



ANNO UNDECIMO

# GEORGII IV. REGIS.

\*\*\*\*\*

## *Cap. xcvi.*

An Act for more effectually repairing and improving several Roads leading to and from or near to the Towns of *Ashburton* and *Totnes* in the County of *Devon*. [29th *May* 1830.]

**W**HEREAS an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for consolidating and uniting the Powers of several Acts passed for amending several Roads near the Borough of Ashburton and the Town of Newton Bushell, and from or near the North Side of the Town of Totnes towards Ashburton aforesaid, for building a Bridge across the River Dart at or near a Place called Emmett, in the County of Devon, and for amending and improving the said several Roads*: And whereas an Act was passed in the Seventh Year of His present Majesty's Reign, intituled *An Act for more effectually making and repairing several Roads leading to and from the Town of Newton Bushell, South Bovey, and Mortonhampstead in the County of Devon*: And whereas the Trustees under the said Acts have proceeded to carry the same into execution, and have borrowed considerable Sums of Money on the Credit of the Tolls thereby authorized to be taken, which Money still remains due and owing, together with some Arrear of Interest, and the same cannot be paid off, nor can the said Roads be effectually amended, widened, altered, improved, and kept in repair, unless the Term granted and continued by the said first-recited Act be further continued; and it is expedient that the said first-recited Act should be repealed, and further, better, and more effectual Provisions made for repairing, maintaining, and

[*Local.*] 49 G. 3. c. 127.  
7 G. 4. c. 92.

29 P otherwise

Recited Act  
of 49 G. 3.  
repealed  
except as to  
existing Con-  
tracts for  
letting the  
Tolls.

otherwise improving the said Roads; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act of the Forty-ninth Year of His said late Majesty's Reign shall be and the same is hereby declared to be repealed, save and except only that the Contracts already made and entered into by the Trustees acting under the Authority of the said Act for letting the present Tolls of the said Turnpike until the Second Day of *September* next shall remain and be in force, and that such Tolls shall be collected under the Authority of the said recited Act until the said Second Day of *September* next.

This Act to  
take effect for  
improving the  
Roads herein  
described.

II. And be it further enacted, That this Act shall from henceforth commence and take effect and be put into execution, for and during the Term herein-after mentioned, for the Purpose of repairing, altering, widening, and otherwise improving the Roads herein-after mentioned and described; and that the whole of such Roads shall be and be deemed and considered to be to all Intents and Purposes whatsoever Parts of the said Turnpike Roads; (that is to say,) the Road from the West End of *Chudleigh Bridge* in the Parish of *Hennoch* in the said County, through the several Parishes of *Hennoch*, *Boveytracey*, *Teingraze*, *Ilington*, *Highweek*, *Bickington*, *Ashburton*, *Buckfastleigh*, *Deanprior*, and *South Brent*, home to the East End of *Brent Bridge*; and the Road from the Town of *Ashburton* to *Gulwell Bridge*, through the several Towns or Villages of *Ashburton*, *Buckfastleigh*, *Deanprior*, and *South Brent*, in the same County; and also One hundred and twenty Yards of the Road from the said East End of *Brent Bridge* towards *Palston* in the said Parish of *South Brent*; and also the Road from the East End of *Dartbridge* in the said Parish of *Ashburton* unto and across *Emmett Bridge*, and thence through *Puddaven Lane* unto the Town of *Totnes*, into and through the several Parishes of *Staverton*, *Rattery*, *Dartington*, and *Totnes*, in the said County; and also One hundred and twenty Yards in Length of the Road on the East and West Sides of the Turnpike Gate called *Malt Mill Gate*, in the said Parishes of *Totnes* and *Dartington*, or One of them; and the like Space of the Road leading from *Cott* to *Whitely Brook*, on each Side of the Turnpike Gate called *Crossing Gate*, in the said Parish of *Dartington*; and the Road from *Shinner's Bridge* in the Parish of *Dartington* to the Inn or Public House called *Cott*, in the said Parish of *Dartington*; and also One hundred and twenty Yards on each Side of the present Toll Bar at *Pridhamsleigh* in the said Parish of *Staverton*; and the like Space of the Road leading from *Goodstone Turnpike Gate* to *Goodstone Down* in the said Parish of *Ashburton*; shall be and be deemed and taken to be and shall from henceforth form Parts of the said Turnpike Roads; and that the same, as well as the Footpaths already made on the Sides of the said Roads, and the several Toll Gates and Toll Houses already erected upon, across, or on the Sides thereof, shall be kept up, repaired, and maintained by the Trustees herein-after named, and that the Tolls herein-after specified shall and may accordingly be received and taken thereat.

III. And

III. And be it further enacted, That if any Alteration or Diver-  
sion shall be made of any Parts of the said Roads, or the Bridges  
across the same, the new Roads and Bridges so to be altered, erected,  
or made shall and may from thenceforth become and be Parts of the  
said Turnpike Roads.

New Roads  
and Bridges  
to form Part  
of the present  
Roads.

IV. And be it further enacted, That all His Majesty's Justices of the  
Peace for the Time being acting for the said County of *Devon*, together  
with *Alexander Adair, Robert Abraham, Robert Abraham the younger,*  
*George Baker the younger, John Bickford of Barton, John Bickford*  
*of Wrigwell, John Browning, William Searle Bentall, Reverend Finney*  
*Belfield, Reverend Finney Belfield the younger, William Bowden,*  
*John Rowe Bennett, John Bastard the younger, Nicholas Baker, John*  
*Bovey, Christopher Bidlake, George Stanley Cary, John Cole, Arthur*  
*Champernowne, Walter Palk Carew, Henry Carew, Thomas Carew,*  
*John Gifford Croker, John Caunter, Richard Caunter, Thomas Cousins,*  
*William Creed, Reverend Joseph Domett, Reverend John Edwards,*  
*Charles Edwards, John Netherton Edwards, William Francis Thomas*  
*Furneaux, Christopher Furneaux, Thomas Flamank, Reverend Richard*  
*Hurrell Froude, Christopher Farwell, George Farwell, John Gribble,*  
*Joseph Gribble, Henry Gervis, Henry Gervis the younger, William*  
*Hole, Richard Honeywell, William Hill, Frederick Carne Hill, John*  
*Humphrey, Edward Hill, John Harris the younger, John Huxham,*  
*Samuel Posgate Knowles, Reverend Thomas Kitson, George Ley,*  
*Reverend Matthew Lowndes, Edward Bovey Lowndes, Philip Lus-*  
*combe, Philip Luscombe the younger, Charles Hale Monro, Reverend*  
*William Martin, John Maye, Thomas Maye, Thomas Michelmore of*  
*Ware, Philip Michelmore, Charles Michelmore, John Wills Mapowder,*  
*Reverend James Holman Mason, Richard Marshall, Robert William*  
*Newman, Thomas Newman, Benjamin Parham, Reverend John*  
*Dolbeare Parham, Richard Perry, Thomas Pinsent of Pitt, William*  
*Rendall, Peter Fabyan Sparke, Richard Savery, Edward Adolphus*  
*Seymour commonly called Lord Seymour, John Searle, William Sawdye,*  
*William Skinner, William Skinner the younger, Pierce Joseph Taylor,*  
*Reverend Henry Taylor, Solomon Tozer, Solomon Tozer the younger,*  
*Robert Tucker, John Tucker, Reverend John Templer the younger,*  
*Peter Wotton, Fitzwilliam Young, James Woodley, Charles Corbyn*  
*Wills, Thomas Widger, Reverend Thomas Whipham, Reverend John*  
*White, Reverend John White the younger, Thomas Whiteway, Thomas*  
*Whiteway the younger, Stephen Upton Yolland, and their Successors,*  
being duly qualified to act as Trustees for repairing Turnpike Roads  
in *England*, shall be the Trustees for the Purpose of carrying this  
Act into execution.

Trustees.

V. And be it further enacted, That it shall be lawful for the said  
Trustees at their First or Second Meeting to be holden in pursuance  
of this Act to elect and appoint any Number of Persons, not ex-  
ceeding Five in the whole, being duly qualified to be Trustees for  
the Purposes aforesaid; and such Persons, when so elected, shall have  
the same Powers and Authorities as if they had been nominated or  
appointed Trustees in or by this Act.

Power to  
appoint  
additional  
Trustees.

VI. And be it further enacted, That the said Trustees shall hold their  
First Meeting at the *Golden Lion Inn* in the said Town of *Ashburton*,  
or at some other convenient House or Place on the Line of the said  
Roads,

First Meet-  
ing of the  
Trustees.

Roads, on the First *Monday* next after the Expiration of Twenty Days from the Time of passing this Act, between the Hours of Ten of the Clock in the Morning and Two in the Afternoon, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times and Places near to the said Roads as they shall think proper.

Map or Plan deposited with the Clerk of the Peace to remain and be open to Inspection.

VII. And whereas a Map or Plan describing the Houses and Lands through which some Parts of the said Roads are to be carried, together with a Book or Paper of Reference, containing a List of the Owners and Occupiers of such Houses and Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Devon*; be it therefore further enacted, That the same shall remain in his Custody, to the end that all Persons may inspect and peruse the same at all seasonable Times, and take Copies thereof and Extracts therefrom, paying One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and that the Trustees in making such Roads shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons through whose Lands and Premises such Deviations shall be made.

Trustees not to deviate from Plan.

Trustees restrained from pulling down Dwelling Houses, &c. without Consent.

VIII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making and completing the said Branch or new Road shall not extend or be construed to extend to authorize or empower the said Trustees to take or pull down, injure or damage, any Dwelling House or Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or Plantation, or any Part thereof respectively, without the Consent in Writing of the Owner thereof or other Person interested therein first had and obtained.

Power to take Tolls.

IX. And be it further enacted, That it shall be lawful for the said Trustees, or for the Collectors or Lessees of Tolls, to demand and take at the several Toll Gates, Turnpikes, and Side Bars, and at such others as shall be hereafter erected or set up, on every Day, (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night,) the following Tolls; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Hearse, or other Carriage, any Sum not exceeding Nine-pence:  
 For every Horse or other Beast drawing any Waggon, Cart, or other Wheel Carriage whatsoever, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles of such Wheels, any Sum not exceeding Seven-pence; and of less Width, any Sum not exceeding Nine-pence:  
 For each Wheel of every Coach or Carriage and of every Waggon or other Wheel Carriage whatsoever which shall be propelled, worked, or used on the said Road by Steam, Gas, or by any mechanical or other Power, and without the Assistance of Horses or other Beasts, any Sum not exceeding the Sum of Five Shillings:  
 For every Horse or other Beast drawing any Wheel Carriage laden with Timber, any Sum not exceeding the Sum of One Shilling and Sixpence:

For

For every Carriage with Four Wheels drawn by One Horse or other Beast, not exceeding One Shilling :

For every Horse, Mule, or Ass, not drawing, any Sum not exceeding One Penny Halfpenny :

For every Bull, Ox, Cow, or other Bullock, the Sum of One Penny :

For every Calf, Pig, Sheep, or Lamb, the Sum of One Halfpenny :

For every Carriage, without Horses, fastened or attached to any other Cart or Carriage, the Sum of One Shilling :

Which said respective Tolls or Sums of Money shall be demanded and taken before any such Carriages, Cattle, or other Things chargeable with Toll shall be allowed to pass through any such Toll Gate, Turnpike, or Side Bar, and before the Owner, Rider, or Driver thereof shall suffer the same so to pass ; and the Renter or Collector of such Tolls, Toll Gates, or Side Bars shall, upon being required so to do, and at the Request of the Person paying the same, and upon Payment of such Toll, give and deliver a Ticket to him denoting such Payment ; and such several and respective Tolls and Sums of Money shall be and they are hereby vested in the said Trustees, and shall be by them applied for the Purposes of this Act, in manner herein-after directed.

X. And be it further enacted, That the said Roads shall be divided into Three Districts or Divisions ; and that the First District shall comprise the Roads on the Western Side of the Market Cross in the Town of *Ashburton*, and from thence to *Gulwell Bridge*, and the East End of *Brent Bridge*, and at *Pridhamsleigh* aforesaid, with the Branches leading therefrom respectively ; the Second District or Division shall also comprise the Road from the Western Side of the Market Cross in the Town of *Ashburton*, and from thence to *Dartbridge* and to *Totnes* aforesaid, with the Branches thereof, to *Austin's Bridge*, *Maltmill* and *Crossing Gates* ; and that the Third District or Division shall also comprise the Road from the Market Cross in *Ashburton* aforesaid to *Chudleigh Bridge* ; and that Payment of Toll, and Production of a Ticket denoting the Payment thereof, on any Day (to be computed as aforesaid), on each District of the said Roads, shall exempt the Horses and other Beasts, Chaises, Coaches, Gigs, Waggon, Carts, and other Carriages, so paid for, whilst the same shall remain the Property of or be in the Use or Employ of the same Person, from Payment of Toll on the same Day at the same or any other Gate in such District or Division (except as herein-after mentioned) ; and that the Toll Gates at *Dartbridge* shall be considered, so far as regards Payment and Exemption from and Application of the Tolls to be collected thereat, as forming Parts of and belonging to the First and Second Districts.

Roads to be divided into Three Districts.

Regulation as to Tolls thereon.

XI. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch, nor unless the Tolls mentioned in this Act shall be demanded and taken thereat : Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Branch Road than shall be collected thereon.

No Money to be laid out on Branches where there is no Turnpike erected or no Tolls taken.

Stage  
Coaches,  
&c. to pay  
every Time.  
of passing;

Post Chaises  
on every new  
Hiring.

Where  
second Toll  
to be paid.

Tolls not to  
be laid out in  
repairing the  
Streets.

Tolls taken  
in each Dis-  
trict to be laid  
out thereon.

One Toll only  
to be paid  
between  
Ashburton  
and Chud-  
leigh Bridge  
or Bovey-  
tracey in the  
same Day.

Exceptions.

Where  
second Toll  
to be paid.

XII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid in respect of the Horses or Beast drawing any Stage Coach, Caravan, Stage Waggon, Cart, or other Carriage, or for any Coach, Waggon, or other Wheel Carriage whatsoever propelled, worked, or used by Steam, Gas, or otherwise howsoever, conveying Passengers or Goods for Hire or Reward, every Time of passing or repassing through any of the said Gates; and the said Tolls shall be paid in respect of Horses or Beasts let to Hire and drawing any Post Chaise or other Carriage, every Time of passing or repassing through the said Gates, when a new Hiring thereof shall have taken place; and that such second Toll shall be paid at the first Gate only on each District of the said Roads through which any such Horses, Beasts, Stage Coach, Caravan, Stage Waggon, Cart, or other Carriage shall return in the same Day.

XIII. Provided always, and be it further enacted, That none of the Tolls authorized by this Act to be taken upon the said Roads, nor any of the Monies raised by virtue of the said recited Acts or any of them, or to be raised by virtue of this Act, shall be paid, laid out, or expended in the Repair or Improvement of any Street, Highway, or Place within the Towns of *Totnes* and *Ashburton*, or any other Town through which the said Road shall pass, nor shall any Tolls be collected thereon or near thereto by virtue of this Act.

XIV. Provided always, and be it further enacted, That no more Money shall be expended by the said Trustees in or towards the Repair of the Roads comprising the First District of the said Roads than shall be collected thereon; and that no more Money shall be expended on the Second District of the said Roads than shall be collected thereon; and that the Tolls collected at *Dartbridge* shall be applicable to the Repair of the Roads in the First and Second Districts; and that no more Money shall be expended by the said Trustees in or towards the Repair of the Roads comprising the Third District of the said Roads than shall be collected thereon.

XV. And be it further enacted, That in case the Toll authorized to be taken shall have been paid for the passing of any Carriage, Chaise, Gig, Waggon, Cart, or other Wheel Carriage, Horse, Beast, or Cattle, through any Gate erected or to be erected on or across or on the Side of any of the Roads between *Ashburton* and *Chudleigh Bridge*, or on, across, or on the Sides of any of the Roads on the South or Eastern Side of the Town of *Boveytracey* which are comprised in the said herein-before recited Act of the Seventh Year of His present Majesty's Reign, shall, on Production of a Ticket denoting such Payment, exempt and discharge the same Carriage, Gig, Chaise, Waggon, Cart, Horse, Beast, and Cattle from Payment of Toll at any other Gate erected or to be erected on the same Roads, or any of them, on the South or Eastern Side of the said Town of *Boveytracey*, in the same Day, to be computed as aforesaid (save and except Horses and other Beasts drawing any Stage Coach, Caravan, Gig, Chaise, Waggon, Cart, or other Carriage conveying Passengers or Goods for Hire or Reward, and also save and except Horses and other Beasts when in the Possession of a different Owner or in the Use or Employ of another Person); and that the second Toll which shall be payable for such exempted Articles shall be paid at the first Toll

Toll Gate only on the said Third District of the said Roads, and of the said other Roads which are comprised in the said Act of the Seventh Year of His present Majesty's Reign, through which any such Horses, Beasts, Stage Coach, Caravan, Stage Waggon, Cart, or other Carriage shall so return in the same Day; and that no more than Two such Tolls shall be payable in any One Day.

XVI. And be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for or in respect of any Horse, Beast, or other Cattle carrying or conveying, or going for or returning after having been only employed in carrying or conveying, on the same Day, any Lime to be solely used for the Purposes of Manure, provided that the Fellies of the Wheels of every Cart, Waggon, or other Carriage used for such Purposes, and drawn by Two Horses or other Beasts, are of the Breadth of Four Inches and a Half, and if drawn by Three or more Horses or other Beasts, of the Breadth of Six Inches.

Exempting  
Lime for  
Manure from  
Payment of  
Toll.

XVII. And be it further enacted, That if any Person or Persons from and after the passing of this Act shall at any Time or Times slaughter or kill any Sheep, Pig, Calf, or other Cattle, or ride, lead, or drive any Horse or other Animal, or draw, carry, wheel, or convey any Wood, Stones, Dung, or other Things whatsoever in Wheelbarrows, in or upon the Footpaths or Sidewalks intended for Foot Passengers within the Limits of this Act (other than for the Purposes of passing to and from his or their Stables or Courtlages at the Back of his or their Dwelling House or Dwelling Houses); or if any Person or Persons shall permit or suffer any such Horse or other Beast to stand or be in or upon any Part of such Footpaths or Sidewalks, whether the same shall be tied or untied; or if any Person or Persons shall permit or suffer any Chaise, Coach, Waggon, Cart, or other Carriage whatsoever, or any Timber, Wood, or other Thing, to be placed and remain in any Part of the public Streets or Roads belonging to or leading out of and from the said Turnpikes, or either of them, without some reasonable Cause, to be allowed by the Justice or Justices of the Peace before whom the Person or Persons so offending shall be summoned or conveyed in order to his or their Conviction, and except, with regard to such Coach, Chaise, Waggon, Cart, or other Carriage, during such reasonable Time as the same shall be loading and unloading, or taking up or setting down Passengers, and standing as near the Side of such Road, Street, or Lane as conveniently may be; or if any Person or Persons shall make any Encroachment or Inclosure in front of his or their House or Houses, Lands, or Grounds adjoining to the said Turnpike Roads, or shall permit or allow any Sign Boards to be hung or project from the Front of his or their Houses over or across the said Roads, Footpaths, or Streets, or shall suffer the Water from his or their Houses, by means of Shutes, Gutters, or otherwise, to be emptied or thrown upon such Footpath; then and in every such Case every such Person or Persons so offending, and being thereof convicted by his or their own Confession, or by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said County of *Devon* (which Oath such Justice or Justices is and are hereby empowered and required to administer), shall forfeit and pay for

For prevent-  
ing Nui-  
sances.

for every such Offence any Sum not exceeding Five Pounds, which Sum, in case the same be not forthwith paid, shall be levied, recovered, and applied in the same Manner as all other Penalties for Offences committed against this Act are by Law required and directed to be levied and recovered.

Public Act. XVIII. 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,

Term of Act. XIX. And be it further enacted, That this Act shall commence and take effect on the passing thereof, save and except as herein-before is mentioned, and shall continue and be in full Force and Effect and be executed for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE to which the foregoing Act refers.

No.	Description.	Owner of Land, &c.	Occupier.	
<i>In the Parish of Buckfastleigh.</i>				
1.	Meadow - - -	Thomas Splatt, Esq. -	— Curtis.	
2.	Ditto - - -	Elizabeth Furneaux -	Elizabeth Furneaux.	
3.	Dwelling House -	William Waycott -	William Waycott.	
4.	Ditto - - -	Ditto - - -	Ditto.	
5.	Ditto - - -	Ditto - - -	Adam Murch.	
6.	Ditto - - -	John Watts - - -	John Watts.	
7.	Ditto - - -	Ditto - - -	James Petherbridge.	
8.	Ditto - - -	Ditto - - -	James Lee.	
9.	Ditto - - -	Ditto - - -	John Beer.	
10.	Ditto - - -	Mary Furneaux - -	Mary Furneaux.	
11.	Ditto, and Garden -	Ditto - - -	John Macey.	
<i>In the Parish of Dean Prior.</i>				
No.	Description.	Owner of Land.	Lessee.	Occupier.
1.	Meadow - - -	J.Y. Buller, } Esq. - }	Richard Stidston -	Samuel Hoar.
2.	Garden - - -	Ditto - - -	Ditto - - -	Ditto.
3.	Orchard - - -	Ditto - - -	Robert Hoar - -	Peter Elliott.
4.	Pound - - -	Ditto - - -	Beau Uphill - -	Robert Hoar.
5.	Orchard and Garden	Ditto - - -	Ditto - - -	Ditto.
6.	Ditto - - -	Ditto - - -	Robert Hoar - -	William Abbott.
7.	House and Garden -	Ditto - - -	Ditto - - -	Ditto.
8.	Ditto - - -	Ditto - - -	Jane Field - - -	John Parnell.
9.	Comber's Shop - -	Ditto - - -	Ditto - - -	Ditto.