under my Hand and Seal [or our Hands and
 ‘ Seals], the Day and Year first above written.

Persons making Distress irregularly not to be deemed Trespassers *ab initio*.

LXXII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

LXXIII. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Mayor, Bailiffs, and Commonalty, or by the Order or Determination of any Justice or Justices of the Peace, in pursuance of this Act, may, within Six Calendar Months after such Order shall be made or given, complain to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the County in which the Cause of Appeal shall arise, the Person or Persons appealing having first given at least Ten clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the said Mayor, Bailiffs, and Commonalty, or their Receiver General, and forthwith after such Notice entering into a Recognizance before some Justice of the said County in which the said Cause of Appeal shall arise, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace to be held for the said County, or, if they think proper, adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County, and if they see Cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Appeal to
Quarter Ses-
sions.

LXXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates and Duties, or respecting any Matter or Thing relating to the said Canal, no Person or Persons acting by or under the Authority of the said Mayor, Bailiffs, and Commonalty, or in the Service of the said Mayor, Bailiffs, and Commonalty, shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence in, upon, and respecting such Dispute, Suit, or Litigation.

Officers not
to be incom-
petent Wit-
nesses.

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

Proceedings
not to be
quashed for
Want of
Form, &c.

LXXVI. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Thirty Days before such Action shall be commenced, of such

Plaintiff not
to recover
after Tender
of Amends.

such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of good and sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action the Plaintiff or Plaintiffs shall be nonsuited, and shall pay Treble Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation
of Actions.

LXXVII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons for any thing done or to be done in pursuance of this Act, or in execution of the Powers and Authorities or the Orders and Directions herein-before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, then within Six Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may, at his, her, or their Election, plead specially, or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants.

Provision for
Deficiencies
of Land Tax.

LXXVIII. And whereas by reason of making Alterations in pursuance of this Act there may be Deficiencies in the Assessments for Land Tax in the several Parishes or Places herein mentioned; be it therefore enacted, That for preventing the same the said Mayor, Bailiffs, and Commonalty shall, from and after the said Mayor, Bailiffs, and Commonalty shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Mayor, Bailiffs, and Commonalty shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good, to or in aid of any such Parish, out of the Monies to arise
by

by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments of the Land Tax within such Parish or Place, by reason or means of taking down or using, for the Purposes of this Act, any Houses, Buildings, or Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing this Act; and the Treasurer or Collector to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments.

LXXIX. Provided always, and be it further enacted, That nothing herein contained shall affect or prejudice the Claim or Right of the Owners and Occupiers for the Time being of a certain Estate called the *Matford Limekilns*, and the Dock or Salt Marsh adjoining the said Canal, and situate in the said Parish of *Exminster*, whereupon there are at present certain Limekilns now belonging to and in the Occupation of *Edward Trood* and *Robert Trood*, to as free a Passage to and from and unto and from the said Limekilns, and the upper End of the said Marsh, through the Entrance of the said Canal at *Turf*, and that in as full, ample, and beneficial a Manner as such Owners and Occupiers of the said Limekilns and Marsh, and the said *Edward Trood* and *Robert Trood*, were ever heretofore entitled to through the former Entrance into the said Canal at the Lower Sluice, and that without paying any Toll or being subject to any Charge whatsoever by, from, or to the said Mayor, Bailiffs, and Commonalty for passing up and down such Canal, and entering into and going out of the same at all Tides, with Barges, Boats, or other Vessels, for the Purpose of conveying and carrying any Goods, Articles, or Things, and for loading and landing the same, as he or they have heretofore been entitled to do, so as hereby not to narrow or prejudice the Right and Interests of the said *Edward Trood* and *Robert Trood*, their Heirs and Assigns, in the full and free Enjoyment, Use, and Benefit of the said Canal and the extended Line thereof, as they heretofore ever had to and from the said Lower Sluice; provided that the Boatmen of the Lighters and Vessels shall so manage the same as not to injure or obstruct the said Canal, nor to use any Sails for that Purpose; and also that this Act shall not invalidate, defeat, make void, or in any Manner prejudice or affect any Agreement or Agreements in Writing entered into between the said *Edward Trood* and *Robert Trood*, and the said Mayor, Bailiffs, and Commonalty, or the Provisions, Clauses, or Covenants contained therein respectively, or to narrow or prejudice any Action which they the said *Edward Trood* and *Robert Trood*, their or either of their Heirs or Assigns, might otherwise have or sustain against the said Mayor, Bailiffs, and Commonalty, respecting Losses, Claims, Damages, or Demands which they, any or either of them, now have or hereafter may have, sustain, pay, bear, or be put unto for or by reason or in consequence of any Injury or Damage to any of the Lands of the said *Edward Trood* and *Robert Trood*, their or either of their Heirs or Assigns, from the Watercourses and Drains of such Lands not being properly, well, and sufficiently drained, in consequence of the Alterations of the said Canal, or the extended Line thereof as heretofore; but that all and every Remedy which they now have

Saving Rights
to the Owners
of certain
Estates.

[*Local.*]

have or hereafter may have or seek against the Mayor, Bailiffs, and Commonalty, for the Want of such sufficient Drains as heretofore, or the Stoppage or Obstruction thereof, shall remain in as full, ample, and beneficial a Manner as if this Act had not been passed; and further, that nothing in this Act contained shall in any Manner abridge, narrow, infringe, lessen, or alter the Interests, Rights, Privileges, Powers, or Authorities of the said *Edward Trood* and *Robert Trood*, or either of them, their or either of their Heirs or Assigns; provided that no Vessels of the said *Edward Trood* and *Robert Trood*, their Heirs or Assigns, that shall pass up and down the Canal as aforesaid, shall be larger than such as have heretofore passed up and down the said old Canal to, from, and through the former Entrance thereof at the Lower Sluice, whether such Vessels were the Property of the said *Edward Trood* and *Robert Trood*, or of any other Person or Persons.

Saving Rights
to all Persons
heretofore
accustomed
to land Goods
on their own
Estates.

LXXX. Provided also, and be it further enacted, That all such Person or Persons who have heretofore, in respect of their particular Estates, been permitted to pass along the said Canal for the Purpose of landing any Articles or Things thereon for their private Use and Convenience, shall be permitted to pass the same Canal as heretofore, without paying or being subject or liable to any Charge or Demand for the same.

Saving of
the Rights
of Lords of
Manors.

LXXXI. Provided always, and be it further enacted, That all and every the Manorial and other Rights, Privileges, and Immunities whatsoever, of all and every the Lords and Ladies, Lord and Lady of the Manors or Lordships of and in which any Lands or Grounds to be taken for the Purposes of this Act shall be situate, shall be and they hereby are saved and reserved to them and every of them, and to all Persons whomsoever seised or possessed thereof or interested therein, in as ample and beneficial a Manner as if this Act had not been passed.

Saving
Clause to
Lord
Courtenay
and others.

LXXXII. Provided always, and be it further enacted, That nothing in this Act contained shall invalidate, defeat, make void, or in any manner prejudice or affect a certain Indenture of Release and Covenant, bearing Date the Twenty-second Day of *September* One thousand eight hundred and twenty-five, and made between the Right Honourable Lord Viscount *Courtenay* of the First Part, *John Wilkinson* of the Second Part, Sir *John Palmer Acland* Baronet of the Third Part, Sir *Lawrence Vaughan Palk* Baronet of the Fourth Part, and the said Mayor, Bailiffs, and Commonalty of the said City of *Exeter* of the Fifth Part, relating to the Purchase and Sale of Lands required for the Purposes of the said Canal, and the several Provisions, Powers, Clauses, Covenants, and Agreements contained therein respectively, but the same shall remain in as full Force and Effect as if this Act had not been passed.

For saving
the Petit
Customs and
Town Dues.

LXXXIII. Provided always, and be it further enacted, That nothing contained in this Act shall extend or be construed to extend to affect, injure, lessen, or diminish the ancient and accustomed Petty Customs or Town Dues now payable to the said Mayor, Bailiffs, and Commonalty

Commonalty of the City of *Exeter*, on all Goods, Wares, and Merchandize imported into the Port of *Exeter*, and that such and the like Customs and Dues shall be still payable and be paid to the said Mayor, Bailiffs, and Commonalty, and their Successors, for and in respect of all Goods, Wares, and Merchandize which shall be conveyed to the said City of *Exeter*, whether by the River *Exe*, or from the River *Exe* through the said Canal to *Exeter*, or otherwise, in such Manner, at such Places, and at such Times as heretofore, and as if this Act had not been passed.

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

Saving Rights
of the Cor-
poration of
Exeter.

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

Public Act.

SCHEDULE of Tolls referred to in this Act.

Description of Goods.	Amount of Duty.	Quantity.
	<i>s. d.</i>	
Alum - - - - -	2 1	per Ton.
Almonds - - - - -	2 6	Ditto.
Anchovies - - - - -	0 1	per Barrel.
Anvils - - - - -	2 6	per Ton.
Archel - - - - -	2 6	Ditto.
Argoll - - - - -	2 6	Ditto.
Ashes - - - - -	0 6	per Barrel.
Bacon - - - - -	2 6	per Ton.
Bales and Boxes by Measurement of 40 } solid Feet - - - - - }	2 6	Ditto.
Bales of Woollens returned - - - - -	0 4	20 Pieces.
Barilla - - - - -	2 6	per Ton.
Bark - - - - -	0 7½	per Seron.
Barley - - - - -	2 6	per Ton.
Baulk Timber - - - - -	0 3	per Quarter.
Beans - - - - -	1 4	per Load of 50 Feet.
Bells and Bell Metal - - - - -	0 4	per Quarter.
Beer and Porter - - - - -	2 6	per Ton.
- - - - -	1 6	per Butt.
- - - - -	0 9	per Hogshead.
- - - - -	0 6	per Barrel.
- - - - -	0 3	per Kilderkin.
Bones - - - - -	1 3	per 1,000.
Bottles (Quarts) - - - - -	0 1	per Dozen.
Bones and Hoofs - - - - -	1 0	per Hogshead.
Bran - - - - -	0 3	per Quarter.
Brass and Iron Pots - - - - -	2 6	per Ton.
Bricks (Stourbridge) - - - - -	3 0	per 1,000.
- - - - - (Scouring) - - - - -	2 6	Ditto.
- - - - - (Building) - - - - -	2 6	Ditto.
Brimstone - - - - -	2 6	per Ton.
Bristles - - - - -	2 6	Ditto.
Brooms - - - - -	0 1	per Dozen.
Brush or Mop Sticks - - - - -	0 1	per Bundle.
Brush Heads - - - - -	0 1	per 6 Dozen.
Brush Covers - - - - -	0 0½	per 12 Dozen.
Bullocks - - - - -	1 6	each.
Burrs - - - - -	6 3	per 100.
Butter - - - - -	2 6	per Ton.
Butts (empty) - - - - -	0 2	each.
Casks (empty) - - - - -	0 1	each.
Candles - - - - -	0 2½	per Box, 6 Doz.

Description of Goods.	Amount of Duty.	Quantity.
	<i>s. d.</i>	
Candy - - - - -	2 6	per Ton.
- - - - -	0 2	per Box.
Carboys (full) - - - - -	0 3	each.
- - - (empty) - - - - -	0 1	each.
Carraway Seeds - - - - -	0 4	per Sack.
Cement - - - - -	0 4	per Barrel.
- - - - -	0 2	Half Ditto.
- - - - -	0 1	Quarter Ditto.
Chariot or Chaise - - - - -	6 3	
Chalk - - - - -	1 0	per Ton.
Chairs - - - - -	0 2	each.
Cheese - - - - -	2 6	per Ton.
Chimney Pots - - - - -	0 1	each.
- - - Caps - - - - -	0 1	per Dozen.
- - - Hoods - - - - -	0 1½	Ditto.
China - - - - -	1 6	per Hogshead,
Cider - - - - -	1 6	per Pipe.
- - - - -	0 9	per Hogshead.
Clay (Pipe) - - - - -	1 0	per Ton.
Clover Seed - - - - -	0 1½	per Cwt.
- - - - -	0 4	per Sack.
Coach (Four Wheels) - - - - -	7 6	
Coals - - - - -	1 0	per Quarter.
- - - (Canal) - - - - -	2 6	per Ton.
Cochineal - - - - -	3 1½	Ditto.
Coffee - - - - -	2 6	Ditto.
- - - - -	0 6	Half Chest.
- - - - -	0 2	per Bag of 1 Cwt.
Coke - - - - -	1 3	per Ton.
Copper in Cases - - - - -	2 6	per Ton of 40 Feet.
- - - in Bolts and Plates - - - - -	2 6	per Ton.
Copperas - - - - -	2 6	Ditto.
Cork - - - - -	5 0	Ditto.
- - - - -	0 3	per Bag of 1 Cwt.
Cordage - - - - -	2 6	per Ton.
Crates of Earthenware - - - - -	1 0	each.
- - - Vial Bottles - - - - -	2 6	per 40 Feet.
- - - Glass - - - - -	2 6	Ditto.
Currants - - - - -	2 6	per Butt of 20 Cwt.
- - - - -	1 3	per Pipe of 10 Cwt.
- - - in Sacks - - - - -	0 1½	per Cwt.
Deals 12 Feet 9 Inches - - - - -	7 3	per 120.
Dye Stuff - - - - -	2 6	per Ton.
Dye Woods in general - - - - -	2 6	Ditto.
Drain Pipes - - - - -	2 6	per 1,000.
Earthenware (loose) - - - - -	2 6	per Load.
Ends of Serges - - - - -	0 2	10 Pieces.
Bales of Ditto - - - - -	0 4	20 Pieces.
Feathers - - - - -	0 9	per Sack, 3 Cwt.
Fellies of Wheels - - - - -	0 2	per Dozen.
Fender Plate - - - - -	2 6	per Ton.

Description of Goods.	Amount of Duty.	Quantity.
	s. d.	
Figs - - - - -	1 3	per 20 Frails.
— - - - -	0 9	per 20 Drums.
Fish (Newfoundland) - - - - -	2 6	per Ton.
Fish (fresh) subject to a Toll of 6 Dozen - - - - -	Free.	
Fire Wood - - - - -	1 0	per Fathom.
Flax - - - - -	3 1½	per Ton.
Flocks - - - - -	2 6	Ditto.
Flour - - - - -	0 3	per Sack.
— - - - -	0 2½	per Barrel.
Frying Pans - - - - -	0 1½	per Bundle.
Furniture - - - - -	2 6	per 40 Feet.
Ginger - - - - -	2 6	per Ton.
Glass - - - - -	0 6	per Side.
— (White) broken - - - - -	2 6	per Ton.
— (Green) Ditto - - - - -	1 3	Ditto.
Glue, in Bags - - - - -	2 6	Ditto.
Glue, Pieces - - - - -	1 0	per Hogshead.
— in Bundles - - - - -	2 6	per Ton.
Grinding Stones - - - - -	2 6	per Chald. 36 Feet.
Gunpowder - - - - -	0 3	per Barrel.
Gunstocks - - - - -	0 2	per Dozen.
Hair in Bales - - - - -	2 6	per 40 Feet.
Hampers (full) - - - - -	2 6	
— empty Bottles, 3 or 4 Dozen - - - - -	0 4	each.
Handspikes - - - - -	1 0	per Hundred.
Hemp - - - - -	3 1½	per Ton.
Herrings (Red) - - - - -	0 4	per Barrel.
Hides (Raw) - - - - -	3 6	per 50.
— (Dry) - - - - -	3 6	Ditto.
— (Horse) - - - - -	1 6	Ditto.
— (Kips) - - - - -	0 3	per Dozen.
Horns and Bones (loose) - - - - -	1 3	per 1,000.
Hops - - - - -	0 6	per Bag.
— - - - -	0 3	per Pocket.
Hoops Wood (broad) - - - - -	0 1	per Dozen.
— Wood (small) - - - - -	2 6	50 Bundles.
— Iron - - - - -	2 6	per Ton.
Hurdles, Wood and Iron - - - - -	2 6	per 30.
Jars (Quart) - - - - -	0 0½	per Dozen.
Indigo - - - - -	0 1½	per Cwt.
Iron (Bar and Bolt) - - - - -	2 6	per Ton.
Iron Pots, Kettles, and Weights - - - - -	2 6	Ditto.
Iron in Pigs - - - - -	2 0	Ditto.
Ironmongery, in Packages - - - - -	2 6	per 40 Feet.
Iron (Scrap) - - - - -	1 3	per Ton.
Junk - - - - -	2 6	Ditto.
Ladder Poles - - - - -	12 0	per 120.
Laths - - - - -	0 4	per 1,000.
Lath Wood - - - - -	4 0	per Fathom.
Lancewood Poles - - - - -	6 0	per 120.

Description of Goods.	Amount of Duty.	Quantity.
	<i>s. d.</i>	
Lead, in Sheets - - - - -	2 6	per Ton.
— in Pigs - - - - -	2 6	Ditto.
— Pipe - - - - -	2 6	Ditto.
— White Ground - - - - -	2 6	Ditto.
Leather - - - - -	2 6	Ditto.
Lignum Vitæ - - - - -	2 6	Ditto.
Lime - - - - -	1 3	Ditto.
Limestone - - - - -	0 6	Ditto.
Litharge - - - - -	2 6	Ditto.
Logwood - - - - -	2 6	Ditto.
Madder - - - - -	2 6	per Ton.
Mahogany - - - - -	2 6	per 40 Feet.
Malt - - - - -	0 3	per Quarter.
Manganese - - - - -	1 6	per Ton.
Manure - - - - -	0 10	Ditto.
Marble - - - - -	2 6	per Ton of 12 Feet.
— in Cases - - - - -	2 6	Ditto of 20 Feet.
Mats (Gardeners) - - - - -	0 4	per Bundle of 50.
— (Door) - - - - -	2 6	per 40 Feet.
Metal (Brass or Bell) - - - - -	2 6	per Ton.
Millstones - - - - -	1 9	each.
Molasses - - - - -	1 3	per Puncheon.
Mops - - - - -	0 1	per Dozen.
Mopsticks - - - - -	0 1	per Bundle.
Mustard - - - - -	0 2	per Barrel of 72 lbs.
Nails, in Bags - - - - -	0 1½	per 1 Cwt.
Nail Rods - - - - -	2 6	per Ton.
Naive Stocks - - - - -	0 2	per Pair.
Nuts - - - - -	0 3	per Bag.
Oakum - - - - -	2 6	per Ton.
Oak Timber - - - - -	2 6	per 40 Feet.
Oats and Oatmeal - - - - -	0 3	per Quarter.
Ochre - - - - -	2 6	per Ton.
Oil (not exceeding 120 Gallons) - - - - -	1 6	per Pipe.
Oil - - - - -	0 2½	per ½ Chest
— Olive - - - - -	0 7½	per Jar.
Oilcake - - - - -	2 6	per Ton.
Oranges and Lemons - - - - -	0 4	per Chest.
— Ditto - - - - -	0 2	per Box.
Ox Bows - - - - -	0 1	per Dozen.
Paints - - - - -	2 6	per Ton.
Paper in Bales - - - - -	2 6	per 40 Feet.
— (Writing) - - - - -	0 0½	per Ream.
— (Whited Brown) - - - - -	0 0½	Ditto.
Patten Rings - - - - -	2 6	per Ton.
Pepper - - - - -	3 1½	Ditto.
— per Mat of 3 Cwt. - - - - -	0 6	Ditto.
Peas - - - - -	0 4	per Quarter.
Pipes (Tobacco) in Boxes - - - - -	2 6	per 40 Feet.
Pipe Clay - - - - -	1 0	per Ton.

Description of Goods.	Amount of Duty.	Quantity.
	<i>s. d.</i>	
Pitch	0 4	per Barrel.
Plaster Paris	2 0	per Ton.
Potatoes	1 0	Ditto.
—	0 1	per Bag.
Rags	2 6	per Ton.
Raisins	0 6	per Barrel.
—	0 1	per Box of $\frac{1}{2}$ Cwt.
—	0 0 $\frac{1}{2}$	per $\frac{1}{2}$ Box.
Rice	0 9	per Barrel.
—	0 2	per Bag of 1 Cwt.
Rosin	0 4	per Barrel.
— in Cakes	2 6	per Ton.
Salt	2 1	per Ton.
Salt and Ashes for Manure	0 10	Ditto.
Saltpetre	0 2	per Barrel.
Salting Pans (large)	0 6	per Dozen.
— (middle)	0 4	Ditto.
— (small)	0 2	Ditto.
Sand	0 9	per Ton.
Scythe Stones	0 2 $\frac{1}{2}$	per Basket.
Seeds in general	0 4	per Sack.
Shremoulds	2 6	per Ton.
Shreds	2 6	Ditto.
—	1 0	per Hogshead.
Shot	2 6	per Ton.
Shumac	2 6	Ditto.
Skins, Calve (wet)	0 1	per Dozen.
— Ditto (dry)	0 1	Ditto.
— Deer	2 6	per Hundred.
— Ditto (in Hair)	2 6	Ditto.
— Goat	0 0 $\frac{1}{2}$	per Dozen.
— Pelts	1 0	per Hogshead.
— Pelts (loose)	0 0 $\frac{1}{2}$	per Dozen.
— Seal	0 1	Ditto.
— Roan	2 6	per Ton.
— Sheep (dressed)	0 2	per Dozen.
— Lamb (Ditto)	0 0 $\frac{1}{2}$	Ditto.
— Lamb Pelts	0 3	per 10 Dozen.
— Lamb Split Pelts	0 2	Ditto.
— Indian Deer	0 1 $\frac{1}{2}$	per 100.
— Beaver	0 1 $\frac{1}{2}$	Ditto.
— Kid	0 3	per 120.
— Bazil	0 1	per Dozen.
Slate, Duchesses	3 6	per 1,200.
— (small)	3 0	Ditto.
— Countesses	2 6	Ditto.
— (small)	2 0	Ditto.
— Ladies	1 6	Ditto.
— (small)	1 1 $\frac{1}{2}$	Ditto.
— Doubles	1 0	Ditto.
— Scantle	1 0	Ditto.
— common or small	0 6	Ditto.

Description of Goods.	Amount of Duty.	Quantity.
	<i>s. d.</i>	
Slate, Unsized Rag - - - -	0 2	per Dozen.
— Ditto Half Ditto - - - -	0 1	Ditto.
— Queen or Sized Rag - - - -	2 0	per Ton.
— Slab - - - -	2 0	Ditto.
— Block - - - -	2 3	Ditto.
— Westmoreland Rag - - - -	2 3	Ditto.
— Imperial or Milled - - - -	2 4½	Ditto.
— Welsh and Rag Square - - - -	1 8	Ditto.
Smalts - - - -	0 1½	per Cwt.
Soap in Chests - - - -	2 6	per 40 Feet.
— Foreign - - - -	2 6	per Ton.
Spars - - - -	12 0	per 120.
Staves, Pipe - - - -	1 0	Ditto.
— Puncheon - - - -	0 8	Ditto.
— Hogshead - - - -	0 6	Ditto.
— Barrel - - - -	0 5	Ditto.
— Quebec Logs - - - -	1 6	Ditto.
Starch in Chests - - - -	2 6	per 40 Feet.
Steel - - - -	2 6	per Ton.
Stone Ware (loose) - - - -	0 0½	per 3 Gallons.
Stone, Portland - - - -	1 6	per Ton 16 Feet.
— Bath - - - -	1 6	per 20 Feet.
— Paving - - - -	1 6	per 60 Feet.
— Beer - - - -	1 6	per 18 Feet.
— Granite - - - -	1 6	per 27 Feet.
— Free - - - -	1 6	per 18 Feet.
— Grave and Gutter - - - -	1 6	per 30 Feet.
— Step - - - -	1 6	Ditto.
— Rolling - - - -	1 6	per 16 Feet.
— Trough - - - -	1 6	per 60 Feet.
— Moor - - - -	1 6	per 27 Feet.
— Pebble - - - -	1 3	per Ton of 20 Cwt.
Sugar, solid - - - -	1 3	per Hhd. of 15 Cwt.
— packed - - - -	1 3	per Hogshead.
— in Lumps and Loaves - - - -	2 6	per Ton.
— in Bags - - - -	0 1½	per Cwt.
— in Mats - - - -	0 1½	Ditto.
Tallow - - - -	2 6	per Ton.
Tar - - - -	0 4	per Barrel.
Tea - - - -	1 0	per Chest.
— - - - -	0 6	per ½ Ditto.
— - - - -	0 3	per ¼ Ditto.
Tiles - - - -	2 6	per 1,000.
Timber in general - - - -	2 6	per Ton 40 Ft.
(If shipped from the Quay, 4d. per Ton Quayage.)		
Tin - - - -	0 2	per Box.
Tobacco - - - -	3 1½	per Ton.
Trees and Shrubs, in Mats - - - -	2 6	per 40 Feet.
Valonia - - - -	2 6	per Ton.
Veneers - - - -	2 6	per 40 Feet.
Vinegar - - - -	1 6	per Pipe.
Vitriol - - - -	0 3	per Carboy.
Vetches and Tares - - - -	0 4	per Quarter.

Description of Goods.	Amount of Duty.	Quantity.
	s. d.	
Wainscot Logs - - - - -	2 6	per 40 Feet.
Wax - - - - -	2 6	per Ton.
Withies - - - - -	2 6	per 40 Bundles.
Whalebone - - - - -	2 6	per Ton.
Wheat - - - - -	0 4	per Quarter.
Wheels (Coach) - - - - -	1 3	per Set.
Whiting - - - - -	1 0	per Ton.
Wire - - - - -	0 2	per Bundle of 1 Cwt.
Wine and Spirits - - - - -	1 6	per Pipe.
Wine and Spirits cased - - - - -	1 8	Ditto.
Wine and Spirits - - - - -	0 9	per Hogshead.
Wine and Spirits cased - - - - -	0 10	Ditto.
Wine in Hampers - - - - -	2 6	per 40 Feet.
Woad - - - - -	1 6	per Hogshead.
Wool - - - - -	0 6	per Pack of 3 Cwt.
Yarn - - - - -	2 6	per Ton.
Yarn Wick - - - - -	0 6	per Bag of 12 Dozen.

All Goods not herein specified to pay Two Shillings and Sixpence per Ton of Twenty Hundred Weight, or Measurement of Forty solid Feet. All empty Packages to pay One Penny each. No single Package, full or empty, to pay less than Two-pence.

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