

Money have been borrowed on the Credit of the Tolls thereby granted and continued, which still remain due and owing: And whereas the said Roads may be greatly improved, and it would be of general Public Utility if Powers were given to widen, divert, turn, vary, or alter several Parts of the said Roads; and also to widen, divert, turn, vary, alter, improve, make Turnpike, and maintain in repair, several Pieces of old Road herein-after mentioned, now communicating with the said Roads; and also to make and maintain in repair certain new Roads herein-after mentioned, to communicate with the said Roads: And whereas the Money due on the Credit of the said Tolls cannot be repaid, nor can the said Roads be effectually made, amended, diverted, varied, altered, widened, improved, and maintained in repair, unless the Powers and Provisions of the said recited Acts are enlarged and altered, and the Tolls increased: 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*: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: 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 from and after the First Day of *May One thousand eight hundred and twenty-seven*, the said recited Acts of the Third, Twenty-fourth, and Forty-sixth Years of His late Majesty shall be and the same are hereby declared to be repealed; and that this Act, and the Term and Tolls hereby granted respectively, shall thenceforth commence and take effect, and shall be and are hereby made subject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 said recited Acts, or either of them, and of all Interest due and to grow due thereon respectively, as fully to all Intents and Purposes as if such Monies had been borrowed or become due on the Credit or on account of this Act.

Repeal of the first Three recited Acts.

Term and Tolls of this Act liable to Debts due under former Acts.

Roads subject to this Act:

South Molton Road.

II. And be it further enacted, That this Act shall be put in execution for the Purpose of making, amending, diverting, varying, altering, widening, improving, and maintaining in repair the several Roads herein-after mentioned; (that is to say,) the present Turnpike Road leading from the East End of *Litchdon Street* in the Town of *Barnstaple* aforesaid, through the several Parishes of *Barnstaple*, *Bishop's Tawton*, *Landkey*, and *Swimbridge*, to a certain Place called *Kerscott Hill* in *Swimbridge* aforesaid, from whence the *South Molton* Turnpike leads to the Town of *South Molton* in the said County; also the present Turnpike Road leading from the said last-mentioned

Road at or near the *Rose and Crown Inn* in the Village of *Newport* in the said Parish of *Bishop's Tawton*, through the several Parishes of *Bishop's Tawton*, *Tawstock*, *Atherington*, *High Bickington*, *Burrington*, and *Ash Reigney*, to a certain Place called *Hansford Bridge*, and from thence through the Parish of *Chulmleigh* to the Town of *Chulmleigh*; also the present Turnpike Road from the Foot of *Coddon Hill*, near the Village of *Bishop's Tawton*, through the several Parishes of *Bishop's Tawton*, *Swimbridge*, *Chittlehampton*, *Warkleigh*, and *Chulmleigh*, to a certain Moor or Common in the said Parish of *Chulmleigh* called *Beacon* otherwise *Bicton Moor*, from whence the *South Molton* Turnpike leads towards the City of *Exeter*; also for making a new Road through the Vale of the River *Taw*, or diverting the present Road from or near a Bridge called *New Bridge* in the Parishes of *Bishop's Tawton* and *Tawstock*, through the several Parishes of *Bishop's Tawton*, *Tawstock*, *Atherington*, *High Bickington*, *Burrington*, *Ash Reigney*, *Chittlehampton*, *Warkleigh*, *Kingsnympton*, *Chulmleigh*, *Eggesford*, *Wembworthy*, and *Charleigh*, to a certain Bridge called *Eggesford Bridge* in the said Parish of *Charleigh*, there to meet and unite with a Turnpike Road which is about to be made by the Trustees of the *Exeter* Turnpike, to lead to the City of *Exeter*; also for making a new Road from or near a Place called *Colleton Bridge* in the Parishes of *Chulmleigh* and *Ash Reigney*, through the several Parishes of *Chulmleigh*, *Ash Reigney*, *Burrington*, *Roborough*, and *High Bickington*, to a Place called *Dipford* in the said Parish of *High Bickington*, there to meet and unite with the Turnpike Road leading from the City of *Exeter* to the Town of *Great Torrington*; also for making a new Road from or near a Place called *Newnham Bridge*, between the Parishes of *Chulmleigh* and *Burrington*, to a Place called *Meath Mill* in the Parish of *Kingsnympton*, so as to improve the Communication between the City of *Exeter* and the Town of *South Molton*, which said last-mentioned new Road will pass from, into, or through the several Parishes of *Burrington*, *Chulmleigh*, *Kingsnympton*, *Warkleigh*, *Chittlehampton*, *Saterleigh*, and *Georgenympton*; also the present Turnpike Road leading from the *Long Bridge* in *Barnstaple* aforesaid, through the several Parishes of *Tawstock*, *Newton Tracey*, *Fremington*, *Alverdiscott*, *Huntshaw*, *Great Torrington*, *Little Torrington*, *Peter's Marland*, *Petrockstow* otherwise *Padstow*, *Meath*, and *Hatherleigh*, to the Town or Village of *Hatherleigh*; also the present Turnpike Road leading from the Way Post near *Heale Farm* in *Tawstock* aforesaid, through the several Parishes of *Tawstock*, *Fremington*, *Westleigh*, and *Bideford*, to the Town of *Bideford* in the County of *Devon*; also the present Turnpike Road leading from the said Town of *Bideford* through the several Parishes of *Bideford*, *Wear Gifford*, *Huntshaw*, and *Great Torrington*, to the Town of *Great Torrington* aforesaid; also for making a new Turnpike Road from or near a Turnpike Gate called *Sticklepath Gate* in the Parish of *Tawstock* near the Town of *Barnstaple* aforesaid, to the Town of *Bideford* aforesaid, by way of *Instow*, through the several Parishes of *Tawstock*, *Fremington*, *Instow*, *Westleigh*, and *Bideford*; also for making a new Turnpike Road from the Town of *Barnstaple*, at the South End of *Pilton Bridge*, through the several Parishes of *Barnstaple*, *Pilton*, *Sherwill*, *Marwood*, *Bittadon*, *West Down*, *Berrynarbour*, and

Chulmleigh Road.

Chittlehampton Road.

New Road through the Vale of the Taw.

Dipford Road.

Meath Mill Road.

Torrington Road.

Bideford Road.

Road from Bideford to Torrington.

Bideford Road by way of Instow.

Ilfracombe Road.

Shirwell
Road.

Braunton
Road.

Braunton
and Ilfra-
combe Road.

and *Ilfracombe*, to the Harbour of *Ilfracombe* aforesaid; also for making a new Turnpike Road from or near the South Gate of the Churchyard in *Pilton* aforesaid, through the said several Parishes of *Pilton* and *Shirwell*, to a Place called *Shirwell Cross* in the said Parish of *Shirwell*; also for making a new Turnpike Road from or near the South Gate in the Churchyard of *Pilton* to the Town or Village of *Braunton*, which said last-mentioned new Road will pass from, into, or through the several Parishes of *Pilton*, *Ashford*, *Heanton*, *Punchardon*, and *Braunton*; and also for making a new Turnpike Road from the said last-mentioned Road through the Village of *Braunton* and the Parishes of *Braunton*, *Georgeham*, *West Down*, *Morthoe*, and *Ilfracombe*, to the Town and Harbour of *Ilfracombe* aforesaid; all which said Roads are situate in the County of *Devon*.

General
Turnpike
Acts to ex-
tend to this
Act.

III. 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 the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied or altered or otherwise provided for by this Act,) and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein expressly contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had been respectively repeated and re-enacted in the Body of this Act.

Persons in-
debted to
the former
Trustees to
account to
Trustees of
this Act.

IV. And be it further enacted, That 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 Trustees for carrying the said recited Acts hereby repealed into Execution, 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.

Bonds, Con-
tracts, &c.
under former
Acts to re-
main in force.

V. And be it further enacted, That all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees respectively, or any of them, for carrying the said recited Acts hereby repealed into Execution, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same be fully satisfied and performed; and all Contracts and Agreements duly made or entered into by the respective Trustees of the said Roads to or with any Person or Persons shall, so far as the same are not altered or avoided by this Act, 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

the Repeal of the said recited Acts, or any Law to the contrary notwithstanding.

VI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first Three recited Acts, (kept according to the Directions or Provisions thereof,) and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others, in such and the same Manner as if the said recited Acts had not been repealed.

Books under former Acts may be given in Evidence.

VII. Provided also, and be it further enacted, That all Persons who are or have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said first Three recited Acts, or who have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for, pay, and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act are by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty required to pay or account for the same.

Officers under former Acts to account to Trustees under this Act.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Devon*, together with *James Arthur Clerk, Arthur Davie Bassett, George Acland Barber, Richard Buck, William Bruton, Charles Bruton, Stephen Bencraft, Thomas Burnard, John Brown, Admiral Bowen, Philip Bremridge, John Bowen, John Bremridge, Richard Bremridge, Samuel Bremridge, Francis Bassett Clerk, Francis Berry, Richard Bawden Clerk, George Burgess Clerk, James Buckingham Clerk, Richard Bryan Clerk, Sir Arthur Chichester Baronet, Charles Chichester, Robert Chichester, Arthur Chichester, John Palmer Bruce Chichester, Charles Carter, Charles Cutcliffe, Charles Newell Cutcliffe, Isaac Clarke, Richard Pine Coffin junior, John Webber Cross, John Dudley Oland Cross, William Callon junior, Robert Chichester Clerk, Charles Chichester Clerk, James Chichester Clerk, Benjamin Clay Clerk, Edmund Herring Caddy, Pelham Clay Clerk, William Churchward Clerk, Zachary Hammett Drake, Zachary Hammett Drake junior, Henry Drake, Anthony William Johnson Deane, Edward Down, Charles Davie Clerk, William Dickenson Clerk, the Honourable George Fortescue, Henry Arthur Wallop Fellows, John Henry Furse, William Fortescue Clerk, Admiral Glynn, John Gribble, Charles Besley Gribble, William Gimmingham Clerk, Robert Harding, William Hole, John Horden, Thomas Harris, Richard Harding, Richard Harding junior, Thomas Harding, John Limebear Harding Clerk, Charles Hiern Clerk, Henry Hiern Clerk, Francis Hole Clerk, George Hole Clerk, John Tossel Johnstone Clerk, Peter Johnstone Clerk, John Knight, John Lock, Thomas Lee, George Ley, James Smith Ley, James Smith Peard Ley, Anthony Loveband, William Law junior, William Langdon, John Lee, Hanning Lee,*

Trustees.

[Local.]

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Henry

Henry Luxmoore Clerk, John Law Clerk, Thomas Law Clerk, Arthur Forbes Lloyd Clerk, the Very Reverend John Landon, John Landon Clerk, Samuel Thompson Marshall May, James Gordon Morgan, John Marshall, John Mallett, James Meeke, John Moore Clerk, Samuel Thompson May Clerk, George Morgan Clerk, John May, Edward Thompson May Clerk, William Mules Clerk, Charles Mules Clerk, John Nott, Henry Nicholls Clerk, Hugh Northcott Clerk, Thomas Owen junior, George Owen, William Overend, John Partridge, Richard Preston, William Scott Preston, Thomas Pugsley, Joseph Prust Prust Clerk, John Pyke, John Pyke Clerk, Benjamin Radford, Robert Riddle, John Russell junior, Clerk, John Rowe Clerk, Edward Richards Roberts, Charles Roberts, Thomas Stevens, John Sloley, John Slade, William Scott, William Spurway Clerk, Charles Sweet Clerk, Charles Barker Sweet Clerk, Palmer Stawell Clerk, John Spurway Clerk, the Honourable Charles Trefusis, the Honourable George Trefusis, William Short Tyeth, William Tardrew, Michael Toutt, John Torr Clerk, William Vye, Nathaniel Vye, William Blackmore Vye, Nathaniel Vye junior, Bouchier Robert Wrey, Bouchier Henry Wrey Clerk, William Long Wrey, John Whyte, Henry Webber, Sir James Hamlyn Williams Baronet, James Hamlyn Williams, Orlando Hamlyn Williams Clerk, John Williams, James Williams, William Walter Clerk, Richard Walter Clerk, Thomas Wren, Dennis Yonge Clerk, Frederick Yonge, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby declared to be Trustees for putting into Execution this Act, and such of the Powers and Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.

First Meeting
of Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the Guildhall or some other convenient Place in the Town of *Barnstaple*, within Thirty Days next after the Commencement of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon, or as soon after as conveniently may be, and shall then and there proceed to put the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution.

Officers to
continue un-
til removed
by Trustees.

X. And be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Surveyor, Collector of the Tolls, and other Officer and Officers 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, Surveyor, Collector, or other Officer or Officers, shall have the like Powers and Authorities for carrying the said recited Acts of the Third and Fourth Years 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. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or may be appointed to act as Clerk in the Execution of the said Acts or this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or the Clerk or other Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk for the Purposes of this Act; 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 the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk for the Purposes of this Act, or if any such Treasurer shall accept any Place or Office of Trust or Profit under the said Trustees other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts at *Westminster*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Clerk and
Treasurer
not to be the
same Person.

XII. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes and Toll Houses now standing and being in or upon or across the said Roads, or on the Sides thereof, and also to erect and set up and build, or cause to be erected, set up, and built, upon and in or across the said Roads by this Act directed or authorized to be repaired and amended or made, or any Part thereof, or upon the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, making a reasonable Satisfaction for the same; and from Time to Time to take down and remove, or alter or discontinue the same, or any of them, as they the said Trustees shall think proper, and direct and appoint:

Power to
erect Gates.

appoint : Provided always, that such Garden Spots shall not be taken within any Woodland, Paddock, Park, Garden, or ornamental Ground, without the Consent of the Owner or Proprietor of the Land required for such Garden first had and obtained.

Tolls.

XIII. And be it further enacted, That from and after the Eighth Day of *September* One thousand eight hundred and twenty-seven, the respective Tolls following shall (subject to the Provisions, Restrictions, and Exemptions in this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty contained,) be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate now set up and continued, or that shall hereafter be set up upon, across, and by the Sides of the Roads by this Act directed to be amended, improved, and kept in repair, by each and every such Person and Persons as the said Trustees shall from Time to Time, by virtue of this Act, continue or appoint to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate ; (that is to say),

Light Carriages.

For every Horse or other Beast drawing any Coach, Stage Coach, Landau, Chariot, Chaise, Phaeton, Caravan, Hearse, Litter, Chair, Gig, Taxed Cart, or other such light Carriage, a Sum not exceeding Sixpence :

For every such Carriage with Four Wheels, affixed to any Waggon, Cart, or other Carriage, a Sum not exceeding Sixpence :

And for every such Carriage with Two Wheels, affixed to any Waggon, Cart, or other Carriage, a Sum not exceeding Threepence :

Common Carriages of Burthen.

For every Horse, Mule, Ass, or other Animal drawing any Waggon, Wain, Dray, Cart, Tumbrel, Drag, Sledge, or other such Carriage, a Sum not exceeding Four-pence :

Timber Tolls.

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, when laden with Timber, where the same shall be drawn by not more than One Horse or other Beast, having the Fellies of the Wheels of less Breadth than Six Inches, a Sum not exceeding Sixpence ; and of the Breadth of Six Inches, a Sum not exceeding Four-pence :

And when drawn by Two Horses or other Beasts, having the Fellies of the Wheels of less Breadth than Six Inches, a Sum not exceeding One Shilling ; and of the Breadth of Six Inches, a Sum not exceeding Sixpence :

And when drawn by Three Horses or other Beasts, having Four Wheels, and the Fellies of the Wheels of less Breadth than Six Inches, a Sum not exceeding One Shilling ; and of the Breadth of Six Inches, a Sum not exceeding Sixpence ; and having but Two Wheels, and the Fellies of the Wheels of a less Breadth than Six Inches, a Sum not exceeding Two Shillings ; and of the Breadth of Six Inches, a Sum not exceeding One Shilling :

And

And when drawn by Four Horses or other Beasts, having Four Wheels, and the Fellies of the Wheels of less Breadth than Six Inches, a Sum not exceeding One Shilling; and of the Breadth of Six Inches, a Sum not exceeding Sixpence; and having but Two Wheels, and the Fellies of the Wheels of a less Breadth than Six Inches, a Sum not exceeding Two Shillings and Sixpence; and of the Breadth of Six Inches, a Sum not exceeding One Shilling and Three-pence:

And when drawn by Five Horses or other Beasts, having the Fellies of the Wheels of a less Breadth than Six Inches, a Sum not exceeding One Shilling; and of the Breadth of Six Inches, a Sum not exceeding Sixpence:

And when drawn by more than Five Horses or other Beasts, having the Fellies of the Wheels of a less Breadth than Six Inches, a Sum not exceeding One Shilling and Three-pence; and of the Breadth of Six Inches, a Sum not exceeding Sixpence:

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, a Sum not exceeding Three Half-pence: Horses, &c.
not drawing.

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of Ten-pence *per* Score; and so in proportion for a greater or less Number: Other Cattle.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in proportion for a greater or less Number:

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 for the Purposes of this Act in manner herein-after directed.

XIV. And be it further enacted, That One Half Toll, and no more, shall be demanded or taken for any Horses or other Beasts, Carts or other Carriages, when employed only in carrying or conveying Lime, Salt, or Sea Sand to be used solely for Manure; and no Toll shall be taken for such Horses, Beasts, Carts, or Carriages when going empty to fetch, carry, or convey, nor when returning empty from carrying or conveying such Lime, Salt, or Sea Sand, whether the same shall go and return the same Day or not; and if any Person shall claim or take the Benefit of the said Exemption not being legally entitled to the same, any Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds; and the Proof of Exemption shall lie on the Person claiming the same. Only Half
Toll for Lime
or Salt for
Manure.

XV. Provided always, and be it further enacted, That if any Person or Persons shall pay the respective Tolls by this Act granted and made payable in respect of any Horse, Beast, Cattle, or Carriage whatsoever, at any Gate or Turnpike that shall by virtue of this Act be set up or erected, or be continued upon or across or on the Sides of any of the said Roads, such Horse, Beast, Cattle, or Carriage shall be permitted to pass, return, and repass at any Time or Times during Tolls to be
taken but
Once a Day
at any Gate.

[*Local.*]

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during

during the same Day, to be computed and reckoned from Twelve of the Clock in one Night to Twelve of the Clock in the next Night, through the same Gate or Turnpike, or any other Gate or Turnpike within Four Miles thereof, Toll-free, (save and except in the several Cases herein-after mentioned, or any of them,) on a Note or Ticket of the Day, denoting such Payment, being produced; and such Notes or Tickets, the said Collectors of the Tolls at the several Gates or Turnpikes erected or to be erected or set up by virtue of this Act, are hereby directed to give *gratis* (if demanded) on Receipt of the Toll.

Stage Coaches
to pay every
Time of
passing.

XVI. Provided also, and be it further enacted, That the said Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other public Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads.

Hired Car-
riages to pay
on every fresh
Hiring.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise or other Carriage, for every Time of passing along the said Road, whenever any new Hiring thereof shall take place.

Each Load
of Timber to
pay.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable for the Horses or other Beasts drawing Carriages when laden with Timber shall be paid for and in respect of every Load of Timber passing along the said Roads; and that unconverted Plank, Beams, Joists, Rafters, and Spars, shall be deemed and considered as Timber, and liable to the Tolls hereby made payable for and in respect of Timber, or the Horses or other Beasts drawing the same.

Exempting
empty Timber
Carriages.

XIX. Provided also, and be it further enacted, That no Toll shall be taken for any Horses or other Beasts drawing any Carriage when going empty to fetch, carry, or convey, nor when returning empty from carrying or conveying Timber.

Limitation
of Tolls.

XX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or their Collector or Collectors, to demand or take more than the respective Number of Tolls herein-after mentioned for or in respect of the same Horses, Cattle, or Carriages, for passing in any One Day (to be computed as aforesaid) over the whole Line or Lines of the said several Roads as after mentioned; (that is to say),

On the Road from *Barnstaple* to *Kerskott Hill*, not more than Two full Tolls:

On each of the Roads from *Barnstaple* to *Chulmleigh*, not more than Three full Tolls:

On the new Line of Road from *Barnstaple* to *Eggesford Bridge*, not more than Four full Tolls:

On the Road from *Barnstaple* to *Bideford*, not more than Two full Tolls :

On the Road from *Barnstaple* to *Torrington*, not more than Two full Tolls :

On the Road from *Torrington* to *Hatherleigh*, not more than Two full Tolls :

On the Road from *Bideford* to *Torrington*, not more than Two full Tolls :

On the Road from *Barnstaple* to *Ilfracombe*, not more than Two full Tolls :

On the Road from *Barnstaple* to *Braunton*, not more than One full Toll :

On the Road from *Braunton* to *Ilfracombe*, not more than Two full Tolls :

And on the Road from *Pilton* to *Shirwell Cross*, not more than One full Toll.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors of Tolls employed by them, to levy and collect a Second full Toll or Half Toll, or any Part thereof respectively, on any of the said Roads, within the Distance of Four Miles upon the said Roads of any Gate, Bar, or Chain at which any Toll shall have been paid ; save only and except the Tolls herein-after granted for widening and improving the Roads to and through the said Town of *Ilfracombe*.

No Second Toll to be collected within Four Miles.

XXII. And be it further enacted, That the said Trustees shall and they are hereby required to erect, set up, and continue upon the several Branches of Road comprised in this Act One or more Toll Gate or Gates, Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions in this and the said recited Acts contained.

Tolls on Branches of Road.

XXIII. And be it further enacted, That the said Trustees, or any Three or more of them, shall, and they are hereby directed and required, at some general or adjourned Meeting to be held in pursuance of this Act, to order and direct such Part or Proportion of the Tolls granted and made payable by this Act, as such Trustees or the major Part of them so present shall think proper, not less than Five Pounds *per Centum*, and not exceeding Ten Pounds *per Centum*, upon the clear Produce of such Tolls, to be set aside and appropriated for and towards the Reduction of the Debt which has been already incurred by virtue of the said recited Acts or the former Acts hereby repealed, or which shall or may arise or be incurred by virtue of this Act ; and from Time to Time to apply and dispose of the Monies so set aside in the Redemption and Purchase of such Deeds Poll and Securities, in such Manner as the said Trustees, or any Three or more of them, at any general or adjourned Meeting, think proper.

Fund for buying up outstanding Securities.

XXIV. And be it further enacted, That the Tolls and all other Monies to be received by virtue of this Act, as also all the Monies which

Application of Money arising from the Tolls.

which, at the Time of the passing of this Act shall have been raised or produced under the said Three recited Acts hereby repealed, and shall be then undisposed of, shall be applied as herein-after mentioned; (that is to say), in paying and defraying all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for Money advanced by any Person or Persons for that Purpose; also in paying the Interest of the Principal Monies borrowed or raised under the said recited Acts, and which may be borrowed or raised under the Powers of the said recited Acts of the Third and Fourth Years of His present Majesty, or of this Act, on the Credit of the Tolls arising on the said Roads; also in defraying the Expences of purchasing the Houses and Lands necessary for making and completing the said Roads and keeping the same in repair, and in erecting and building the Hedges, Fences, and Bridges necessary for the Purposes aforesaid; also in applying a Sum of Money annually for the Purpose of redeeming the Debt, as by this Act is directed, and in erecting Gates or Turnpikes and Toll Houses where necessary, and in making, altering, widening, improving, amending, and repairing the several Roads; also in paying and defraying all Salaries and all other Expences necessary for carrying this Act into Execution; and also in paying off and discharging the Principal Monies already borrowed or raised under or by virtue of the said former Acts hereby repealed, or to be by them the said Trustees borrowed or raised under or by virtue of the said recited Acts of the Third and Fourth Years of His present Majesty or of this Act.

Tolls not to be applied in repair of Streets.

XXV. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of this Act shall be laid out or expended in repairing the Roads or Streets in any Market Town, any thing herein-before contained to the contrary in anywise notwithstanding, save only and except any Sum or Sums of Money arising from the Tolls herein-after granted for widening and improving the Road through the Town of *Ilfracombe*.

No Priority amongst Creditors.

XXVI. And whereas the Creditors on the said Roads have consented and agreed that all the Tolls on the said Roads shall be charged with the Payment of all Debts due and to become due thereon, without Preference to any Creditors; be it therefore further enacted, That all Sums of Money which have been borrowed and are now due and owing under any or either of the said recited Acts on the Credit of the Tolls arising on certain Parts only of the said Roads, and all Poll Deeds and other Securities given or granted for the same, charged on the Tolls arising on certain Parts only of the said Road, shall, from and after the passing of this Act, be charged and chargeable upon and payable out of all the Tolls hereby granted and which shall be collected under this Act, so that all the Creditors of the said Trust may be placed on an equal Footing one with another, and that there shall be no Preference given to the Persons advancing any Part or Parts of the gross Sums which shall be borrowed by virtue of this Act, or which have been borrowed by virtue of the said recited Acts or the former Acts hereby repealed, in respect of the Priority of advancing his, her, or their Part or Parts thereof, but that

that all such Lenders and Proprietors of Mortgages under this Act, or Mortgages or Deeds Poll under the said recited Acts or the said former Acts hereby repealed, so far as the said several gross Sums shall extend, shall be and are hereby declared to be Creditors on all the said Tolls in equal Degree one with another.

XXVII. And whereas the Sums of Money which have been borrowed and are now due and owing under the said recited Acts and the said former Acts hereby repealed are secured by Mortgages or Poll Deeds, with Interest at the Rate of Four Pounds *per Centum per Annum*: And whereas it may be necessary to give a higher Rate of Interest for the Money which will be required for making and repairing the said new Roads: And whereas it is deemed expedient that the said Trustees should be empowered to increase the Rate of Interest payable on such Mortgages and Poll Deeds, so as to place all the Creditors of the said Trust on an equal Footing; be it therefore further enacted, That it shall be lawful for the said Trustees, by a Resolution to be entered into at any of their Meetings, to increase the Rate of Interest payable on the Mortgages and Poll Deeds which have been granted under the said recited Acts or the said former Acts hereby repealed, without granting fresh Mortgages or Poll Deeds for the same, so that all the Creditors under this Act and under the said recited Acts and the former Acts hereby repealed, may receive the same Rate of Interest, and be placed on an equal Footing one with another.

Rate of Interest on Mortgages may be increased.

XXVIII. And be it further enacted, That all and every Leases and Lease or Letting of the Tolls arising on the said Roads, granted and made or agreed upon by the Trustees for executing the said recited Acts, and the several Covenants thereof, shall, notwithstanding the Repeal of the said recited Acts, remain and continue in full Force and Effect, until the Expiration of the Term thereby respectively granted or agreed for, or until any other legal Determination of any such Lease or Letting; and the same and the respective Grantees shall be subject to the Powers and Provisions of this Act, in the same Manner as if such Leases or Lease or Letting had been granted or made or agreed upon by the Trustees for executing this Act, and as if the Trustees granting, making, or agreeing upon the same had been Trustees for executing this Act; and the Tolls now payable and received at the Gates erected on or by the Sides of the said Roads, and none other, shall continue to be paid and received until the Expiration of the said Leases at the End of the current Year of their Term, when the same will expire by Effluxion of Time.

Existing Leases of Tolls to continue and former Tolls, and none others to be received till such Leases expire.

XXIX. And whereas Maps or Plans describing the Lines of the several Roads by this Act intended to be made or altered, and of the Lands, Hereditaments, and Premises through or over which the same are to be carried or made, together with Books 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 of the County of *Devon*; be it therefore further enacted, That the said Maps or Plans and Books of Reference

Roads to be made according to Maps, Plans, and Books of Reference.

[*Local.*]

3 F

shall

shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may, at any seasonable Time or Times, have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of any such Maps or Plans and Books of Reference; and that the said Trustees, in making the Roads or Alterations of Roads in such Maps or Plans, or any of them, shall not deviate more than One hundred Yards of Three Feet each from the Lines described in such Maps or Plans, without the Consent or Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation or Deviations shall be made.

Lands marked in the Plans may be used notwithstanding Errors in the Book of Reference.

XXX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads or Alterations of Roads, or any of them, into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners of Land or Premises over which the same are set out and described in the said Maps or Plans or Books of Reference as aforesaid, and to take down the Houses, Buildings, and Erections, and to take and use the Woods and Plantations, Lands, Gardens, and Premises described in the Schedule to this Act, or in the said Maps or Plans or Books of Reference, except as hereafter particularly mentioned, although the Name or Names of the Owner or Owners may happen to be omitted or mis-stated in the Books of Reference or Schedule to this Act, in case it shall appear to any Two or more Justices of the Peace for the County or Place where the Land or Premises shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Power to make and repair Footpaths.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees to make or continue, and repair and keep in repair, any Footpaths, or Causeways for the Use of Foot Passengers, in, upon, or on the Sides of any of the Roads mentioned or described in this Act, in such Manner as they shall think proper.

Houses, &c. not in Schedule not to be taken down.

XXXII. Provided always, and be it further enacted, That the Powers and Authorities hereby given for widening and altering the said Roads shall not extend or 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, Paddock, Park, planted Walk, or Avenue to a House, or inclosed Ground planted as Ornament or Shelter to a House, or 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 obtained, other than and except so much and such Part of such Dwelling Houses and other Buildings, Gardens, Yards, Paddocks, Park, planted Walk, Avenues, Nursery for Trees, Woods, and Plantations, as are described in the Schedule to this Act annexed.

XXXIII. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Lands or Premises specified in the said Schedule within the Space of Five Years from the passing of this Act, all the Powers hereby or by the said recited Acts granted for purchasing the same, shall thenceforth cease and determine and be utterly void, except with the Consent of the Owners or Proprietors.

Powers to purchase scheduled Lands to cease in Five Years.

XXXIV. And be it further enacted, That from and after the making and completing the said new Roads or Deviations of Road respectively, the said Trustees shall from thenceforth be discharged from the future Repair of so much and such Parts of the present Roads as commence from and end at the Places herein-after mentioned, in lieu whereof such new Roads shall be made; (that is to say,) the present Road from the Place where the intended new Road through the Vale of the River *Taw* will diverge from the present Road, near the Bridge aforesaid; called *New Bridge*, to the Town of *Chulmleigh* aforesaid, through the several Parishes of *Bishop's Tawton*, *Tawstock*, *Atherington*, *High Bickington*, *Burrington*, *Ash Reigney*, and *Chulmleigh*, and the present Road leading from the Way Post near *Heale Farm* in *Tawstock* aforesaid, to the Town of *Bideford* aforesaid; and from the future Repairs of such other Parts of the present Roads in lieu of which other new Roads shall be made: Provided always, that such of the Roads so to be discontinued as Turnpike as aforesaid, which may be required to be kept up and continued as Highways, shall, before the same are so discontinued as Turnpike, be put into such good and sufficient Repair as shall be adjudged and determined by the Certificate in Writing of Two Justices of the County of *Devon*, and transmitted to the Clerk of the said Trusts, and their Adjudication thereon shall be final and conclusive.

Power to discontinue certain Roads.

Roads discontinued to be left in repair.

XXXV. And whereas the Road through the Town of *Ilfracombe* is in bad Repair and Condition, narrow and dangerous, and inconvenient to Persons travelling through the same, and requires to be widened and improved; and it is expedient that Provision should be made for more effectually widening, repairing, and improving the same; be it therefore enacted, That the said Trustees shall and may and they are hereby authorized and empowered to demand and take, on the Roads leading to and through the said Town of *Ilfracombe*, an additional Toll, not exceeding One Half of the Tolls herein-before authorized to be taken on the said Roads, for the Purpose of enabling the said Trustees to widen, repair, and improve the Roads through the said Town; and the said Trustees are hereby directed and required to cause a separate and distinct Account to be kept of the Money arising from the said additional Half Toll, and apply the same solely to the Purposes herein-before mentioned; and the said Trustees are hereby authorized to purchase the several Tenements and Hereditaments comprized in the Schedule annexed to this Act, to enable them to carry the said Improvements into Execution: Provided always, that an Account of the Money arising from the said additional Half Toll, and the Application thereof, shall be annually laid before the Justices of the Peace for the County of *Devon*, at their General *Michaelmas* Quarter Sessions of the Peace; and when and as soon as the

For improving the Road from *Ilfracombe*.

the Repair, Widening, and Improvement of the Road through the said Town shall be completed to the Satisfaction of the said Justices, who are hereby authorized and empowered to enquire into the same by Examination of Witnesses on Oath (which the said Court is hereby authorized to administer), and the Money borrowed on the Credit of the said Half Toll, and the Interest thereof, shall have been repaid; then the said Court shall and may direct the said additional Half Toll to cease and determine from such Time as they shall appoint, and such Toll shall from thenceforth accordingly cease to be collected and paid, and the Road through the said Town shall from thenceforth be maintained and repaired, and be subject to the like Laws and Regulations, as if this Act had not been passed.

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

1 G. 4. c. 35.

XXXVI. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee in Trust, Guardian, Committee, Trustee, Feme Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King George the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, be paid, under the Direction and with the Approbation of the said Court, to be signified by an Order to be made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for; and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so taken or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and*

until

until such Purchase be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

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

When not amounting to 200*l.* but exceeding 20*l.*

XXXVIII. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as herein-before mentioned shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When less than 20*l.*

[*Local.*]

3 G

XXXIX. And

Purchase
Money to be
paid into the
Bank in cer-
tain Cases.

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

Persons in
Possession
presumptively
entitled.

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

Possession

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

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

Provision as to
Expences of
Purchases.

XLII. And be it further enacted, That for the Purpose of better enabling the said Trustees to make the new Roads herein-before described, it shall and may be lawful for the said Trustees, or their Collector or Collectors, when and as soon as any Part of the said new Roads, or either of them, shall be made and completed fit for travelling with Horses and Carriages to the Extent of Four Miles, to demand and take One full Toll on every entire Extent of Four Miles which shall be so made and completed of such new Road, notwithstanding such new Road shall not have been made and completed to the full Extent herein-before mentioned: Provided that such Toll shall not be demanded nor taken within Four Miles of any Gate, Bar, or Chain at which any Toll shall have been paid, nor within Two Miles of any Market Town, until the Whole of such new Road shall be made and completed to the full Extent herein-before described.

Tolls to be
taken whilst
new Roads
are making.

XLIII. And whereas it is deemed expedient that the Trustees for carrying this Act into Execution should be enabled to abandon such Part of the said Roads as leads from a Place called *The Bartridges* to the Village of *Hatherleigh* in the said County of *Devon*: And whereas the Creditors on the said Roads have consented thereto; be it therefore further enacted, That it shall be lawful for the Trustees for carrying this Act into Execution, at any Time within Three Years from the Time of passing this Act, by a Resolution to be entered into at any of their Meetings, of which at least Fourteen Days Notice shall be given, to abandon and discharge themselves from the future Repairs of such Part of the said Roads as leads from the said Place called *The Bartridges* to the said Village of *Hatherleigh*; and from and after the Day or Time fixed by such Resolution for the Abandonment of the said last-mentioned Portion of Road, the same shall no longer be repaired, maintained, or supported by or under the Care or Superintendance of the said Trustees.

Road from
the Bart-
ridges to
Hatherleigh
may be aban-
doned.

XLIV. And

Public Act.

XLIV. 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.

Commence-
ment and
Continuance
of Act.

XLV. And be it further enacted, That this Act shall commence and have continuance upon and from the First Day of *May* One thousand eight hundred and twenty-seven, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE to which this Act refers.

The Line from New Bridge to Eggesford Bridge.

Reference to Plan.	Description of Premises.	Parish where situate.	Land Owners.	Leaseholders.	Occupiers.
2	Plantation and Wood.	Tawstock -	Sir Boucher Palk Wrey, Baronet.	- - -	Sir Boucher Palk Wrey, Baronet.
4	Nursery -	Ditto -	Ditto -	- - -	Thomas Lovering.
6	Wood -	Ditto -	Ditto -	- - -	Ditto.
7	Tall Park Nursery.	Ditto -	Ditto -	- - -	Ditto.
8	Bridge Town Orchard.	Ditto -	Ditto -	- - -	John Andrew.
9	Garden and Orchard.	Ditto -	Ditto -	- - -	William Lock.
11	Orchard -	Ditto -	Ditto -	- - -	Hayman Lovering and Richard Bird.
12	Langham Orchard	Ditto -	Ditto -	- - -	George Lovering.
13	Stack Yard -	Ditto -	Ditto -	- - -	Samuel Lovering.
16	Cherry Grove -	Atherington	Joseph Davie Bassett, Esquire.	- - -	Lawrence Isaac.
17	Ven Orchard -	Ditto -	Ditto -	- - -	Ditto.
20	Higher Orchard	Ditto -	Ditto -	- - -	Ditto.
21	Green Plot -	Ditto -	Ditto -	- - -	John Downe.
22	Curtilage -	Ditto -	Ditto -	- - -	Ditto.
23	Maces Copse -	Ditto -	Ditto -	- - -	Ditto.
24	Nursery -	Ditto -	Ditto -	- - -	George Delbridge.
25	Garden -	Ditto -	The Reverend William Proctor Thomas, and Mrs. Bine.	Thomas Delbridge	Thomas Delbridge.
27	Green Orchard -	Ditto -	Joseph Davie Bassett, Esquire.	- - -	Robert Delbridge.
28	Mowstead Orchard.	Ditto -	Thomas Loveband	- - -	John Gay.
29	Lower Orchard	Ditto -	Ditto -	Ditto -	Ditto.
30 a	Orchard -	Ditto -	Joseph Davie Bassett, Esquire.	James Gratton and Henry Crocker, Trustees for the late James Patten's Daughters.	Thomas Delbridge.
30	Wood - -	Ditto -	Ditto -	Ditto -	Ditto.
31	Ditto - -	Ditto -	Thomas Loveband	- - -	John Ley.
32	Orchard - -	Ditto -	Ditto -	- - -	Ditto.
33	Garden - -	Ditto -	Ditto -	- - -	Ditto.
34	Ditto - -	Ditto -	The Reverend William Proctor Thomas, and Mrs. Bine.	William May -	Thomas Delbridge.
35	Orchard -	Ditto -	Ditto -	Ditto -	Ditto.
36	Mill Wood -	Ditto -	Joseph Davie Bassett, Esquire.	- - -	John Downe.
37	Orchard -	Ditto -	Ditto -	- - -	Ditto.

[Local.]

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Reference to Plan.	Description of Premises.	Parish where situate.	Land Owners.	Leaseholders.	Occupiers.
39	Lower Batridge Coppice.	Atherington	The Reverend William Proctor Thomas, and Mrs. Bine.	- - -	Henry Downe.
44	Small Marsh Orchard.	High Bickington	Ditto -	James Gratton and Henry Cocker, Trustees for the late James Patten's Daughters.	William Ford.
46	Nursery - -	Ditto -	Ditto -	Ditto -	Ditto.
53	Holt Orchard -	Ditto -	James Veal, Esq.	- - -	Henry Cocker.
58	Lower Hill Wood	Ditto -	Henry Cocker -	- - -	Ditto.
59	Weir Marsh Wood	Ditto -	Ditto -	- - -	Ditto.
60	Orchard - -	Ditto -	Ditto -	- - -	Ditto.
61	Little Silver Wood	Ditto -	William Downe -	- - -	Richard Lucimer.
62	Garden -	Ditto -	Ditto -	- - -	William Downe.
63	Orchard -	Ditto -	Ditto -	- - -	Ditto.
64	Ditto - -	Ditto -	James Veal, Esq.	William Downe -	William Milford.
65	Scoop Orchard -	Ditto -	William Downe -	- - -	William Downe.
67	Snape Wood -	Ditto -	James Veal, Esq.	- - -	Ditto.
69	Grately Wood -	Ditto -	Reverend John Johnson.	- - -	John Norman.
70	Kingsford Wood	Ditto -	Charles Chichester, Esquire..	- - -	John Manning.
71, 72	Two Orchards -	Ditto -	Ditto -	- - -	John Milton.
73	Clover Orchard -	Ditto -	Thomas Ford -	- - -	Thomas Ford.
74	Mill Orchard -	Burrington	Phillip Turner -	- - -	Phillip Turner.
83	Barn Close Orchard.	Ditto -	Lewis William Buck, M.P.	- - -	John Manning.
84, 85	Garden and Orchard.	Ditto -	Ditto -	- - -	Richard Lewis.
86	Hackney Wood -	Ditto -	William Mills -	- - -	John Roe.
87	Abbot's Marsh Wood.	Ditto -	Honorable Newton Fellowes.	Charles Roberts, Esquire.	William Maynard.
88	Plantation at Abbot's Marsh.	Ditto -	Ditto -	- - -	Gilbert Pridham Babbage.
93, 94	Butchland Wood, and Woody Wood.	Ditto -	Ditto -	- - -	John Webber and John Snell.
95, 96	Sattridge Bottom	Ditto -	Charles Chichester, Esquire.	- - -	Thomas Hill.
98	Garden - -	Ditto -	Michael Tout, Esquire.	- - -	John Hall.
105	Orchard - -	Ditto -	John Snell -	- - -	John Snell.
107	Linhay - -	Ditto -	Ditto -	- - -	Ditto.
110 } 112 } 114 }	Pump Orchard, Lower Orchard, and Bridge Wood	} Ditto -	{ Reverend William Proctor Thomas -	} - - -	William Burden.
118 } 119 } 120 }	Marsh Orchard - Slide Close Wood	} Chulmleigh	{ Right Honorable Earl Fortescue.	} - - -	{ John Kelland and William Pearce.
125	Elson Wood -	Ditto -	Jane Bury -	- - -	Thomas Skinner.
127	Ball Wood -	Ditto -	Ditto -	- - -	Richard Jones.
129	Curtilage or Yard at Colleton Mill.	Ditto -	Ditto -	- - -	Jane Bury.
129	Colleton Great Wood - -	} Ditto -	Ditto -	- - -	Jane Bury.
134	Knap Coppice -	Ditto -	Richard Preston, Esquire.	- - -	Nathaniel Bennett.
139	Lea Wood -	Ditto -	Honorable Newton Fellowes.	- - -	John Woolaway.
152, 153	Little Orchard and Garden.	Chawleigh -	Honorable Newton Fellowes.	- - -	John Woolaway.

Reference to Plan.	Description of Premises.	Parish where situate.	Land Owners.	Leaseholders.	Occupiers.
156	Jamesweek Wood	Chawleigh -	John Quantick and Henry Searl.	- - -	John Quantick and Henry Searl.
162	Keeper's Marsh and Plantation.	Ditto -	Honorable Newton Fellowes.	- - -	Honorable Newton Fellowes.
20	Pennyford Orchard.	Burrington -	Ditto -	Richard Bragg and John Bragg.	Richard Bragg.
23, 24	Barton Down Wood.	Ditto -	Ditto -	- - -	Richard Cook.
26 } 26 } 27 } 42 }	Ball's Wood and Furze - - Nursery - -	} Ditto - Ash Reigney	{ Charles Chichester, Esquire - Reverend William Proctor Thomas.	} - - - - - -	John Mills. George Tapp.

The Line from near Newnham Bridge to Meath Mill.

1, 3	Marsh Orchards	Chulmleigh	Right Honorable Earl Fortescue.	- - -	John Kelland.
6	Garden - -	Ditto -	Ditto -	John Kelland -	William Ware.
9 } 11 } 13 }	Two Orchards and Garden -	} Ditto -	Ditto -	- - -	Rebecca Hill.
12	Newnham Wood	Ditto -	Ditto -	- - -	Right Honorable Earl Fortescue.
14	Hill Head Wood	Ditto -	John Buller, Esq. M.P.	- - -	John Buller, Esq. M.P.
15	Head Wood -	Chittlehampton.	Right Honorable Lord Rolle.	- - -	Right Honorable Lord Rolle.
16	Pulham Wood -	Ditto -	John Buller, Esq. M.P.	- - -	John Buller, Esq. M.P.
21	Nott's Wood -	Ditto -	Ditto -	- - -	James Saunders.
22, 23	Skinner's Orchard and Garden.	Ditto -	Ditto -	- - -	Hugh Sully.
24, 27	Fuke's Wood and Orchard.	Ditto -	Reverend John Johnson.	- - -	Thomas Manning.
31	Ashaton Wood -	Warkleigh -	Thomas Burgess, Esquire.	- - -	Thomas Burgess, Esquire.
33	Baker's Wood -	Ditto -	George Thorne -	- - -	George Thorne.
34, 35	Hermitage Garden and Orchard.	Ditto -	Ditto -	- - -	William Rudd.
39, 40	Lower Orchard, Back Orchard -	} Saterleigh -	{ Robert Hatch Drake - }	William Champion	John Squire.
41, 42	Pear Tree Orchard and New Orchard -				
50	King's Wood -	Ditto -	Ann Mayne -	- - -	James Webber.
51	Saterleigh Wood	Ditto -	Reverend William Proctor Thomas, and Mrs. Bine.	- - -	Themselves.
52, 55 } 56, 58 }	Ford's Orchard, Little Meeth Yard, Garden, and Lower Orchard -	} Ditto -	{ The Reverend William Proctor Thomas, and Mrs. Bine -	} John Baker -	Thomas Wilcox.
59, 60	Ham Orchards -	Chittlehampton.	William Thorne -	- - -	William Thorne.
61	Caveland Wood -	Ditto -	William and Roger Thorne.	- - -	William Thorne and Roger Thorne.

Reference to Plan.	Description of Premises.	Parish where situate.	Land Owners.	Leaseholders.	Occupiers.
<i>The Line from Barnstaple to Bideford.</i>					
4, 4 a	Cleeve Orchard, Stable, or Cow House	Tawstock	Sir Boucher Palk Wrey, Baronet	-	Edward Dennis.
5, 6, 9	Cleeve Garden, Higher Orchard, and Cleeve Curtilage				
17	Garden	Fremington	George Aeland Barbor, Esquire.	Christopher Shapland.	Thomas Barker.
27	Cottage	Ditto	Mrs. Down and Captain Barton.	-	John Shapland.
29	Garden	Ditto	William Stavely	-	William Stavely.
31	Mill Ground Orchard.	Ditto	Samuel Crocker	-	Samuel Crocker.
33, 34	Mill Ground Orchards.	Ditto	Mrs. Ette Law	-	John Lee.
35	Mill Ground Garden.	Ditto	Mrs. Law and Samuel Crocker	-	Ditto.
36	Plantation	Ditto	William Chapple	-	William Chapple.
41	Great Cot Garden and Little Cot Garden	Ditto	George Aeland Barbor, Esquire.	-	Nicholas Taylor and Thomas Smallcorn.
42					
43	Garden and Porch of Cottage.	Ditto	Elena Trapnell	-	Elena Trapnell and William Isaac.
44	Garden	Ditto	George Aeland Barbor, Esquire.	-	William Heall.
45	Cottage	Ditto	Ditto	-	George Aeland Barbor, Esq.
46, 49 } 49 a }	Two Plantations and Nursery.	Ditto	Ditto	-	Ditto.
47	Garden	Ditto	Ditto	-	John Molland.
48	Oven of Cooper's House.	Ditto	Ditto	-	Richard Cooper.
50	Coal House	Ditto	Ditto	-	Joseph Walker.
51	Garden	Ditto	Ditto	-	James Brisbane.
52	Home Orchard	Ditto	John Chapple	-	Anne Delhame.
56	Long Grove Coppice.	Ditto	George Aeland Barbor, Esquire.	-	William Delham.
67	Copse	Instow	The Reverend Arthur Loyd.	-	Reverend Arthur Loyd.
93	Bean Garden Orchard.	Ditto	Augustus Saltram Willett, Esquire.	-	James Wood.
95	Loose Sand Garden.	Ditto	Ditto	-	Hugh Mills.
100	Knap Garden	Ditto	Ditto	-	William West.
101	Garden	Ditto	Ditto	-	John Jewell.
102	Knap Barton	Ditto	Ditto	-	Richard Greening, Esquire.
103	Garden	Ditto	Ditto	-	John Ashton.
107	Barton or Yard	Ditto	Ditto	-	William Newcombe.
110	Tapely Park and Plantation.	Westleigh	Ditto	-	Augustus Saltram Willett, Esquire.
115	Lime Kiln and Court.	Ditto	The Reverend John Torr.	-	James Wood.
134	Plantation	Ditto	Lewis William Buck, Esquire, M. P.	-	Lewis William Buck, Esquire, M. P.
137, 139	Timber Yards	Bideford	Ditto	-	William Taylor.
140	Yard and Shed	Ditto	Ditto	-	Thomas Evans.

Reference to Plan.	Description of Premises.	Parish where situate.	Land Owners.	Leaseholders.	Occupiers.
<i>The Line from Pilton to Ilfracombe via Muddeford.</i>					
1	Garden - -	Pilton -	Nicholas Hancock	- - -	John Elson.
5, 6, 8	Westaway Gardens and Wood.	Ditto -	James White, Esquire.	- - -	James White, Esquire.
18	Hughelewe Wood	Sherwell -	Ditto - -	- - -	Ditto.
21	Paper Shed -	Ditto -	Sir Arthur Chichester, Bart.	William Overend	— Thorne.
23	Fatwater Coppice	Ditto -	Ditto - -	- - -	Sir Arthur Chichester, Bart.
26, 27	Home Orchard and Garden.	Ditto -	Ditto -	Joseph and William Simons.	Joseph Pearce.
30	Garden and Pigstye.	Marwood -	John Symons and Robert Lynch.	Joseph and William Simons.	Themselves.
34, 38	Long Orchard and Home Orchard.	Ditto -	Zachary Drake, Esquire.	- - -	William Corney.
43	Garden -	Ditto -	— Toller, Esq.	- - -	William Crocker, senior.
54	Swinham Wood	Ditto -	Zachary Drake, Esquire, John Williams, Esquire, and Thomas Smith.	- - -	John Smith.
56	Burland Coppice	Ditto -	Thomas Wrey Harding, Esq.	- - -	John Gamin.
58	Down's Coppice	West Down	Thomas Loveband	- - -	James Day.
78	Bowden's Wood	Ilfracombe -	Trustees of Barnstaple Poors Land.	- - -	James Watts.
79	Yelland's Wood	Ditto -	Sir Bouchier Palk Wrey, Baronet.	- - -	Sir Boucher Palk Wrey, Baronet.
80, 81	Hellaclewe Wood	Ditto -	Admiral Bowen -	- - -	Admiral Bowen.
82	Chambercoombe Wood.	Ditto -	James Vye, Esq.	- - -	James Vye, Esquire.
90	Trapstyle Orchard	Ditto -	Nathaniel Vye, Esquire.	- - -	Elizabeth Gamin.
95	Garden and Shed	Ditto -	John Charley -	- - -	John Charley and John Hicks.
96	House and Shop	Ditto -	William Vye, Esq.	- - -	James Berry and Elizabeth Pile.
97	Ditto -	Ditto -	Ditto -	- - -	James Parmenter.
98	House and Garden	Ditto -	Ephraim Lovering	- - -	Richard Lovering and Anne Gould.
99	Garden - -	Ditto -	Anne Stoneham -	- - -	Anne Stoneham.
100	Ditto -	Ditto -	George Davis, junior.	- - -	William Davis.
101	Path or Causeway	Ditto -	Elizabeth Smith	- - -	Tobias Dallyn, John Labbett, and George Coates.
102	Wash House -	Ditto -	John Cook -	- - -	John Cook.
103	Garden - -	Ditto -	George Davis, Nicholas Lovering, and John Challecombe.	- - -	Themselves.
104	Two Gardens -	Ditto -	Martha Harvast -	- - -	Martha Harvast.
105	Corner of House	Ditto -	Mary Radford -	- - -	David Clarke.
<i>The Line from Pilton to Ilfracombe via Braunton.</i>					
2	Cothay Head Copse.	Braunton -	The Dean of Exeter.	Charles Trelawney, Esquire.	Richard Passmore.
3, 4	New Knowle Orchard and Pigstye.	Ditto -	Mary Harris -	- - -	Elizabeth Robins.

[Local.]

Reference to Plan.	Description of Premises.	Parish where situate.	Land Owners.	Leaseholders.	Occupiers.
5	Orchard -	Braunton -	The Dean of Exeter.	Charles Trelawney, Esquire.	Berry Avery.
6	Garden - -	Ditto - -	Ditto - -	Ditto - -	William Hill.
1 a	Ditto - -	Ditto - -	Ditto - -	Ditto - -	William Edwards.
8, 9	Gardens - -	Ditto - -	Ditto - -	Ditto - -	Mary Cann.
17	Prior's Wood -	West Down	George Acland Barbor, Esquire.	- - -	George Acland Barbor, Esquire.
36	Garden - -	Ditto - -	Thomas Chugg -	- - -	James Chugg.
52	Little Cleeve Wood.	Ilfracombe -	George Coates -	- - -	John Harding.
54	Cleeve Wood -	Ditto - -	Messrs. Carne, Richards, Rosvean, and Vivian.	- - -	George Vye.
8 a	Linhay - -	Ditto - -	Humphrey Barns	- - -	Humphrey Barns.
64	Pigstye - -	Ditto - -	John Lewis -	- - -	John Lewis.
67	Garden - -	Ditto - -	Cutliffe Greenslade	- - -	Cutliffe Greenslade.

The Line from near Westaway to Sherwell Cross.

8	Burridge Barton or Yard.	Sherwell -	Sir Arthur Chichester, Bart.	James Whyte, Esquire.	James Whyte, Esquire.
19 } 20 } 21 }	Curtilage, Yard, Garden, and Orchard.	Ditto -	Ditto -	- - -	David Peake.
26	Nursery -	Ditto -	Ditto -	- - -	Sir Arthur Chichester, Bart.
27	Garden - -	Ditto -	Ditto -	- - -	Benjamin Trump.

Widenings from Barnstaple to New Bridge.

Garden near Ford Gate.	Bishop's Tawton.	The Dean of Exeter.	John Law, Esq.	John Pedlar.
Garden and Orchard at Ford Gate.	Ditto -	Nicholas Hartnoll	- - -	Nicholas Hartnoll.
Orchard at Ford Gate.	Ditto -	Phillip Hartnoll -	- - -	Phillip Hartnoll.