



ANNO QUARTO

GEORGII IV. REGIS.

Cap. xvii.

An Act for more effectually making and repairing the Roads between *Newton Abbott* and *Brixham*, *Kingswear* and *Dartmouth*, *Shaldon* and *Torquay*, and several other Roads communicating therewith, in the County of *Devon*. [2d May 1823.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and widening the Roads from the South End of Newton Abbott to the Passage Way in Kingswear, opposite Clifton Dartmouth Hardness, and from the End of a Lane leading out of the Turnpike Road between Newton Abbott and Totnes, towards Abbotskerswell to Five Lanes, and from Langvers Barn to the said Turnpike Road between Newton Abbott and Totnes, and from Galmpton Warborough to Monks Bridge and Brixham Quay, and from Langvers Barn to the North End of Paington Town, all in the County of Devon*: And whereas another Act was passed in the Twenty-fourth Year of His said late Majesty's Reign, intituled *An Act for enlarging the Term and Powers of an Act passed in the Fifth Year of the Reign of His present Majesty, for repairing and widening the Roads from the South End of Newton Abbott, to the Passage Way in Kingswear, opposite Clifton Dartmouth Hardness, and from the End of a Lane leading out of the Turnpike Road between Newton Abbott and Totnes, towards Abbotskerswell to Five Lanes, and from Langvers Barn, to the said Turnpike Road between Newton Abbott and Totnes, and from Galmpton Warborough to Monks Bridge and Brixham Quay, and from Langvers Barn to the North End of Paington Town, all in the County of Devon*: And

[Local.]

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whereas

- whereas another Act was passed in the Forty-ninth Year of His said late Majesty's Reign, intituled *An Act for continuing the Term and enlarging the Powers of Two Acts, for repairing the Road from the South End of Newton Abbott to the Passage Way in Kingswear, opposite Clifton Dartmouth Hardness, and other Roads therein mentioned, all in the County of Devon*: And whereas another Act was passed in the same Fifth Year of His said late Majesty's Reign, intituled *An Act for repairing and widening the Roads from Keyberry Bridge to the Passage at Shaldon, and from the said Bridge to the Pier or Harbour of Torquay, in the County of Devon*: And whereas another Act was passed in the Twenty-seventh Year of His said late Majesty's Reign, intituled *An Act to enlarge the Term and Powers of an Act passed in the Fifth Year of the Reign of His present Majesty, for repairing and widening the Roads from Keyberry Bridge to the Passage at Shaldon, and from the said Bridge to the Pier or Harbour of Torquay, in the County of Devon*: And whereas another Act was passed in the Forty-eighth Year of His said late Majesty's Reign, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts of His present Majesty, for repairing the Roads from Keyberry Bridge to the Passage at Shaldon, and from the said Bridge to the Pier or Harbour of Torquay, in the County of Devon*: And whereas another Act was passed in the Second Year of His present Majesty's Reign, intituled *An Act to enlarge the Term and Powers of several Acts of His late Majesty, for repairing the Roads from Keyberry Bridge to Shaldon, and from the said Bridge to Torquay, in the County of Devon, and to alter the Line of certain Parts of the said Roads*: And whereas in Execution of the said several Acts, considerable Sums of Money have been borrowed on the Credit of the Tolls thereby respectively granted, which Money cannot be repaid, nor can the said Roads be properly amended, widened, and kept in Repair unless the Terms and Powers of the said respective Acts are altered and enlarged, and some of the Tolls increased: And whereas several of the Roads which are comprized in the said recited Acts, are adjoining to and connected with each other; and it hath been found that it will tend to the Accommodation of the Public, and will be materially for the Benefit and Advantage of the Towns and Villages of *Newton Abbott, Shaldon, Torquay, Torre, Paington, Brixham, Kingswear and Dartmouth*, and the Inhabitants thereof, as well as to the intermediate Neighbourhood, which is very populous, if all the Powers and Provisions of the said recited Acts were united and consolidated in one Act of Parliament: And whereas, for the Purpose of avoiding Hills, and of making a more easy and expeditious Communication between the several Towns and Villages aforesaid, and the South Part of the said County of *Devon*, it is desirable that certain Parts of the present Roads should be discontinued as Turnpike Roads, and that other Roads should be formed in lieu thereof, and new Roads, avoiding the Steep and almost inaccessible Hills in the present Lines of Road, comprized under the said recited Acts, should be made and maintained, and be substituted for the said Roads so intended to be given up; but the same cannot be done without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, 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 Parli-

ment assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Acts passed in the Fifth, Twenty-fourth, Twenty-seventh, Forty-eighth, and Forty-ninth Years of His late Majesty, and in the Second Year of His present Majesty, shall be and the same are hereby declared to be repealed; and this Act shall commence and take Effect in lieu and instead thereof, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of making, amending, altering, improving, diverting, discontinuing, and keeping in repair the present Roads and Bridges, and the Roads and Bridges hereby authorized to be made.

Recited Acts of 5th, 24th, 27th, 48th, and 49th G. 3. repealed.

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 or altered 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. extended to this Act.

III. And be it further enacted, That this Act and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts, or any of them, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the respective Trustees of the said Roads, or to any other Person or Persons for the Benefit of the said Trusts, shall be liable to the Payment of all such Sum and Sums of Money to the respective Trustees for executing this Act; and all Bonds, Covenants and Agreements, Contracts and Securities entered into by any Person or Persons to or with the Trustees respectively of the said Roads, or any of them, or to or with any Person or Persons on behalf of the said Trustees, according to the Provisions and Directions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on account and for the Benefit of the Trusts created by this Act; and all Contracts or Agreements duly made or entered into by the respective Trustees of the said Roads, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the respective Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

New Term and Tolls liable to Debts entered into under former Acts.

IV. And be it further enacted, That from and immediately after the passing of this Act, the said Turnpike Roads shall extend and be deemed and taken to extend from the South End of the Town of *Newton Abbott* aforesaid, to *Aller Lane*, in the Parish of *Abbotskerswell* aforesaid, adjoining to the present *Dartmouth* Turnpike Road on the South Side of *Langford Bridge*, and between the same and *Kingskerswell*; and also unto and across *Keyberry Bridge*, and from thence to the Passage House at *Shaldon* in the Parish of *Saint Nicholas*; and also Three hundred Yards

Extent of the Roads.

of

of the Road leading from the East End of the said Bridge across *Milber Down*, towards *Saint Mary Church*, and from the same Bridge through *Allerpark Lane*, on the Eastern Side of *Aller Farm*, to *Broadgate Tene-ment* in *Kingskerswell*, and from thence through the Eastern End of the Village of *Kingskerswell* aforesaid, and through *Southey Lane* by *Chaplehill* to the Hotel at *Torquay*; and also from *Torquay* by *Fleet Mill* to the Lime-kiln adjoining to *Hoppaway Hill* in *Tormoham*, through the several Parishes of *Woolborough*, *Coombeintinhead*, *Stokeintinhead*, *Saint Nicholas*, *Abbotskerswell*, *Coffinswell*, *Kingskerswell*, *Saint Mary Church* and *Tormoham*, in the said County of *Devon*; and also from or near to the South End of *Chaplehill*, in the said Parish of *Tormoham*, through the Parish of *Cockington*, and from thence across a Stream or Brook called *Tuckingmill Stream*, alias *Hollacombe Lake*, into the Parish of *Paington*, unto or near to *Cleatland Cross* in the same Parish, and from thence to *Galampton Warborough Turnpike House*, and from thence through the Parish of *Churston Ferrers* by the Poor House, and *Lupton Gate* to *Monks Bridge* and *Brixham Quay* in the Parish of *Brixham*, through *Burn Street* and through the Road near to a Dwelling House occupied by *Philip Gillard* in the said Parish of *Brixham*; and also in the same Line of Road across *Galampton Warborough* aforesaid, into and through a certain Road or Highway called *Old Way Lane* unto a Place called *Collin's Grave*, and from thence to the Passage Way at *Kingswear* aforesaid, and also from *Brixham Turnpike Gate* through the present Road or Highway unto *Brixham Quay* aforesaid; and also upon and over One hundred and twenty Yards in Length on the said Two Eastern and Western Roads, across *Galampton Warborough* in the Parish of *Churston Ferrers* aforesaid; and also upon and over the Road or Highway from the North-west End of the Avenue leading to *Torr Abbey*, and from thence to *Torre Cross*; and also upon and over the Road in front of *Torre Church* to *Prowse's Cellar Field*, in the said Parish of *Tormoham*.

Certain
Roads to be
discontinued
as Turnpike
Roads.

V. And be it further enacted, That the Road leading from or near to *Cleatland Cross* aforesaid, to the End of the Lane leading out of the present Turnpike Road to *Aller Farm*, called *Aller Lane* aforesaid; and also the Road from the End of the Lane leading out of the Turnpike Road between *Newton Abbott* and *Totnes*, towards *Abbotskerswell* aforesaid, and from thence to *Five Lanes* in the Parish of *Marldon*; and also the Road from the North End of the Town of *Paington*, to *Langvers Barn*, in the said Parish of *Marldon*, and from thence to the said Turnpike Road between *Newton Abbott* and *Totnes*; and also the Road from *Galampton Turnpike Gate*, across *Galampton Warborough* through the Village of *Galampton*, to *Collins's Grave* aforesaid (except One hundred and twenty Yards thereof in Length next adjoining to the said *Galampton Turnpike Gate*; and also the Eastern Road leading from *Galampton Turnpike Gate* aforesaid, across *Galampton Warborough* aforesaid, by *Churston Court* (except One hundred and twenty Yards thereof in Length) next adjoining to the said *Galampton Turnpike House*, shall be discontinued as Turnpike Roads, and cease to form Part of the Roads under the Management of the said Trustees.

Trustees.

VI. And be it further enacted, That all and every His Majesty's Justices of the Peace acting for the said County of *Devon*, together with *John Atkins*, *Thomas Abraham*, *Robert Abraham* the younger, *George Baker* Clerk,

Clerk, *Nicholas Baker, John Moysey Bartlett, William Bartlett, William Bartlett the younger, John Adams Bartlett, Cristopher Bartlett, Henry Beake* Doctor of Divinity, *Finney Belfield Clerk, Finney Belfield the younger Clerk, John Finney Belfield, Robert Bradford Clerk, Thomas Langford Brown, Henry Langford Brown, Nicholas Brooking, Nicholas Brooking the younger, John Bastard, Henry Browse, Henry Browse the younger, John Buller Yarde Buller, Robert Butland, Gilbert Butland, Sir Henry Carew* Baronet, *Walter Palk Carew, George Cary, Henry Cary, Samuel Codner, James Nathaniel P. Cosserat, William Creed, William Creed the younger, George Henry Cutler, William Courtenay, John Distin, Thomas Distin, George Drake, George Drake the younger, John Eastly, Yarde Eastly, John Edwards Clerk, James Marwood Elton, Edward Elton, Richard Ford, George Ford, Christopher Farwell, William Farwell, James Somerville Fownes, John Yarde Fownes, Thomas Wilson France, Francis Garratt, Philip Gillard, Nicholas Gillard, William Gillard, Joseph Garrow, Arthur Howe Holdsworth, Arthur Easterbrook Holdsworth, Robert Holdsworth Clerk, Henry Joseph Holdsworth, Henry Holdsworth, William Hockin, William Hole, Thomas Holdsworth Hunt, John Hine, Arthur Hunt, Richard Hunt, Nicholas Hunt, Thomas Hunt, Jacob Harvey, William Kitson Clerk, Thomas Kitson Clerk, Edward Addicott Kitson Clerk, Edward Kitson, John Lane Kitson Clerk, Sir John Louis Baronet, Thomas Louis, George Ley, Samuel Langley, John Fownes Luttrell, Edmond Lyons, Jeffery Lang, Roger Mallock Clerk, Roger Mallock the younger, Rawlin Mallock, Aaron Neck Clerk, Lydston Newman, William Newman, Robert William Newman, Thomas Newman, Benjamin Wynn Ottley, Sir Lawrence Vaughan Palk Baronet, Lawrence Palk, Wilmot Henry Palk Clerk, Montague Edmund Parker, Montague Edmund Parker the younger, Walter Prideaux, Walter Prideaux the younger, Richard Tapper Parsons, William Rowe, William Rendle, John Seale, John Henry Seale, Henry Paul Seale, Charles Hayne Seale, Henry Studdy, Thomas Bradridge Studdy, Henry Studdy the younger, John Shepherd, John Shepherd the younger, John Sheepshanks Clerk, John Brown Smith, William Stracey Clerk, John Templer Clerk, Pierce Joseph Taylor, Thomas William Taylor, George Templer, John Waite, Aysbford Wise, William Wilking, Thomas Westcott Clerk, Bouchier William Wrey Clerk, and their Successors, shall be and they are hereby appointed the Trustees for putting the said last recited Act and this Act in Execution.*

VII. 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 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 said last recited Act, in addition to the Trustees hereby appointed, and such Trustees so elected 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 named and appointed by this Act.

Power to
appoint
additional
Trustees.

VIII. 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,

Trustees to
take an Oath
truly to exe-
cute the Acts.

[Local.]

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and

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, exe-
 ‘ cute 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.’

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
the Trustees.

IX. And be it further enacted, That the said Trustees, or any Three or more of them, shall meet at the *Crown and Anchor* at *Paington*, or at some other convenient House or Place on or near the said Road, on the Twentieth Day of *May* next after the passing of this Act, or as soon after as may be convenient, for the Purpose of carrying the said last recited Act and this Act into Execution: Provided always, that the general Monthly and other Meetings of the Trustees shall be holden at *Torquay*, *Dartmouth*, or *Paington*, and Quarterly Meetings at *Torquay*, *Dartmouth*, or *Newton Abbott*.

Old Officers
may continue
until others
are appoint-
ed.

X. 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 Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

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

Books used under former Acts to be Evidence.

XII. 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 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, 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 last recited Act and this Act.

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

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 under their Management, erected by virtue of the said recited Acts, or which shall or may be erected by virtue of this Act, shall 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 under their Management; and upon the Sides thereof respectively, and also across any Lane or Way leading into or out of the same (except as is herein-after mentioned), 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 Three 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.

Trustees may erect Gates.

XIV. 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 Roads, 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 Out-houses, 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, 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

Power to sell the present Toll Houses.

cumbrances 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.

Power to
take Tolls.

XV. And be it further enacted, That from and after the passing of this Act, it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act, Collector or Collectors of Tolls at the several and respective Gates erected or to be erected by virtue of this Act, and they are hereby authorized and empowered to demand and take the several Tolls and Duties following, before any Horse, Cattle, or Carriage shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, Mule, Ass, or other Animal, drawing any Coach, Chariot, Landau, Chaise, Chaise Marine, Car, Calash, Caravan, Hearse, Litter, Berlin, Barouche, Chair, Gig, or other such like Carriage, the Sum of Nine-pence:

For every such Carriage with Four Wheels affixed to any Waggon or Cart, One Shilling and Sixpence:

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

For every Horse, Mule, Ass, or other Beast of Burthen not drawing, One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, One Shilling and Eight-pence *per* Score, and in that Proportion for any greater or less Number:

For every Drove of Calves, Swine, Hogs, Sheep, or Lambs, Ten-pence *per* Score, and in that Proportion for any greater or less Number:

For every Horse, Mule, Ass, or other Animal drawing any Waggon, Wain, Cart, Tumbril, Dray, Sledge, or other such Carriage, the Sum of Ten-pence:

For every Horse, Mule, Ass, or other Animal drawing any Waggon, Wain, Cart, Tumbril, Dray, or other such Carriage, laden with Timber, the Sum of One Shilling and Three-pence:

Which said respective Sums of Money shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed.

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

Chaises with
fresh Hiring.

XVI. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts drawing 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 several 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 or other Carriage travelling for Hire, for every Time of passing or repassing
along

along the said Roads, on the same Day, with a Ticket denoting a fresh Hiring.

XVII. And be it further enacted, That no Toll shall be demanded or taken for any Carts, Waggon, Horses, or other Carriages or Cattle used for drawing or carrying Culm solely for burning Lime for Manure, or for the Carriage of Lime to be used in the Improvement of Land.

Exemption from Part of the Toll.

XVIII. And whereas it hath been deemed necessary to erect a Turnpike Gate near *Tucking Mill Stream* alias *Hollacombe Lake*, in order to provide a Fund for making and repairing that Part of the said Road, and to prevent Fraud and Evasion in Payment of the Tolls on other Parts of the said Roads; but that in consequence of the short Distance Travellers on the said new Road will pass through such new Gate, it hath been proposed that only Half Toll shall be collected at such new Gate; be it therefore further enacted, That when a Turnpike Gate or Toll House shall be erected between *Tucking Mill Brook* alias *Hollacombe Lake* and *Paington*, only One Half of the Tolls which shall be payable at the several other Gates erected or to be erected on the said Roads for Horses or other Animals drawing any Waggon, Carts, or other Wheel Carriages, shall be paid upon passing through such Toll Gate near *Tucking Mill Brook* alias *Hollacombe Lake* aforesaid.

Half a Toll only to be taken at the Gate between *Hollacombe Lake* and *Paington*.

XIX. And be it further enacted, That it shall be lawful for the said Trustees to erect and build one or more Turnpike or Toll House, Turnpikes or Toll Houses, anywhere between the South End of the said Town of *Newton Abbott* and *Keyberry Bridge* aforesaid, in lieu of the present *Keyberry Bridge Gate*, and another Turnpike or Toll House on the Western Side of the *Tucking Mill Stream* alias *Hollacombe Lake* aforesaid, and between such Stream and the Town of *Paington*; and that the Tolls by this Act and the said last recited Act granted shall be charged and payable at the present *Keyberry Bridge Gate* until the said new Gate is erected as aforesaid; and from thence, such Toll shall be taken at the Gate or Gates so to be erected between *Newton Abbott* and *Keyberry Bridge*: Provided always, that no Toll Gate or Toll House shall at any Time be erected or set up between the Town of *Paington* and *Cleatland Cross*, or between the said *Tucking Mill Stream* or *Hollacombe Lake*, and *Chaplehill* aforesaid.

Trustees may set up certain Gates.

No Gate to be erected between *Paington* and *Cleatland Cross*, &c.

XX. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or be payable for any Horse or other Animal drawing any Sort of Wheel Carriage, which shall pass on the same Day through all the Turnpike Gates erected on the Road from the South End of *Newton Abbott* to *Brixham Quay*, or the Passage Way at *Kingswear*, or to *Paington*, *Torquay*, or *Shaldon*, unless the said Trustees, at any public Meeting to be held in pursuance of Notice to be given for that Purpose, shall order that another or additional Half Toll shall be collected for carrying the Purposes of this Act and the last recited Act into Execution; and in that case, such Half Toll shall be collected and paid for every Horse or other Animal drawing any such Wheel Carriage, Waggon, or Cart, as shall pass through the said *Galampton Warborough Gate*, and *Keyberry* or *Newton Abbott Gate* on the same Day; but that in no case shall more than One full Toll and a Half be payable for any

Limiting the Toll to be taken on Wheel Carriages on the Road between *Newton Abbott* and *Brixham Quay*, &c.

[Local.]

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Wheel

Wheel Carriage, Waggon, or Cart, or Cattle drawing the same, for passing on the same Day through the Gates erected or to be erected on the Road between the South End of *Newton Abbott* and *Brixham Quay*, or the Passage at *Kingswear* aforesaid.

Leases
vacated.

XXI. And be it further enacted, That from and after the Twenty fourth Day of *June* next, all Demises, Leases, and Agreements for Leases of the Tolls heretofore granted shall cease and be void; and the said Trustees are hereby required to make a fair and just Compensation and Satisfaction to the present Lessee or Lessees of the said Tolls, for any Loss or Damage which he, she, or they shall and may sustain thereby, in case the same shall be demanded; and such Compensation and Satisfaction shall and may be recovered by such Lessee or Lessees from the said Trustees, in case of Refusal to make the same, on Demand made to their Clerk or Treasurer, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection or Wager of Law, or more than one Imparlance, shall be granted or allowed.

Application
of Money.

XXII. And be it further enacted, That all the Monies which before the Commencement of this Act shall have been raised or produced by virtue of the said Acts hereby repealed, and which shall remain undisposed of, as also all other Monies which shall arise or be produced by virtue of this and the said last recited Act, shall be paid, disposed of, and applied to and for the several Purposes, and in the Order and Manner following; (that is to say), in the first Place, in Payment of all the Costs, Charges and Expences which shall be incurred in applying for and obtaining and passing this Act; in the second Place, in Payment of the Interest now due or that shall become due on the Debt and Debts, Sum and Sums of Money which shall be due and owing on the Credit of the said recited Acts at the Time of passing this Act, and afterwards in defraying the Expences of purchasing the Houses and Lands which have been, or shall or may be necessary for the making and completing the said Roads and keeping the same in repair, and in erecting and building the Hedges, Fences, and Bridges already begun, or hereafter to be begun, and for erecting Mile Stones, Direction or other Posts, Toll Gates and Toll Houses, by the said last recited Act or this Act authorized or required to be made or set up; and in the last Place, in paying off and discharging the Principal Monies which have been borrowed by virtue of the said Acts hereby repealed, or hereafter to be borrowed, contracted, or secured, with the Interest of the Debts to be borrowed by virtue of this Act or the said last recited Act; which Reduction, Payment and Discharge last-mentioned, shall be made rateably or by Lot among all the Creditors, as the said Trustees shall think just and proper, without any Priority or Preference whatsoever.

Road to be
made accord-
ing to the
Map or Plan
deposited at
the Office of
the Clerk of
the Peace.

XXIII. And whereas a Map or Plan, describing the Line of the said intended Road, and the Lands, Hereditaments, and Premises through or over which the same is to be made or carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have 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 the Book of

Reference

Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all seasonable Times 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 the Sum of Five Shillings for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Road shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Premises such Deviation shall be made.

Trustees in making the Road not to deviate more than 100 Yards.

XXIV. Provided always, and be it further enacted, That if any of the Houses or Lands laid down or described in the Line of Road on the Map or Plan thereof, or the Occupiers of any Part thereof, shall be misnamed or inaccurately described or be omitted, such Misnomer, inaccurate Description or Omission, shall not prevent or retard the Execution of this Act in respect of the said intended new Roads; but the several Premises and every Part thereof shall and may be purchased for the Purposes thereof, as fully and effectually as if the same were inserted and properly named; provided it shall appear to any Two Justices of the Peace of the said County, and be certified in Writing under their Hands, that such Misnomer, inaccurate Description or Omission, proceeded from Mistake; and it shall be lawful for the said Trustees, and they are hereby fully empowered from Time to Time to make, vary, or alter the said Roads, or any Part thereof, first making Satisfaction to the Owners and Occupiers and Persons interested for the Lands taken and Damage done thereby; and for that Purpose it shall be lawful for the said Trustees or their Clerk or Agent to treat and contract with the Owners of and Persons interested in the Lands and Hereditaments through which any Part of such Roads shall be intended to pass, for the Purchase thereof respectively, and for the Loss or Damage which shall or may be sustained by varying or altering the Line of any Part of such Road.

Lands may be used notwithstanding misnomer in the Book of Reference.

XXV. Provided also, and be it enacted, That the Power 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 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, Gardens, Yards, Parks, Paddocks, planted Walks, Avenues, and Nurseries for Trees, as are described in the said Map or Plan and Book of Reference as aforesaid.

Trustees restrained from pulling down Dwelling Houses without Consent of the Owners.

XXVI. 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 Partner of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ

Trustees not to appoint the same Person to Two Offices.

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; and 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 Imparlanse shall be allowed.

Bridge over
Hallacombe
Lake may be
removed.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees to remove the present Bridge across the Stream called *Tucking Mill Stream* or *Hollacombe Lake*, between the said Parishes of *Cockington* and *Paington*, and to build another Bridge, and make a new Road thereto higher up on the same Stream, in lieu of the present Bridge across the said Stream, and from thenceforth the Road now leading to the present Bridge shall, on each Side thereof from the Commencement of the said new Road, cease to be a Road.

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

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 Fourteen 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

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 Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain out of any Monies which he shall receive in pursuance of the said last recited Act or this Act, all such Costs, Charges and Expences as he shall be put unto by virtue of any such Order as aforesaid.

XXIX. 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

Regulations
as to Per-
formance of
Statute
Work.

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 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 of the said Trustees; and in all Cases when such Composition shall have been fixed and settled by the said Justices, it shall be lawful for the said Trustees to demand and receive Payment thereof in Money, in lieu of Statute Labour or Work on the said Roads.

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.

Commencement and Continuance of the Act.

XXXI. And be it further enacted, That this Act shall commence from the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1823.