



ANNO QUARTO

GEORGI IV. REGIS.

Cap. cix.

An Act for more effectually making and maintaining the Road from *Modbury*, through the Town of *Plympton*, to the North End of *Lincotta Lane*, and from *Modbury* to within Four hundred Yards of the Bridge over the *Lary*, and also a Road from *Addistone Hill*, in the Parish of *Holbeten*, to the *Totness Road* at *Lady Down*, in the Parish of *Ugborough* in the County of *Devon*.

[17th June 1823.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from Modbury, through the Town of Plympton, to the North End of Lincotta Lane in the County of Devon*: And whereas another Act was passed in the Twenty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act, made in the Thirty-second Year of the Reign of His late Majesty King George the Second, for repairing and widening the Road from Modbury, through the Town of Plympton, to the North End of Lincotta Lane in the County of Devon*: And whereas another Act was passed in the Forty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Thirty-second Year of the Reign of His late Majesty, and the Twenty-first Year of the Reign of His present Majesty,*

32 G. 2. c. 68.
21 G. 3. c. 84.
43 G. 3. c. 27.

[Local.] 28 K

3 G. 4. c. 126,

Three first
recited Acts
repealed.

*Majesty, for repairing and widening the Road from Modbury, through the Town of Plympton, to the North End of Lincotta Lane in the County of Devon: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded to put the same into Execution, and a considerable Sum of Money hath been borrowed on the Credit of the Tolls by the said Acts granted, which still remains due and owing, and cannot be paid off, nor can the said Road be effectually amended, improved, and kept in repair, unless the Powers and Authorities thereof are altered, amended, and enlarged; and it is expedient that the Tolls granted by the said recited Acts should be increased: And whereas it is desirable that a new Road should be made from the present Modbury Road, at or near to a Place called Addistone Hill, in the Parish of Holbeton, to the Totness Road at or near to a Place called Lady Down in the Parish of Ugborough, and also between Sakers Bridge Gate and the said new Road leading from Addistone Hill aforesaid to Ermington Lane, in order to open a direct Communication between the populous Towns situated in the South of Devon and the Town of Plymouth through a Line of Country comparatively free from Hills: And whereas it would be of the greatest public Utility to make another new Line of Road between the present Modbury Road at a Place called Kitley Hill in the Parish of Yealmpton, by the Villages of Brixton and Elburton, and from thence to within Four hundred Yards of the Bridge over an Estuary of the Sea called the Lary, in lieu of the present hilly and circuitous Road between Silver Bridge Gate and the Termination of the present Modbury Road at the North End of Lincotta Lane in the Parish of Plympton Saint Mary: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King George the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Thirty-second Year of the Reign of King George the Second, and the Twenty-first and Forty-third Years of the Reign of His late Majesty King George the Third, are hereby declared to be repealed, and null and void, to all Intents and Purposes whatsoever; and that this Act shall commence and take Effect in lieu and in stead thereof, and shall be put in Execution (subject to the Limitations and Alterations herein-after particularly described) for and during the Term herein-after mentioned, as well for the Purpose of amending, widening, turning, altering, improving, and keeping in repair the Road leading from the Town of Modbury to Silver Bridge Gate, and from thence to the North End of Lincotta Lane in the Parish of Plympton Saint Mary, as also for the Purpose of making, widening, maintaining, amending, turning, altering, improving, and keeping in repair the new Roads herein-before particularly described; and the Trustees herein-after named, or any Three or more of them, are hereby authorized, so soon as conveniently may be after the passing of this Act, to commence, make, and complete the new Roads herein-before particularly described; and this Act, and the Term and Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit or on account of the said recited Acts; and also of such other Sum or Sums of Money as shall or may be borrowed*

rowed by virtue of or become due on the Credit of the said last recited Act and of this Act, or either of them, and of all Interest due and to grow due for the same respectively.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been repeated and re-enacted in the Body of this Act.

Powers of
3 G. 4. c. 126.
extended to
this Act.

III. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said first recited Acts, according to the Provisions and Directions thereof respectively, shall remain in full force and effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities, duly made or entered into by the Trustees for executing the said Acts hereby repealed to or with any Person or Persons, shall remain in full force and effect, and shall be binding on the Trustees for executing this Act and the said last recited Act, and be observed and kept by them, according to the Terms and Stipulations and Tenor thereof respectively.

Bonds and
Securities
entered into
under the
former Act
to remain in
force until
satisfied and
paid.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Devon*, together with *Edmund Pollexfen Bastard*, *John Bastard*, *Philemon Pownoll Bastard* Clerk, *John Bulteel*, *John Crocker Bulteel*, *Courtenay Bulteel*, *Thomas Bulteel*, *Sir John Perring* Baronet, *John Perring*, *Philip Perring* Clerk, *Richard Perring*, *Charles Perring*, *Sir Henry Carew* Baronet, *John Morth Woolcombe*, *Sir John Lemon Rogers* Baronet, *Sir William Elford* Baronet, the Right Honourable *Sir Edward Thornton* Grand Cross of the Bath, *Thomas Lockyer*, *Charles Biggs Calmady*, *John Harris*, *Henry Harris*, *Christopher Harris*, *James Harris* Clerk, *Thomas Harris*, *William Harris*, *James Courtenay*, *Richard Lane* Clerk, *Thomas Veale Lane*, *Richard Lane* the younger, *John Yonge* Clerk, *James Yonge* Clerk, *Edmund Yonge*, *James Yonge*, *John Bargas Yonge*, *Duke Yonge* Clerk, *Duke Yonge* the younger, Clerk, *Charles Yonge*, *Robert Hurrell Froude* Clerk, *Hurrell Froude*, *Robert Froude*, *Richard Rosdew*, *George Strode*, *Paul Oury Treby*, *Paul Treby Treby*, *George Woolcombe*, *William Woolcombe*, *William Stackhouse* Clerk, *Nicholas Adams Bartlett* Clerk, *John Moysey Bartlett*, *John Spry* Clerk, *William Edmunds Savery*, *James Mitchell*, *George Mitchell*, *Jeffery White*, *John White*, *John King*, *Richard King*, *John Luscombe*, *Manning Luscombe*, *James Longmore* Clerk, *William Anthony*, *Thomas Holberton*, *Thomas Holberton* the younger, *John Holberton*, *Robert Holberton*, *Thomas Henry Holberton*, *Henry Richard Roe*, *Silas Winter*, *Silas Winter* the younger, *John Wood Winter*, *John Wood Winter* the younger, *Thomas Splatt*, *William Hare*, *John Arscott* Clerk, *Thomas Hillersden Bulteel*, *Henry Bellenden Bulteel*, *Edmund Rayner*, *George Lewis*, *John Boger*, *Deeble Boger*, *John Hext Boger*, *Joseph Weeks*, *Samuel Peter Forster*, and *Zachary Mudge*, and their Successors, shall be and they are hereby appointed the Trustees for putting the said last recited Act of the

Additional
Trustees.

Third

Third Year of the Reign of His present Majesty and this Act. in Execution.

Power to appoint additional Trustees.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered at their First Meeting, or at any subsequent Meeting, to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act and the last recited Act in addition to the Trustees hereby appointed; and such Trustees so elected, and being qualified according to the Directions of the said last recited Act and this Act, shall be and are hereby invested with the same Powers and Authorities for executing this and the said last recited Act as if they had been hereby nominated and appointed.

Trustees to be sworn.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act and the said last recited Act into Execution, unless he shall be qualified in such Manner as in and by the said last recited Act is directed and prescribed, and unless (being so qualified) he shall before he shall act as a Trustee (except in administering the Oath mentioned in the said last recited Act, and the Oath herein-after mentioned) take and subscribe, before any One or more of the said Trustees, an Oath, or, being a Quaker, an Affirmation, in the Words or to the Effect following; (that is to say,)

Oath.

‘ I *A. B.* do swear, [*or, being a Quaker, do affirm*], That I will truly, honestly, and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee, by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*], and also an Act passed in the Third Year of the Reign of His said Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England.* So help me GOD.’

Penalty on Persons acting not having taken the Oath.

Which Oath or Affirmation any One or more of the said Trustees is and are hereby authorized and empowered to administer; and if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same in any of His Majesty’s Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said last recited Act or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Acts and Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

Meetings of Trustees.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *Yealmpton Inn*, or at some other convenient House or Place on or near the said Road, on the Fifteenth Day of *July*

July next after the passing of this Act, or as soon after as may be convenient, for the Purpose of carrying the same and the said last recited Act into Execution; and that the said Trustees, or any Three or more of them, shall and may adjourn themselves from Time to Time, and meet at the *Yealmpton Inn*, or at any other House or Place, as they or any Three or more of them may think proper; and that if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, the Meeting shall be adjourned, and that Two Trustees shall be sufficient for the Purpose of Adjournment only; and that in case the said Trustees or any of them shall not attend, or shall omit to adjourn, then the Clerk to the said Trustees shall adjourn the said Meeting, and appoint the said Trustees to meet at the Place where such last Meeting was appointed to be held, within Three Weeks next after the Day on which such last Meeting was appointed to be held, and shall cause Notice thereof to be affixed on the several Turnpike Gates on the said Road, at least Seven Days before such Meeting, at which Meeting the said Trustees shall and may, by Writing under their Hands, elect and appoint a Treasurer or Treasurers, and a Clerk or Clerks, and also a Collector or Collectors of the Tolls, and of all the Monies to be collected, or which shall or may be due and payable under or by virtue of the said last recited Act and this Act, and shall likewise appoint some fit and proper Person or Persons to be a Surveyor or Surveyors of the said Roads, and all such other Officers as they the said Trustees shall think proper; and that they the said Trustees shall and may from Time to Time remove all such Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers, or any of them, when and as often as they shall see Occasion, and appoint others in their Stead, as to the said Trustees shall seem proper; and the said Trustees shall and may, out of the Tolls and other Monies to be collected and received under or by virtue of the said last recited Act and this Act, make such Allowance, by way of Salaries or otherwise, unto the Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers so to be appointed, for and in consideration of the Care and Pains by them respectively taken in the Execution of their respective Offices, and to such other Person or Persons as shall be assisting in and about the Execution of the said last recited Act and this Act, as to the said Trustees shall seem proper.

VIII. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (except the Treasurer) nominated and appointed under and by virtue of the said recited Acts hereby repealed, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying the said recited Act of the Third Year of the Reign of His said present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

Old Officers may continue until others are appointed.

IX. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first recited Acts,

Books used under former Acts to be and Evidence.

[*Local.*]

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and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Officers under the former Acts to account to the Trustees for executing this Act.

X. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said first recited Acts, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account for, pay, and deliver over the same to the said Trustees, in like Manner, and under the like Penalties as are by the said last recited Act inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things by virtue of the said Acts and this Act.

Treasurer and Clerk not to be the same Person.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act; or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Impar lance shall be allowed.

Power to sell the present Toll Houses.

XII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed on the said Road to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances, to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple, and the Person or Persons who shall purchase the same,

same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land, as is by the said last recited Act directed to be given where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

XIII. And be it further enacted, That the said Trustees, or any Three or more of them, shall and may, as they shall think proper, continue or remove all or any of the Toll Gates erected by virtue of the said first recited Acts, or which shall or may be erected by virtue thereof, and of this Act, or either of them, and may erect and set up, or cause to be erected and set up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads, and upon the Sides thereof respectively, and also across any Lane or Way leading into or out of the same, and may also continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniences, at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates or Toll Houses, or any of them, as they the said Trustees, or any Five or more of them, shall think expedient; and also may take in and inclose from the said Roads convenient Garden Spots for the said Toll Houses respectively, not exceeding One-eighth Part of a Statute Acre to each Toll House; any thing in this or the said recited Act to the contrary notwithstanding.

Trustees
may erect
Gates.

XIV. And be it further enacted, That the several Tolls following, or such Sum or Sums not exceeding the following Sums or Tolls respectively, shall be demanded and taken at the respective Gates, Bars, or Chains erected or to be erected upon or across or on the Sides of the said Roads, by such Person or Persons as the said Trustees, or any Three or more of them, shall from Time to Time appoint for that Purpose, before any Horse, Cattle, or Carriage shall be permitted to pass through the same; (that is to say),

Power to
take Tolls.

¹For every Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, drawn by Six or more Horses, Mules, or other Cattle, the Sum of Two Shillings and Sixpence:

Tolls.

²For every Carriage of the same Description, drawn by Four Horses or other Cattle, the Sum of Two Shillings:

³For every Carriage of the same Description, drawn by Two Horses or other Cattle, the Sum of One Shilling:

⁴For every such Carriage with Four Wheels affixed to any Waggon or Cart, the Sum of Nine-pence:

⁵For every such Carriage with Two Wheels affixed to any Waggon or Cart, the Sum of Sixpence:

⁶For every Chaise, Car, or Chair, drawn by One Horse or other Cattle, the Sum of Eight-pence:

For

For every Waggon, Wain, Cart, Dray, or other such like Carriage, drawn by Five or more Horses or other Cattle, the Sum of Four Shillings:

For the same, drawn by Four Horses or other Cattle, the Sum of Two Shillings and Eight-pence:

For the same, drawn by Three Horses or other Cattle, the Sum of One Shilling and Four-pence:

For the same, drawn by Two Horses or other Cattle, the Sum of Eight-pence:

For the same, drawn by One Horse or other Cattle, the Sum of Five-pence:

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, One Shilling and Three-pence *per* Score; (and so in proportion for any greater or less Number):

For every Drove of Calves, Hogs, Sheep, or Lambs, Five-pence *per* Score; (and so in proportion for any greater or less Number).

Tolls to be vested in Trustees.

XV. And be it further enacted, That all and every the Tolls by the said recited Act of the Third Year of the Reign of His present Majesty and this Act authorized to be taken, shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, paid, applied, disposed of, and assigned in manner directed by the said last recited Act and this Act.

Limiting the Number of Tolls.

XVI. Provided always, and be it further enacted, That no Person shall be liable to the Payment of more than Two full Tolls for passing or repassing with the same Horse, Beast, Cattle, or Carriage on the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), through all the Gates or Turnpikes erected or to be erected on the whole Length of the said Road, and that only One Toll shall be taken at any Time or Times during the same Day at the same Gate for or in respect of the same Horse, Beast, Cattle, or Carriage, upon a Ticket being produced denoting such Payment having been so made for and in respect of the same on that Day.

Stage Coaches, Caravans, and Post Chaises to pay every Time of passing.

XVII. Provided always, and be it further enacted, That for and in respect of any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate in like manner as if no Toll had been before paid; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise, and other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads on the same Day on a fresh Hiring thereof.

Exemption for agricultural Produce.

XVIII. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to

to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Lime, Dung, Soil, Compost, or Manure for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other thing not exempted from Toll by the said recited Act of the Third Year of the Reign of His present Majesty), or any Hay, Straw, Fodder for Cattle, and Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owners of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of; or for any Horses or other Beasts employed in Husbandry going to returning from Plough or Harrow, or to or from Pasture or Watering Place, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the said District of Road; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

XIX. And whereas a Map or Plan, describing the Line of the Branches or new Roads herein-before mentioned and described, and the Lands and Premises through which the same are intended to be made or carried, together with a Book of the Names of the Owners and Occupiers of such Lands and Premises, hath been deposited at the Office of the Clerk of the Peace for the said County of *Devon*; be it therefore enacted, That the said Map or Plan and Book shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any reasonable Time have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace for the Time being a reasonable Compensation for making such Copies or Extracts; and that the said Trustees, in making or causing the said Branch or new Road to be made, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing first had and obtained of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Map or Plan, &c. deposited at the Office of the Clerk of the Peace, to remain there for Inspection, &c.

XX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to set out and make the said new Roads into, through, across, or over the several Lands, Hereditaments, and Premises, over or through which the same are set out and described in the said Map or Plan, according to the respective Lines therein marked out for the same, and allowing for such Deviation as aforesaid, although the Name or Names of such Lands, Hereditaments, and Premises, or any of them, or the Name or Names of the Owner or Owners, Occupier or Occupiers of the same, or any of them, may happen to be erroneously described, omitted, or mis-stated in the said Map, Plan, or Book, provided it shall appear to any Two or more Justices of the Peace of the County of *Devon*, upon due Examination had in the Presence of or after Notice given to such Owner or Owners, Occupier or Occupiers, and be certified by Writing under the Hands of the said Justices

Trustees to make the new Roads conformable to the Plan notwithstanding Errors or Omissions.

[Local.]

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of the Peace, that such Error or Omission proceeded from Mistake; which Certificate shall be placed in the Custody of the said Clerk of the Peace, and a Copy thereof under his Hand shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, Bills, and Actions whatsoever, in any Court of Law or Equity, for any Matter or Thing done by virtue of this Act.

Power to enter Lands to make Road,

XXI. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Road hereby authorized to be made and kept in repair or any Alteration or Deviation thereof is intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Road, and cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands or Grounds (not being a Garden, Yard, Orchard, Park, Paddock, planted Walk or Avenue to a House, or inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of as a public Highway whilst the narrow or ruinous Parts of the said Road are being widened or altered, and until the said Road shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as the Value of Lands to be purchased or used by virtue of this Act is directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees not to pull down Dwelling Houses without Consent of the Owners.

XXII. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except so much and such Part of such Dwelling Houses or other Buildings, Orchards, Gardens, Yards, Parks, Paddocks, planted Walks, Avenues, and Nurseries for Trees, as are described in the Map or Plan and Book of Reference as aforesaid.

Trustees to fence the new Road.

XXIII. And be it further enacted, That in all Cases where the said Trustees shall by virtue of this Act make any Part of the said Deviations of Road over and through any private Grounds, or shall take away any Fence for widening, diverting, or turning any Road already made, the

said Trustees shall make or cause to be made proper Fences or Stone Walls on both Sides of such new-made Road, or on the Side upon which any such Fence shall be so removed as aforesaid, so as effectually to guard and fence off the Lands adjoining to such Road, and also proper Gates, Bridges, and Arches, where necessary, out of the said Road into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Two Years from the Time that such Fences shall have been made or set up.

XXIV. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint; shall and may and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, repairing, or otherwise improving the said Roads, or any Part thereof, or for doing any other Work to be performed in the Execution of the said last recited Act and this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of the said last recited Act and this Act, or either of them, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors or Administrators.

Trustees may contract for the making or repairing the Roads.

XXV. And be it further enacted, That the present Road between *Kitley Hill* and the North End of *Lincotta Lane* shall be supported and repaired by the said Trustees until the said new Lines of Road from *Lady Down* to *Addistone Hill*, and from *Kitley Hill* to within Four hundred Yards of the Bridge over the *Lary*, shall be completed and fit for the Passage of Horses, Cattle, and Carriages; and from and after the Completion and Opening of such new Lines of Road for the Passage of Horses, Cattle, and Carriages, so much of the said present Road shall be discontinued as Turnpike Road, and shall no longer continue under the Management of the said Trustees.

Road between *Kitley Hill* and the North End of *Lincotta Lane* shall be discontinued as Turnpike Road when the new Lines are completed.

XXVI. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said Acts hereby repealed for or in respect of the said Road, and which shall be undisposed of, and also all the Monies which shall arise and be produced by and from the Tolls by the said last recited Act and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first Place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto, and in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses, and other Buildings, and keeping the same in repair, and of making, altering, widening, repairing, and preserving the Roads by this Act directed to be made and kept in repair as aforesaid, and of erecting and making necessary and convenient Bridges upon

Application of the Money.

upon the same, and otherwise executing the other Purposes of this Act, and in reducing, paying off, and discharging the several principal Sums of Money and Interest which shall have been borrowed and secured in pursuance of and for the Purposes of the said Acts hereby repealed in respect of the said Road, and the several principal Sums of Money which may be hereafter borrowed and secured on the Tolls and Duties granted by virtue of this Act and the said last recited Act.

Regulations
as to Per-
formance
of Statute
Work.

XXVII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereunto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Devon*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Three Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall, for every Day of his, her, or their

their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Devon*, on Complaint made to such Justices by the Surveyor to the said Trustees.

XXVIII. Provided always, 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 the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, 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 Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, 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 Ex-

In case of Nonpayment of Compensation for Materials, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

pences 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 Trustees, or to their Treasurer for the Time being, as the Case may be.

Trustees
empowered
to enter into
an Agree-
ment with
the Earl of
Morley.

4G.4. c.x.

XXIX. And be it further enacted, That it shall and may be lawful to and for the Trustees appointed or hereafter to be appointed under this Act, or any Three or more of them, to agree with the Right Honourable the Earl of *Morley*, his Heirs and Assigns, or other the Owner or Owners, Proprietor or Proprietors of the Bridge which is authorized to be erected over the Water of *Lary*, by virtue of an Act passed in the present Session of Parliament, intituled *An Act for erecting a Bridge over the Water of Lary, from Pomphlet Point to or near to Great Prince Rock in the County of Devon*, respecting the Rate of Toll or Pontage to be collected and taken at any Gate or Gates, Turnpike or Turnpikes, Toll House or Toll Houses, in, upon, or across, or near to the said Bridge, by any Collector or other Person authorized to take the same by the said Earl of *Morley*, or the Owner or Owners, Proprietor or Proprietors of the said Bridge for the Time being, from any Person or Persons who shall produce a Ticket denoting the Toll to have been paid at any Gate erected or to be erected on the Road between *Lady Down* and the *Lary* Bridge, for any Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, or for any Waggon, Wain, Cart, Dray, or other such like Carriage, or for any Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing; and also respecting the Tolls to be taken from any Person or Persons for any Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse or Litter, or for any Waggon, Wain, Cart, Dray, or other such like Carriage, or for any Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, who shall intend to pass from the said Bridge through the Gate to be erected in lieu of the present Turnpike Gate at *Silver Bridge*; and also to agree with the said *John* Earl of *Morley*, his Heirs and Assigns, or the Owner or Owners of the said Bridge for the Time being, as to the respective Times within which the building of the said Bridge, and the setting out and making of the new Roads herein-before particularly described, shall commence and be carried into Effect; and also as to the Security mutually to be given for the due Repair and Maintenance of the said Bridge and Roads: Provided always, that when and as soon as such Agreement shall be entered into by the said Trustees and the said Earl of *Morley*, or other the Owner or Owners, Proprietor or Proprietors of the said Bridge, then and in such Case it shall not be lawful for the said Trustees to take any Tolls, or to erect or set up any Gate, Side Gate, Bar, or Chain on any Part of the Road between the Village of *Brixton* and the Bridge over the *Lary*, without the Consent in Writing of the said Earl of *Morley*, or other the Owner or Proprietor or Owners and Proprietors of the said Bridge, first had and obtained.

Trustees
not to erect
any Gate
between
Brixton and
the Bridge
over the
Lary.

Public Act.

XXX. 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.

XXXI. And

XXXI. And be it further enacted, That this Act shall commence Term of Act. upon the Fifteenth Day of *July* next after the passing thereof, and shall, together with the said last recited Act, continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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