



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. xlviii.

An Act for more effectually repairing the Road from the *Totnes Road* at *Lady Down* in the Parish of *Ugborough* to within Four hundred Yards of the Bridge over the *Lary*, and for repairing the Road communicating therewith from *Hollowcombe Cross* to the Town of *Modbury* and *Dark Lane*, all in the County of *Devon*. [19th May 1836.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for more effectually making and maintaining the Road from Modbury, through the Town of Plympton, to the North End of Lincotta Lane, and from Modbury to within Four hundred Yards of the Bridge over the Lary, and also a Road from Addistone Hill in the Parish of Holbeton to the Totnes Road at Lady Down in the Parish of Ugborough in the County of Devon*: And whereas the Trustees acting under or by virtue of the said recited Act have proceeded to put the same into execution, and a considerable Sum of Money hath been borrowed and is still due and owing upon the Credit of the Tolls granted by the said Act, which cannot be paid off, nor can the said Roads, nor the new Lines of Road herein-after mentioned, be effectually made, amended, widened, diverted, altered, improved, and kept in repair, unless the Term granted by the said Act be further continued, and some additional Powers and Authorities granted: And whereas Parts of the said Road between

[Local.] 19 Q Hollowcombe 4 G. 4. c. 109.

Hollowcombe Cross in the Parish of *Ermington* and the Town of *Modbury* are hilly and circuitous, and it would be of great public Benefit and Utility to avoid the said Hills by a new Line of Road from the present Road near a Place called *Pottle Grove*, in the Parish of *Holbeton*, to join the present Road at *Saker's Bridge* Turnpike Gate, and from near the Eastern Side of *Saker's Bridge*, through Lands called *Bridge Park* and *Edmestone*, to join the present Road at or near to *Warring's Barn* in the Parish of *Modbury*, and from near *Modbury* Vicarage Gate to the Top of *Church Street* in the Town of *Modbury*; and it is expedient that Powers should be granted to make Turnpike, widen, and improve the Highway leading from the present Road at *Palm Cross Green* near the Town of *Modbury*, by the *Old Barrack Field*, and through *Dark Lane*, to the Junction of the Road leading from *Modbury* to *Dartmouth* in the Parish of *Modbury*, all in the County of *Devon*: And whereas it will be expedient, when the said new Line of Road, commencing from near *Pottle Grove* aforesaid, and terminating at *Saker's Bridge* Turnpike Gate, shall be completed, that so much of the present Road as lies between *Hollowcombe Cross* and *Saker's Bridge* Turnpike Gate should be stopped up by the Trustees; and when the Diversion or new Line of Road from near *Saker's Bridge* aforesaid to the present Road at or near *Warring's Barn* shall be completed, and open for the Passage of the Public, that all or any such Part of the present Turnpike Road lying between the Two last-mentioned Places as the Trustees shall think proper and so order should be discontinued as Turnpike, and that the Trustees should thenceforth be discharged from the future Care, Repair, and Management of such Part or Parts of the said Road so discontinued: And whereas it would be more convenient if the said recited Act was repealed, and further, better, and more effectual Powers and Provisions granted instead thereof, as well for continuing, repairing, amending, widening, diverting, and otherwise improving the said Roads, as also for making and maintaining the new Roads and Branches or Lines of Road herein mentioned; but inasmuch as 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, passed in the Fourth Year of the Reign of His said late Majesty King *George* the Fourth, shall be and the same is hereby repealed.

Recited Act
repealed.

Nothing
herein to
revive former
Acts.

II. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to revive or give any Force or Effect to any Act or Acts repealed by the said recited Act, but such Act or Acts shall be and continue repealed in such and the like Manner as if this Act had not been passed.

This Act to
take effect for
the Purposes
herein
mentioned.

III. And be it further enacted, That this Act shall commence, take effect, and continue and be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, improving, and keeping in repair such of the Turnpike Roads as at the Time of passing this Act are maintained and repaired by virtue of the Powers and

Authorities of the said recited Act hereby repealed; that is to say, the Road from the Town of *Modbury* to *Addistone Hill* aforesaid, and thence, by the Villages of *Yealmpton*, *Brixton*, and *Elburton*, to within Four hundred Yards of the Bridge over the *Lary*, through the several Parishes of *Modbury*, *Ermington*, *Holbeton*, *Yealmpton*, *Brixton*, and *Plymstock*, and from *Addistone Hill* aforesaid to the *Totnes* Road at *Lady Down* in the Parish of *Ugborough*, through the several Parishes of *Holbeton*, *Ermington*, and *Ugborough*; and also for making, improving, widening, and maintaining a new Line of Road from the present Turnpike Road near a Place called *Pottle Grove*, in the Parish of *Holbeton*, to *Saker's Bridge* Turnpike Gate in the Parish of *Ermington*, and from near the Eastern Side of *Saker's Bridge* in the Parish of *Modbury*, through Lands called *Bridge Park*, by *Goutsford Bridge*, and Lands called *Edmestone*, in the same Parish, to join the present Road at *Warring's Barn* in the said Parish of *Modbury*; and from or near *Sexton Gate* in the Parish of *Ermington* aforesaid, through Lands called *Bridge Park* and *Edmestone*, to join the present Road at *Warring's Barn* aforesaid; and from near *Modbury* Vicarage Gate to the Top of *Church Street* in the Town and Parish of *Modbury*; and from the present Road at *Palm Cross Green*, in the Parish and near the Town of *Modbury*, by the *Old Barrack Field* and through *Dark Lane* in the said Parish of *Modbury*, to unite with the said Road leading from *Modbury* to *Dartmouth*; which said intended new Roads will pass through or into the Parishes of *Holbeton*, *Ermington*, and *Modbury*, or some of them, all in the said County of *Devon*: Provided always, that if a new Line of Road by *Goutsford Bridge* to *Warring's Barn* shall be first made, then the Power given by this Act for making a new Line of Road from or near *Sexton Gate* to *Warring's Barn* shall cease and determine, and if the said last-mentioned Line shall be first made then the Powers given by this Act for making the said Line by *Goutsford Bridge* shall cease and determine.

IV. And be it further enacted, That when the said new Line of Road from near *Pottle Grove* to *Saker's Bridge* Turnpike Gate aforesaid shall be completed and open for the Passage of Cattle, Carts, and Carriages, the Trustees acting in the Execution of this Act shall and may stop up the present Road between *Hollowcombe Cross* and *Saker's Bridge* Turnpike Gate aforesaid; and from and after the said new Line of Road between *Saker's Bridge* and *Warring's Barn* aforesaid shall be completed, and open for the Passage of Cattle, Carts, and Carriages, it shall be lawful for the said Trustees and they are hereby empowered, at any Special Meeting from Time to Time to be holden for that Purpose, (of which Meeting public Notice, specifying the Time for holding the same and the Purpose thereof, shall have been given in some Newspaper published or circulated in the said County of *Devon*, and also by affixing a Copy of such Notice on all the Turnpikes, Toll Gates, and Side Bars which shall be then standing on any of the Roads now made or by this Act authorized to be made and completed, at least Fourteen Days before such Meeting,) to order that all or so much of the present Road lying between *Saker's Bridge* and *Warring's Barn* as the Trustees shall think fit shall no longer be repaired out of the Monies received or to be received by virtue of this Act; and from and immediately after the making of such Order the said Trustees shall be discharged from the Care, Management, and

Power to stop up and discontinue certain Parts of old Road.

and future Repair of such Part or Parts of the said Road so described in such Order to be discontinued as Turnpike.

Trustees
appointed.

V. 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 the Right Honourable *Edmund Parker*, commonly called Lord Viscount *Boringdon*, *John Andrews*, *John Arscott* Clerk, *Edmund Pollexfen Bastard*, *Edmund Rodney Pollexfen Bastard*, *Philemon Pownoll Bastard* Clerk, *John Bulteel*, *John Croker Bulteel*, *John Bulteel the younger*, *Courtenay James Cooper Bulteel* Clerk, *Thomas Hillersden Bulteel*, *John Bayly*, *George Bayly*, *Richard Bayly*, *Richard Roe Bignell*, *John Boger*, *Deeble Boger*, *John Hext Boger*, Sir *Walter Carew* Baronet, *Charles Biggs Calmady*, *James Courtenay*, *James Cornish the younger*, *Robert Hurrell Froude* Clerk, *John Froude*, *William Froude*, *Samuel Fuge*, *Samuel Peter Foster*, *John Harris*, *Christopher Harris*, *James Harris*, *Thomas Harris*, *William Harris*, *Treby Hele Hays*, *William Henry Hare*, *Henry Hare* Clerk, *Thomas Holberton*, *Thomas Holberton the younger*, *John Holberton*, *Robert Holberton* Clerk, *Thomas Henry Holberton*, *Abraham Mills Hawkins*, *Jarvis Kenrick* Clerk, *John King*, *Thomas King*, *James King*, *Richard Lane* Clerk, *Thomas Veale Lane*, *Richard Lane the younger*, *James Longmore* Clerk, *Thomas Lockyer*, *William Langmead*, *George Mitchell*, *James Moore Zachary Mudge*, *Nutcombe Oxenham* Clerk, *Edward William Wynne Pendarves*, *Phillip Perring* Clerk, *Richard Perring*, *William Mackworth Praed*, *Walter Lamble Prettejohn*, *Andrew Pinwell*, *William James Pinwell* Clerk, Sir *John Lemon Rogers* Baronet, *Richard Rosdew*, *Henry Richard Roe*, *Robert Robertson*, *George Strode*, *William Heale Symons*, *William Stackhouse* Clerk, *John Spry* Clerk, *John Servington Savery*, *Servington Savery*, *John Henry Seale*, *Henry Collins Sblatt*, the Right Honourable Sir *Edward Thornton*, *Paul Oury Treby*, *Henry Treby*, *John Tonkin*, *Harry Tonkin*, *John Morth Woollcombe*, *George Woollcombe*, *John Wood Winter*, *William Widdicombe*, *John Yonge* Clerk, *John Bargus Yonge*, *Edmund Yonge*, *Duke Yonge* Clerk, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed the Trustees for carrying this Act and the several Acts in force for regulating Turnpike Roads in *England* into full and complete Execution.

Power to
appoint addi-
tional Trus-
tees.

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

First Meeting
of Trustees.

VII. And be it further enacted, That the said Trustees shall hold their First Meeting at the *Yealmpton* Inn in the Parish of *Yealmpton* aforesaid, or at some other convenient House or Place on the Line of the said Roads, within Twenty Days next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then and there proceed to put this Act and the General Turnpike Acts in execution, and shall then and there afterwards adjourn to and meet at such Time
or

or Times and such Place or Places on or near to the said Roads as the said Trustees or the major Part of them present at any such Meetings shall think proper and appoint.

VIII. And whereas a Map or Plan describing the Diversions or new Lines of Roads herein-before described, and the Lands, Tenements, and Hereditaments through or over which the same are respectively intended to be made or carried, together with a Book of Reference containing the Names of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, hath been deposited with the Clerk of the Peace for the said County of *Devon*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and take Copies thereof or Extracts therefrom, 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: Provided always, that the said Trustees, in making the said several Diversions or new Lines of Road, or any Part or Parts thereof, 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, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Plan deposited with the Clerk of the Peace to remain there, and be open to Inspection.

Limiting Deviations from Plan.

IX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said several Diversions or new Lines of Road through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of the Lands, Tenements, and Hereditaments through or over which the same are respectively set out and described in the said Map or Plan and Book of Reference, although such Lands, Tenements, and Hereditaments, or the Name or Names of such Person or Persons, may be erroneously described, omitted, or mis-stated in the said Map or Plan and Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County in which the Lands, Tenements, and Hereditaments shall be situate; and be certified in Writing under their Hands, that such Omission or Mis-statement happened by Mistake.

Lands marked in the Plan may be used although erroneously described in Book of Reference.

X. Provided also, and be it further enacted, That the Powers and Authorities hereby given for making the said Diversions or new Lines of Road herein-before described shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Curtilage, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Grounds 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, or other Person interested therein, first had and obtained, save and except those specified in the Schedule hereunto annexed.

Trustees restrained from pulling down Dwelling Houses, &c. without Consent of the Owner unless specified in the Schedule.

XI. And whereas the aforesaid Map or Plan deposited with the Clerk of the Peace for the said County of *Devon* contains Two Lines of new Road, a Northern and a Southern, through the said Lands or Estate
 [Local.] 19 R If Trustees make the Northern Line of Road called

through Edmestone, they shall be empowered to contract with the Owner for stopping up the public Footpath through Edmestone.

called *Edmestone*, One of which Lines only the Trustees have the Option of making; and in case they decide on making the said Northern Line through *Edmestone* aforesaid they might be enabled to contract for and purchase the Land required for making the said Northern Line of Road through *Edmestone* aforesaid on more favourable Terms, if they were empowered at the same Time to contract and agree with the Owner of the said Estate for the stopping up and discontinuing a certain public Footpath leading from near *Sexton Gate* aforesaid, through the said Estate called *Edmestone*, to *Warring's Barn* aforesaid, which said Footpath, after the making and opening such Northern Line of Road last mentioned, would become unnecessary and useless; be it therefore further enacted, That in such Case it shall be lawful for the said Trustees and they are hereby empowered to contract and agree with the Owner of the said Estate called *Edmestone* for the stopping up and discontinuing of the said Footpath from near *Sexton Gate* aforesaid, through the said Estate called *Edmestone*, to *Warring's Barn* aforesaid, when and as soon as the said last-mentioned Northern Line of Road shall be completed and open to the Public for travelling, and accordingly at such Time and thenceforth to stop up and discontinue the said Footpath; any Usage, Right, or Custom to the contrary notwithstanding.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XII. And be it further enacted, That in case any Lands shall, in pursuance of this Act and of the said Acts for regulating the Turnpike Roads in *England*, or any of them, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased shall not (notwithstanding any Provisions in the said Acts or any of them to the contrary), by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall, by means of such Purchase and Conveyance, or either of them, be entitled to a perpetual Right of Way in or upon the Lands purchased by them in pursuance of this Act and the said Acts, or any of them.

The Right of Way to cease when Lands are not wanted.

XIII. Provided also, and be it further enacted, That if at any Time any Land purchased by the said Trustees for the Purposes of the Roads mentioned in this Act, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in or upon the said Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands, and all Uses, Estates, and Interests therein, shall be and remain in the Person or Persons then entitled to the same freed and discharged of and from such Right of Way, as if this Act had not been passed.

Trustees to have the same Power of cutting the Lands taken by them as if they had purchased the Fee Simple.

XIV. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands and Hereditaments taken by them for the Purposes of this Act, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments under and by virtue of the Powers contained in any of the Acts now in force for regulating Turnpike Roads in *England*;

England; any thing herein contained to the contrary in anywise notwithstanding.

XV. And be it further enacted, That before any Road or Highway shall be stopped up by the said Trustees they shall cause to be affixed at each End of the said Road or Highway so proposed to be stopped up a Notice to the Effect that such Road or Highway is intended to be stopped up, and the said Trustees shall also cause a like Notice to be inserted in Two of the Newspapers published or circulated in the said County of *Devon* for Four successive Weeks, and shall also cause a like Notice to be affixed on the principal outer Door of the Church or Churches of the Parish or Parishes in which such Road or Highway lies, on the Four *Sundays* of the said Four successive Weeks; and after the said Notices shall have been published and affixed in manner aforesaid the said Road or Highway shall be and be deemed to be stopped up, subject however to such Appeal to the Court of General Quarter Sessions for the said County of *Devon* as is herein-after mentioned.

Before any Road is stopped up Notices to be given and affixed on the Church Doors.

XVI. Provided always, and be it further enacted, That it shall be lawful for any Person who may think himself injured or aggrieved if any such Road or Highway shall be stopped up, within Three Calendar Months after stopping up of the said Road, to make his Complaint thereof by Appeal to the Justices of the Peace at the then next Quarter Sessions of the Peace which shall be held for the said County of *Devon*, upon giving to the said Trustees or to their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth and made on such Statement as aforesaid.

Persons aggrieved may appeal to the Quarter Sessions, &c.

XVII. Provided always, and be it further enacted, That in case such Appeal shall take place the Justices at the said Quarter Sessions shall (for the Purpose of determining whether the Road or Highway so intended to be stopped up should be stopped up) impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if, after hearing the Evidence produced before them, the said Jury shall return a Verdict that the Road or Highway so to be stopped up is wholly unnecessary, or may beneficially to the Public be discontinued, then the said Court shall dismiss such Appeal, and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Trustees, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the several Acts passed in the Third and Fourth Years of the Reign of his late Majesty King *George* the Fourth, for amending the General Laws now in being for regulating Turnpike Roads in that Part of *Great Britain* called *England*; but if the said Jury shall return a Verdict that the Road or Highway stopped up is not unnecessary, or that the same could not, beneficially to the Public, be so stopped up or discontinued, the said Court of Quarter Sessions shall allow such Appeal, and shall make an Order for restoring the said Road or Highway so stopped

In case of Appeal, a Jury at the Quarter Sessions to determine.

stopped up by the Order of the said Trustees to its original State; and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party or Parties giving such Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Trustees out of any Money arising or to arise by virtue of this Act.

Power to
take Tolls.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, and any other Person or Persons appointed or continued or to be from Time to Time appointed by them a Collector or Collectors, Lessee or Lessees of Tolls, or otherwise authorized by them for that Purpose, to demand and take at each Toll Gate, Toll Bar, Turnpike, Side Bar, and Chain which now is or hereafter shall be erected or standing across or at the Sides of the said Roads by this Act authorized or directed to be made, amended, widened, diverted, improved, and kept in repair respectively, on each and every Day, (such Day to be computed from Twelve of the Clock on one Night to Twelve of the Clock on the next succeeding Night,) the following Tolls; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, Litter, or taxed Cart, the Sum of Sixpence:
 For every Horse or other Beast, when no more than One, drawing any such Carriage with Four Wheels, the Sum of Ten-pence:
 For every Horse or other Beast, when no more than One, drawing any such Carriage with Two Wheels, the Sum of Eight-pence:
 For every Carriage without Horses, with Four Wheels fastened or attached to any Cart or other Carriage, the Sum of Nine-pence; and with Two Wheels, the Sum of Sixpence:
 For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, or other such like Carriage, the Sum of Eight-pence:
 For every Horse or other Beast, when no more than One, drawing any Waggon or such like Carriage with Four Wheels, the Sum of Ten-pence:
 For every Horse drawing any Timber Waggon or Wain with Four Wheels, or Trucks, when laden, the Sum of One Shilling and Eight-pence:
 For every Coach, Waggon, Vehicle, or other Carriage, of whatever Description, propelled or drawn wholly or in part by Steam, Gas, or any such like Means, or by Machinery or otherwise than by Animal Power, the Sum of Five Shillings:
 For every Horse, Mule, Ass, or other Beast of Burden, laden or unladen and not drawing, the Sum of One Penny:
 For all Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score (and so in proportion for any greater or less Number):
 And for all Calves, Hogs, Sheep or Lambs, Five-pence *per* Score (and so in proportion for any greater or less Number).

Additional
Tolls to be
taken be-
tween Pottle
Grove and
Modbury.

XIX. And whereas by reason of the great Expence which will be incurred in making the said new Lines or Diversions of Road between *Pottle Grove* and *Modbury* it is reasonable and expedient that certain additional Tolls should be demanded and taken at each Toll Gate, Toll Bar, Turnpike, Side Bar, and Chain now standing or to be hereafter set up

up or erected between the last-mentioned Two Places; be it further enacted, That from and after the Sum of One thousand Pounds shall be expended in forming the said new Lines or Diversions of Road, or any Parts or Part of the same, between *Pottle Grove* and *Warring's Barn*, it shall be lawful for the said Trustees to demand and take at each Toll Gate, Toll Bar, Turnpike, Side Bar, and Chain now standing or to be hereafter set up or erected between *Pottle Grove* and *Modbury*, the following additional Tolls, over and besides the Tolls first herein-before mentioned; (that is to say,)

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, Litter, or Taxed Cart, the Sum of Two-pence:

For every Horse or other Beast, when no more than One, drawing any such Carriage with Four Wheels, the Sum of Two-pence:

For every Horse or other Beast, when no more than One, drawing any such Carriage with Two Wheels, the Sum of Two-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, or other such like Carriage, the Sum of One Penny:

For every Horse or other Beast, when no more than One, drawing any Waggon or such like Carriage with Four Wheels, the Sum of One Penny:

And for every Horse, Mule, or Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of One Halfpenny:

And the same additional Tolls (over and besides the Tolls first herein-before mentioned) shall be demanded, paid, and collected at the said Turnpike Gate called *Ermington Gate*, or at any other Gate, Toll Bar, or Chain which may be set up between *Pottle Grove* and the Cross Road at or near a Place called *Lower Strode*, in the Parish of *Ermington*, in all Cases where any Carriage, Cart, or other Vehicle, Horse, Beast, or Cattle, by this Act made liable to any Toll passing through the said *Ermington Gate*, or any such other Gate, Toll Bar, or Chain as last aforesaid, shall have passed over or shall afterwards pass over on the same Day any Part of the said intended Extension of Turnpike Road between *Palm Cross Green* and the Junction with the Road leading from *Modbury* to *Dartmouth*, without having passed through or paid Toll at a Turnpike Gate, Bar, or Chain between *Pottle Grove* and *Modbury* on the same Day; which said several and respective Tolls hereby granted shall be demanded and taken as aforesaid before any Carriage whatsoever, or any Horse, Mule, Ass, or other Beast or Cattle, shall be permitted to pass through any Turnpike Gate, Toll Gate, Toll Bar, Side Bar, or Chain, and such several and respective Tolls shall be and the same are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, in manner herein directed.

Power to take the same additional Tolls between *Pottle Grove* and the Cross Road near *Lower Strode* if evaded between *Pottle Grove* and *Modbury*.

XX. Provided always, and be it further enacted, That Two full Tolls, and no more, shall be demanded or taken for any Horses, Beasts, Cattle, or Carriages passing on the same Day (to be computed as aforesaid), except in the Cases herein-after mentioned, on the said Roads or any of them; one of which said Tolls shall be collected and taken at any Gate or Gates erected or to be erected on the East Side of *Pottle Grove* aforesaid, and the other of such Tolls shall be collected and taken at

Limiting the Number of Tolls.

[Local.]

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any Gate or Gates erected or to be erected on the West Side of *Pottle Grove* aforesaid.

Tolls to be paid but once a Day.

XXI. Provided also, and be it further enacted, That after the respective Tolls shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any Turnpike or Gate to be continued or erected by virtue of this Act, such Horse, Cattle, or Beast, or Carriage, shall, upon a Ticket being produced denoting such Payment on that Day, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates, if any, as the Ticket for such Payment shall free, at any Time or Times during the same Day (to be computed as aforesaid), except as herein-after mentioned, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

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

XXII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or other Beast drawing any Stage Coach, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay, Hire, or Reward, for each Time of passing or repassing along the said Roads, and for every Horse or other Beast drawing any Cart or Waggon, not being a regular Stage Cart or Carriage, for each Time of repassing when conveying fresh Goods not for the Use of the Owner or original Hirer thereof: Provided nevertheless, that no further or additional Toll shall be payable in respect of the Horses or other Beasts drawing any such Stage Coach, Caravan, Stage Waggon, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Post Chaises on each fresh Hiring.

XXXIII. And be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or other Beast let out to Hire, and drawing any Post Chaise or other Carriage, for each Time of passing or repassing along the said Roads, whenever any fresh Hiring thereof shall take place.

Steam Carriages to pay every Time of passing and repassing.

XXIV. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage or Vehicle propelled or moved by Steam, Gas, or any other like Means, or by any Machinery, or otherwise than by Animal Power, shall be paid at and for every Time of the passing and repassing of such Carriage or Vehicle over or along the said Roads.

Lime and Sand for Manure exempt from Toll.

XXV. And be it further enacted, That the aforesaid Tolls shall be demanded and taken by virtue of this Act for or in respect of every Cart, Waggon, or other Carriage carrying or conveying or going for, or returning after having been only employed in carrying or conveying, on the same Day, any Lime or Sand to be used only for the Purposes of Manure, on passing through any of the Turnpikes or Toll Bars on the said Road, unless the Fellies of the Wheels of every such Cart, Waggon, or other Carriage used for that Purpose and drawn by Two Horses are of the Breadth of Four and Half Inches, and if by Three or more Horses of the Breadth of Six Inches.

Agreement entered into under former

XXVI. And whereas by the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth, hereby repealed,

it was enacted that it should be competent for the said Trustees to make an Agreement with the Earl of *Morley*, and an Agreement was accordingly made and entered into between the said Trustees and the said Earl, bearing Date the Eleventh Day of *October* One thousand eight hundred and twenty-three, whereby the said Earl agreed with the said Trustees and their Successors to erect a Bridge over the *Lary*; and that after the Time that the new Roads thereby agreed to be made by the said Trustees, and the said Bridge over the *Lary* agreed to be built by the said Earl, should be completed and open to the Public, he the said Earl, or the Owner or Owners of the said Bridge, from that Time until the whole Debt upon the said new Roads, not exceeding the then present Debt of One thousand six hundred and fifty Pounds, and the Sum of Twelve thousand Pounds then intended to be borrowed by the said Trustees for making the said new Roads therein described, should be again reduced to the Sum of One thousand six hundred and fifty Pounds, should not take any higher or other Toll from any Person or Persons bringing a Ticket or Tickets from any Gate erected or to be erected on the said Road, denoting Payment of Toll at such Gate or Gates on account of any Carriage, Cart, Waggon, or any other Vehicle, or any Horse, Mule, Ass, or any other Matter or Thing, mentioned in the said Act hereby repealed, than the Tolls in the said Agreement mentioned; and the said Trustees agreed with the said Earl that the said Trustees or their Successors should not, so long as the said Agreement should remain in force, take any Toll, or erect or set up any Gate, Side Gate, Bar, or Chain, on any Part of the Road between the Village of *Brixton* and the said intended Bridge over the *Lary*, without the Consent in Writing of the said Earl of *Morley*, or other the Owner or Proprietor or Owners and Proprietors of the said Bridge, first had and obtained; be it therefore further enacted, That the said Agreement of the Eleventh Day of *October* One thousand eight hundred and twenty-three, and all the Provisions contained therein, and such Part of the said recited Act as relates to the said Agreement, shall continue in force, and be in all respects binding upon both the contracting Parties, until the Expiration of this Act, if the said Debt therein mentioned be not sooner paid off.

Act to continue in force.

XXVII. And be it further enacted, That all the Monies now in the Hands of the said Trustees, or which shall be collected or received under the Powers of this Act, shall be applied, in the first instance, in defraying the Costs, Charges, and Expences attending the obtaining and passing of this Act: Provided always, that if any Part of the said Costs, Charges, and Expences shall be paid and borne out of the Monies arising or collected from the Road between *Lady Down* and within Four hundred Yards of the *Lary Bridge*, such Part of the said Costs, Charges, and Expences shall be repaid out of the Monies borrowed on the Credit of the Tolls, or the Tolls received and collected from the other Roads mentioned in this Act, and when so repaid shall be applied in the same Manner as the Tolls received from the said Road between *Lady Down* and within Four hundred Yards of the *Lary Bridge* are hereby directed to be applied.

Application of the Money raised.

XXVIII. And be it further enacted, That for the Purposes of this Act the Road from *Lady Down* to within Four hundred Yards of the *Lary Bridge* shall be considered as one distinct Road, and the several other

Roads to be divided into Districts.

other Roads mentioned in this Act shall be considered as another distinct Road; and that, save as herein mentioned, none of the Tolls hereby authorized to be taken on either of the said distinct Roads shall be applied in the making, Repair, or Maintenance of the other of the said Roads.

Application
of the Tolls
arising be-
tween Lady
Down and
Approach to
Lary Bridge.

XXIX. And be it further enacted, That all the Monies which shall or may be collected or received by or from the Tolls granted by this Act, and collected on the said Road between *Lady Down* and Four hundred Yards of *Lary Bridge*, shall be applied first in defraying the Expence of erecting and keeping in repair the Toll Houses and other Buildings, and repairing the said Road, and in the next place in paying and discharging the Interest of all Sums of Money now due and owing on the Credit of the Tolls of the several Acts repealed by the said recited Act hereby repealed, and the Interest of all Sums of Money now due and owing on the Credit of the Tolls granted by the said recited Act hereby repealed, and the Principal of the said respective Sums rateably; and that all the Monies collected and received on the other Roads in this Act mentioned, or borrowed on the Security thereof, shall be applied, in the first place, in the Payment of the Costs, Charges, and Expences of this Act, and in the next place in the Repair and Maintenance of the said other Roads, and in erecting and maintaining the Toll Houses and other Buildings thereon; and that after Payment thereof so much of the Monies collected on the said other Roads as, together with the Tolls collected between *Pottle Grove* and *Lower Strode Cross*, and the Expences of maintaining the said other Roads and the said Buildings thereon, will make up the Sum of Three hundred and forty-five Pounds, shall be carried by the said Trustees to the Account of the said Road between *Lady Down* and Four hundred Yards of the *Lary Bridge*, and shall be applied by the said Trustees in such and the same Manner as the Tolls collected on the said last-mentioned Road are hereby directed to be applied, and that the Residue of the Monies collected on the said other Roads shall be applied in paying off and discharging the Interest and Principal of the Monies which shall hereafter be borrowed or taken up at Interest on the Credit of the same.

Old Creditors
to have a
Priority of
Creditors
under
4 G. 4. c.109.

XXX. Provided always, and be it further enacted, That the original Creditors or Holders of Mortgages or Poll Deeds which before the passing of this Act were in force and unsatisfied immediately before the passing of the said recited Act, and then binding on or affecting the Tolls granted by any Act or Acts of Parliament in or by the said recited Act declared to be repealed, and the Representatives and Assigns of such Creditors or Holders, shall be entitled, for and in respect of the Principal Sums of Money expressed to be secured in or by the same Mortgages or Poll Deeds, to a Priority of Payment of the Interest of the same Sums of Money respectively at the Rate in the said Mortgages or Poll Deeds expressed; and such Interest shall be paid out of the Monies arising from the Tolls granted by this Act, and applicable to such Purposes as herein-before mentioned, in the first place, before any of such last-mentioned Monies shall be applied in or towards the Payment of the Interest of any Money borrowed or secured since the passing of the said recited Act.

No Turnpike
to be erected
between Palm
Cross Green

XXXI. Provided also, and be it further enacted, That no Turnpike, Toll Gate, Bar, or Chain shall be erected, or any Tolls taken, on or at the

the Side of the said Road between *Palm Cross Green*, by way of the *Old Barrack Field* and *Dark Lane* to the said Road leading from *Modbury* to *Dartmouth*, or on any Diversion thereof or Deviation therefrom. and Road from Modbury to Dartmouth.

XXXII. 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. Public Act.

XXXIII. And be it further enacted, That this Act shall commence and take effect upon the passing thereof, and shall thenceforth continue and be in force 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. Term of Act.

The SCHEDULE to which the foregoing Act refers.

No. on the Map.	Description of Property.	Proprietors Names.	Lessees Names.	Occupiers Names.	Parish.
<i>From Pottle Grove to Saker's Bridge Turnpike Gate.</i>					
1.	Orchard -	John Bulteel, Esq.	- - -	Joseph Giles Millman, Andrew Wotton.	Holbeton.
2.	Arable - -	Ditto - -	- - -	John Hillson -	Ermington.
3.	Garden - -	Ditto - -	- - -	John Burford -	Ditto.
<i>From the Eastern Side of Saker's Bridge to Warring's Barn.</i>					
4.	Pasture -	John Gill - -	- - -	John Gill - -	Ditto.
5.	Arable - -	John Bulteel, Esq.	- - -	Joseph Giles Millman, Andrew Wotton.	Modbury.
6.	Plantation -	Ditto - -	- - -	John Bulteel, Esq.	Ditto.
7.	Ditto -	The Venerable Robert Hurrell Froude, Clerk, Archdeacon of Totnes.	- - -	The Venerable R. H. Froude.	Ditto.
8.	Garden -	Ditto - -	- - -	William Taylor and William Ford.	Ditto.
9.	Nursery -	Ditto - -	- - -	John Bickford -	Ditto.
10.	Pasture -	Ditto - -	- - -	Ditto - -	Ditto.
11.	Ditto -	Ditto - -	- - -	Ditto - -	Ditto.
12.	Meadow -	Ditto - -	- - -	Ditto - -	Ditto.
13.	Ditto -	Ditto - -	- - -	Ditto - -	Ditto.
14.	Arable - -	Ditto - -	- - -	Ditto - -	Ditto.
15.	Plantation and Orchard. -	Ditto - -	- - -	Ditto - -	Ditto.
16.	Orchard -	Ditto - -	- - -	Ditto - -	Ditto.
17.	Meadow -	Ditto - -	- - -	Ditto - -	Ditto.
18.	Private Road -	Ditto - -	- - -	Ditto - -	Ditto.
19.	Arable - -	Ditto - -	- - -	Ditto - -	Ditto.
20.	Pasture -	Luke Pearse -	- - -	Luke Pearse -	Ditto.
21.	Arable - -	The Venerable R. H. Froude.	- - -	John Bickford -	Ditto.
22.	Plantation -	Ditto - -	- - -	The Venerable R. H. Froude.	Ditto.
23.	Present Turnpike.	—	—	—	—
<i>From near Modbury Vicarage Gate to the Top of Church Street.</i>					
24.	Pasture -	Eton College -	J. H. Rhodes, Esq.	Martin Ashley -	Ditto.
25.	Garden - -	Ditto - -	Ditto - -	John Coaker -	Ditto.
26.	Orchard -	Samuel Wroth -	- - -	Samuel Wroth -	Ditto.
27.	Garden - -	Ditto - -	- - -	Ditto - -	Ditto.

No. on the Map.	Description of Property.	Proprietors Names.	Lessees Names.	Occupiers Names.	Parish.
<i>From Palm Cross Green to the Junction of the Road leading from Modbury to Dartmouth.</i>					
28.	Public Way -	- - - -	- - -	- - - -	Modbury.
29.	Public Highway	- - - -	- - -	- - - -	Ditto.
30.	Ditto, called Dark Lane.	- - - -	- - -	- - - -	Ditto.
31.	Pasture -	Rev. Philip Perring	- - -	John Rogers -	Ditto.
32.	Meadow -	Ditto - -	- - -	Servington Savery, Esq. -	Ditto.
33.	Pasture -	John Savery Brook- ing, Esq., and John Pearse, Esq., Trustees for Mrs. Sawyer.	- - -	Robert Lyndon -	Ditto.
34.	Ditto -	John Bulteel, Esq.	Rev. Philip Perring.	S. Savery, Esq. -	Ditto.

Second or Southern Line, through Edmeston, by way of Goutsford Bridge.

a.	Pasture -	The Venerable R. H. Froude.	- - -	John Bickford -	Ditto.
b.	Arable -	Ditto - -	- - -	Ditto - -	Ditto.
c.	Plantation -	Ditto - -	- - -	The Venerable R. H. Froude.	Ditto.
d.	Arable -	Ditto - -	- - -	John Bickford -	Ditto.
e.	Ditto -	Ditto - -	- - -	Ditto - -	Ditto.
f.	Ditto -	Ditto - -	- - -	Ditto - -	Ditto.
g.	Plantation -	Ditto - -	- - -	The Venerable R. H. Froude.	Ditto.
.	Pasture -	Ditto - -	- - -	John Bickford -	Ditto.
i.	Arable -	Ditto - -	- - -	Ditto - -	Ditto.

