ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 14.

An Act for continuing and amending an Act, paſſed in the Twentieth Year of the Reign of His preſent Majeſty, for repairing the Road leading from the End of the *Exeter* Turnpike Road, on the Weſt Side of Lord *Clifford*'s Park Gate to *Biddaford*, and alſo ſeveral Roads leading from *Bridgetown*, in the County of *Devon*; and for varying the Line of certain Parts of the ſaid Roads, and alſo for extending the Proviſions of the ſaid Act to the Road leading from the Termination of one of the ſaid Roads, at or near the Bottom of *Water Lane*, in the Pariſh of *Totnes*, to a Place called *Luſcombe Croſs*, in the Pariſh of *Harberton*, in the ſaid County of *Devon*. [24th *March* 1803.]

WHEREAS by an Act, paſſed in the Twentieth Year of the Reign of His preſent Majeſty, intituled, *An Act for more effectually repairing the Road leading from the End of the* Exeter *Turnpike, on the Weſt Side of Lord* Clifford's *Park Gate to* Biddaford, *and alſo ſeveral Roads leading from* Bridgetown Pomeroy, *and from* Teingbridge, 20 Geo. 3.

[*Loc. & Per.*] Yy

bridge, *in the County of* Devon; *and for repealing Two Acts of the Thirty-second of His late Majesty, and the Second of His present Majesty, made for repairing the said Roads*, several Tolls and Powers were granted to Trustees for repairing and improving the Highways or Roads, leading from the Head of the Hollow Way on the Western Side of Lord *Clifford*'s Park Gate where the *Exeter* Turnpike Road ends, in the Parish of *Ideford*, in the County of *Devon*, to a Place called *Biddaford*, in the Parish of *Ugborough*, and from the Head of the Borough of *Bridgetown Pomeroy*, in the Parish of *Berry Pomeroy*, in the said County of *Devon*, to a Place called *Waton Gate*, in the Parish of *Stoke Gabriel*, and from thence to *Gampton Cross*, in the Parish of *Churston Ferrers*, and from the said Borough of *Bridgetown Pomeroy*, to the Town of *Paington*, and from thence to a Place called *The Sands*; and from the said Borough of *Bridgetown Pomeroy*, to a Place called *Five Lanes*, in the Parish of *Marledon*; and from a Bridge called *Teingbridge*, in the Parish of *Teingrase*, to a Place called *Bovey Mills*, in the Parish of *Bovey Tracey*, in the said County of *Devon*, which said Tolls and Powers were to continue from the End of the Session of Parliament next after the Twenty-ninth Day of *April* One thousand seven hundred and eighty-three, for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees authorized to put the said recited Act into Execution, have, in pursuance thereof, borrowed several Sums of Money upon the Credit of the Tolls thereby granted, which said Sums are still remaining due, and cannot be paid, nor can the said Roads be kept in good Repair, unless the said recited Act be continued for a further Term; and it is expedient that several of the Tolls and Powers thereby granted should be altered and enlarged: And whereas it would be of great publick Utility, if Part of the Roads herein-before described and comprized in the said recited Act, leading from the Head of the Hollow Way, on the Western Side of Lord *Clifford*'s Park Gate, in the Parish of *Ideford* aforesaid, to the Bottom of a certain Hill called *Fire Stone* or *Sandy Gate Hill*, in the Parish of *Kingsteington*, was discontinued, and in lieu thereof a convenient Carriage Road was made from the Bottom of the same Hill, in and through a certain Piece of Waste Land called *The Sands*, to or near to the Village of *Gappah*, in the Parish of *Chudleigh*, and from thence to communicate with the present Highway at the Back of Lord *Clifford*'s Park, and in and through the same Highway to a certain Place called *Beggars Bush*, in the Parish of *Chudleigh* aforesaid; and it would also be of great publick Utility, by avoiding several steep and inconvenient Hills, if Powers were also given to divert and alter the Course of the present Turnpike Road at the End of the said Town of *Totnes*, so as to go out of the said Town, at the West End thereof, by some proper Way in and through *Broomborough Lane* otherwise *Bramber Lane*, instead of by a Place called *The Half Moon*, by making and maintaining a Road from such new Outlet in and through *Broomborough Lane* aforesaid, to or near a certain Place (Part of the present Turnpike Road) called *Fork Green*, in the Parish of *Harberton*, where One of the present Turnpike Gates now stands; and to extend and continue the said Turnpike Road from the Bottom of *Water Lane*, in the said Parish of *Totnes*, to a Place called *Luscombe Cross*, in the Parish of *Harberton*, extending in Length Half a Mile or thereabouts: But such beneficial Purposes cannot be effected without the Aid 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 the ſaid recited Act paſſed in the Twentieth Year of the Reign of His preſent Majeſty, and all and every the Powers, Authorities, Remedies, Penalties, Forfeitures, Puniſhments, Exemptions, Directions, Proviſions, Clauſes, Matters, and Things therein contained (except ſuch of them or ſuch Parts thereof as are hereby varied, altered, or repealed, or as are repugnant to any of the Proviſions contained in this Act, and alſo ſuch of them as relate to Exemptions from Stamp Duty), ſhall be and continue in full Force and Effect, for and during the Term herein-after mentioned; and that all the Clauſes, Tolls, Powers, Authorities, Exemptions, Directions, Proviſions, Matters, and Things, therein and in this Act contained, ſhall immediately on the paſſing hereof, extend to and be executed for and during the Term herein-after mentioned, as well for the Intents and Purpoſes of the ſaid recited Act, as for making, amending, widening, turning, altering, diverting, improving, repairing, and keeping in Repair, the ſaid new or additional Roads herein-before mentioned and deſcribed, and other the Purpoſes of this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſaid Roads had been originally included in and made Part of the Roads included in the ſaid recited Act, and as if the ſame Clauſes, Tolls, Powers, Authorities, Proviſions, Matters, and Things (except as aforeſaid) were repeated, expreſſed, and contained and re-enacted in this preſent Act; which ſaid additional Term, and the Tolls hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all Monies now due and owing from the ſaid Truſtees under or by virtue of the ſaid Act, or which ſhall or may be borrowed by them for the Purpoſes of this Act, with the Intereſt due and to grow due thereon reſpectively.

Act further continued.

II. And be it further enacted, That after the ſaid intended new Roads or Diverſions ſhall be made ſafe and commodious for the Paſſage of Carriages, the ſaid old Roads, in lieu of which ſuch new ones are intended to be made, ſhall ceaſe and be diſcontinued, and the ſaid Truſtees ſhall be exonerated and diſcharged from the Repair thereof, as fully and effectually as if the ſaid Roads had not been comprized in or directed to be repaired by the ſaid recited Act.

Old Roads to be diſcontinued when new ones made paſſable.

III. And be it further enacted, That *William Dacres Adams*, *George Pownall Adams*, *Samuel Adams*, Sir *Francis Buller Yarde Buller* Baronet, *John Berkeley Burland* Eſquire, *Edmund Baſtard*, *Edmund Baſtard* junior, *John Moyſey Bartlett*, *John Adams Bartlett*, *Thomas Babb*, *Robert Bradford* Clerk, *William Baker*, *William Searle Bentall*, *Charles Barter* Clerk, *Richard Clarke*, *James Corniſh* junior, *William Corniſh*, *Edward Cary* junior, *George Cary*, *George Drake* junior, *Richard Dacres*, Sir *William Elford* Baronet, *Farmery Predam Epworth*, *John Digby Fowell*, *Chriſtopher Farwell*, *Arthur Farwell* Clerk, *George Farwell*, *Baldwin Fulford*, *Peter Gaye*, *James Harriſon*, *Lawrence Harvey*, *John Hugo*, *Thomas Bickerton Aſhton Hicks*, *James Hicks*, *William Cholwich Lear*, *Thomas Lane*, *Richard Marſhall* M. D., Sir *Lawrence Palk* Baronet, *Walter Prideaux*, Sir *John Rogers* Baronet, *Richard Roſdew*, *John Taylor* Clerk, *Charles Taylor*, *John Toms*, *Thomas White Windeatt*,

Additional Truſtees.

Windeatt, *Thomas Welch*, and *Ayſhford Wiſe*, being duly qualified, according to the Directions of the ſaid recited Act, ſhall be and they are hereby added to and joined with the Truſtees appointed in or by virtue of the ſaid recited Act, and ſhall have the ſame Power and Authority to act in the Execution of the ſaid Act and this Act, as if they had been named and appointed Truſtees in the ſaid former Act.

Quorum of Truſtees.

IV. And be it further enacted, That all Acts, Matters, and Things, authorized or required by the ſaid recited Act or by this preſent Act, to be done and executed by the ſaid Truſtees in carrying the ſame into Execution, ſhall and may be done and executed by any Five or more of them preſent at any Meeting; and the ſame ſhall be as good, valid, and effectual, and ſhall have the ſame Force and Effect, as if ſuch Acts, Matters, and Things, had been done and executed by any greater Number than Five Truſtees, ſave and except as is herein-after otherwiſe directed and provided.

Meetings of the Truſtees.

V. Provided always nevertheleſs, and it is hereby further enacted, That, from and after the paſſing this Act, the Place of Meeting of the ſaid Truſtees for putting the ſaid recited Act and this Act into Execution, ſhall be at the Guildhall of the Borough of *Totnes*, or at ſome other convenient Place within the ſaid Borough; and that the ſaid Truſtees, or any Five or more of them, may there meet at any Time or Times for that Purpoſe, as often as it ſhall be thought neceſſary, and required by any Five or more of the ſaid Truſtees, by Writing under their Hands, to be affixed on ſome publick Place within the ſaid Borough of *Totnes*, at leaſt Seven Days before any ſuch Meeting; any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

Tolls repealed, and others granted.

VI. And whereas the ſeveral Tolls in and by the ſaid recited Act granted, are not ſufficient for the Purpoſe of maintaining and ſupporting the ſaid Roads, and the other Expences attendant thereon; be it therefore enacted, That, from and after the paſſing this Act, the ſaid Tolls ſhall be and the ſame are hereby declared to be repealed, and that inſtead thereof there ſhall be demanded and taken at every Gate or Turnpike erected or to be erected, or continued by virtue of the ſaid Act or of this Act, before any Carriage or Cattle whatſoever, upon which any Toll is impoſed, ſhall be permitted to paſs through the ſame, ſuch Tolls as the ſaid Truſtees ſhall from Time to Time appoint, not exceeding the ſeveral and reſpective Sums of Money herein-after mentioned; (that is to ſay),

Tolls.

For every Coach, Chariot, Landau, Berlin, Phaeton, Chaiſe, Curricle, Car, Calaſh, Chair, Caravan, Hearſe, Litter, or other ſuch Carriage, drawn by Six or more Horſes or other Beaſts of Draught, the Sum of Two Shillings:

For every Horſe, Aſs, Mule, Mare, or Gelding, or other Beaſt drawing the ſame, the Sum of Sixpence:

For every ſuch Carriage drawn by Four Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence:

For every Horſe, Aſs, Mule, Mare, or Gelding, or other Beaſt of Draught drawing the ſame, the Sum of Sixpence:

For every ſuch Carriage drawn by Two Horſes or other Beaſts of Draught, the Sum of Nine-pence:

For

For every Horſe, Aſs, Mule, Mare, or Gelding, or other Beaſt drawing the ſame, the Sum of Three-pence:

For every Chaiſe or Chair drawn by One Horſe, Aſs, Mare, Mule, Gelding, or other Beaſt of Draught, the Sum of Nine-pence:

For every Waggon, Cart, Tumbrill, or Dray, uſing Wheels with Fellies Nine Inches broad at the leaſt, drawn by Eight Horſes or other Beaſts of Draught, the Sum of Six Shillings:

For every ſuch Waggon, Wain, Cart, Tumbrill, or Dray, drawn by Seven Horſes or other Beaſts of Draught, the Sum of Five Shillings and Sixpence:

For every ſuch Waggon, Wain, Cart, Tumbrill, or Dray, drawn by Six Horſes or other Beaſts of Draught, the Sum of Five Shillings:

For every ſuch Waggon, Wain, Cart, Tumbrill, or Dray, drawn by Five Horſes or other Beaſts of Draught, the Sum of Four Shillings and Sixpence:

For every ſuch Waggon, Wain, Cart, Tumbrill, or Dray, drawn by Four Horſes or other Beaſts of Draught, the Sum of Four Shillings:

For every ſuch Waggon, Wain, Cart, Tumbrill, or Dray, drawn by Three Horſes or other Beaſts of Draught, the Sum of Three Shillings:

For every ſuch Waggon, Wain, Cart, Tumbrill, or Dray, drawn by Two Horſes or other Beaſts of Draught, the Sum of Two Shillings:

For every ſuch Waggon, Wain, Cart, Tumbrill, or Dray, drawn by One Horſe or other Beaſt of Draught, the Sum of One Shilling:

For every Wheel Carriage laden with Timber, drawn by Five or more Horſes or other Beaſts of Draught, the Sum of Five Shillings:

For every ſuch Wheel Carriage laden with Timber, drawn by Four Horſes or other Beaſts of Draught, the Sum of Four Shillings:

For every ſuch Wheel Carriage laden with Timber, drawn by Three Horſes or other Beaſts of Draught, the Sum of Three Shillings:

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

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

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

Which ſaid reſpective Tolls herein-before mentioned, ſhall be and are hereby declared to be veſted in the ſaid Truſtees for putting the ſaid recited Act, and this Act, into Execution, and they or any Seven or more of them ſhall have ſuch and the ſame Powers, Authorities, and Remedies for apportioning, mortgaging, transferring, leaſing, reducing, advancing, and compounding for the Tolls hereby granted or made payable, and the ſame ſhall and may be collected, levied, recovered, paid, and applied, in the ſame Manner and Form as in and by the ſaid recited Act is expreſſed with reſpect to the Tolls thereby granted or made payable; but ſubject nevertheleſs to this Act, and the Powers and Regulations herein contained.

Carriages with Wheels leſs than 9 Inches to pay Double.

VII. And be it further enacted, That every Waggon, Wain, Cart, Tumbrill, or Dray, uſing Wheels with Fellies leſs than Nine Inches broad, ſhall pay for every ſuch Waggon, Wain, Cart, Tumbrill, or Dray, and

and for the Horſes or other Beaſts drawing the ſame, Double the Tolls herein-before charged or intended to be charged for the ſame reſpectively.

Double Tolls on *Sundays*.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, at any Meeting to be held in purſuance of Notice in Writing to be given on all the Turnpike Gates erected or to be erected on the ſaid Roads Ten Days at leaſt before ſuch Meeting, to authorize the Toll Gatherers or Collectors on all the ſaid Roads, on each and every *Sunday* during the Continuance of this Act (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night), at each and every Gate, for and during ſo long Time as the ſaid Truſtees ſhall order and direct at ſuch Meeting, but no longer, to demand and take at each Toll Houſe or Turnpike Gate Double the Tolls which ſhall for the Time being be ordered and authorized by the ſaid Truſtees to be collected at the ſame Toll Houſe or Turnpike Gate on any other Day, under and by virtue of this Act; but ſo as ſuch Double Toll ſhall not be demanded or taken from any Perſon going to or returning from his, her, or their own Pariſh Church.

Collectors of Tolls competent Witneſſes.

IX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be and are hereby declared to be competent to give Evidence in any ſuch Diſpute, Suit, or Litigation.

Power to let Tolls.

X. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, at any Time or Times (on Ten Days Notice in Writing ſigned by their Clerk, and affixed on all the Turnpike Gates then erected on the ſaid Roads), leaſe or let to Farm, by the Year or otherwiſe, for any Term not exceeding Three Years, all or any Part of the ſaid Tolls, and the Turnpike and Toll Houſes erected or to be erected on the ſaid Roads, to any Perſon or Perſons whomſoever, for the beſt Price that can or may be gotten for the ſame, taking ſuch Security as to them ſhall ſeem ſufficient for the Payment thereof, ſuch Leaſes or Contracts to be in Writing, and to be ſigned by the ſaid Truſtees, or their Clerk and Treaſurer for the Time being, on their Behalf; and the Leſſee or Leſſees, in Default of Payment of the Rent or Money therein reſerved or agreed to be paid, ſhall or may be proceeded againſt for the Recovery thereof, in Manner by the ſaid recited Act directed for proceeding againſt Collectors and Receivers of Tolls receiving Money, and not paying the ſame as is thereby required; and in caſe any Default ſhall be made, that then it ſhall be lawful for the ſaid Truſtees to declare ſuch Leaſe or Agreement void, and it is hereby declared that the ſame ſhall be void accordingly, to all Intents and Purpoſes whatſoever, ſave and except only with regard to the Recovery of the Arrears then remaining due on ſuch Leaſe or Contract; and that for that Purpoſe only the ſame ſhall remain and continue in force until Payment and Diſcharge thereof, and all Coſts and Charges relating to the Recovery thereof.

On Non-payment of Arrears of Tolls, Power to diſtrain.

XI. Provided always nevertheleſs, and be it further enacted, That in caſe any or either of the preſent Leſſees or Toll Gatherers, or any Leſſee, Toll

Toll Gatherer, or Collector of Tolls herein-after to be appointed, shall neglect or fail, by the Space of Seven Days, to pay up all the Arrears and Money due for such Tolls, or for the Rent or other Profit of such Turnpike or Toll House or Gate, or shall neglect or desert the same, that then and in every such Case it shall be lawful for any Justice or Justices of the Peace for the said County of *Devon*, or for the said Trustees, or any Seven or more of them, upon Oath or Affidavit made thereof before him or them respectively, by the Clerk and Treasurer of the said Turnpike for the Time being, or some other competent Person, by Warrant or Order under his or their Hand and Seal or Hands and Seals respectively, to authorize and direct the Constables or Tythingmen of the Parish where such Turnpike or Toll House shall be situate, to enter therein and take Possession of the same Turnpike or Toll House, or Turnpikes or Toll Houses, with the Goods and Chattels therein; and also in case any such Goods and Chattels, or any Part thereof, shall be removed from such Turnpike or Toll House, or other Place, for the Purpose of avoiding Payment of such Tolls or Profits, or any Part thereof, that then it shall and may be lawful for the said Trustees, or any Person authorized by them, or by their Clerk and Treasurer for the Time being, to pursue, seize, and take such Goods and Chattels where the same shall or may be found, and in both Cases, whether such Goods and Chattels are taken in the said Turnpike or Toll House, Turnpikes or Toll Houses, or after Removal from thence as aforesaid, to sell and dispose of the same in the same Manner as in Cases of Distress for Rent, and to apply the Produce thereof for and towards Payment of the Tolls, Rents, or Profits then due and in Arrear, and the Costs and Charges attending the Premises, and to deliver over the same Turnpike or Toll House to the said Trustees or any Person they shall appoint; and that from thenceforth the said Trustees shall be at Liberty to let the same or appoint any other Collector of such Toll thereat, in the same Manner as if the former Term had been regularly and duly expired; but that, notwithstanding such Possession being taken of the said Turnpikes or Toll Houses, or any or either of them, it shall be lawful for the said Trustees, or their Clerk and Treasurer, to sue for and recover the Arrears which shall then remain due, with the Costs and Charges attending the same, as fully as if no Possession had been taken.

Exemption of certain Farms repealed.

XII. And whereas it is expedient that the Exemptions in the said recited Act, of the Occupiers of the Three several Farms called *Broomborough*, *Follaton*, and *Dorsely*, from the Payment of Toll, should be discontinued; be it therefore enacted, That, from and after the passing of this Act, all such Exemptions shall be and the same are hereby repealed and made void.

Trustees to sue and be sued in the Name of their Clerk.

XIII. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Treasurer, and that no Action to be brought or commenced by or against the said Trustees, by virtue or on account of the said recited Act or of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees, or any Seven or more of them, but the Clerk and Treasurer for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action,

Action, as the Caſe ſhall be: Provided always, that ſuch Truſtees, and every ſuch Clerk or Treaſurer in whoſe Name any Action or Suit ſhall be commenced, ſued, proſecuted, or defended, in purſuance of the ſaid recited Act or of this Act, ſhall always be reimburſed and paid out of the Money to ariſe by virtue of the ſaid Act and this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event of any ſuch Proceedings they or he ſhall reſpectively be put unto or become chargeable with, by reaſon of their or his being ſo made Plaintiffs or Defendants, Plaintiff or Defendant therein.

Penalty on cauſing Obſtructions to Foot Paſſengers.

XIV. And whereas the Path or Pavement in the ſaid Town of *Totnes*, made under the Directions and Powers of the ſaid recited Act, for the Convenience of Foot Paſſengers, is frequently ſtopped up or obſtructed by Horſes ſtanding thereupon; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any Time or Times ride, lead, or drive any Horſe, Mare, Gelding, Mule, or Aſs, in or upon any Path or Pavement within the ſaid Town of *Totnes*, made for the Convenience of Foot Paſſengers as aforeſaid, or ſhall permit or ſuffer to ſtand, tied or untied, any ſuch Horſe, Mare, Gelding, Mule, or Aſs, in or upon the ſaid Path or Pavement within the ſaid Town of *Totnes*, ſo made for Foot Paſſengers as aforeſaid; or if any Perſon or Perſons ſhall permit or ſuffer any Stage Coach, Chaiſe, Waggon, Cart, or other Carriage, of any Deſcription whatſoever, with or without Horſes, to be placed, ſtand, or remain, in any Part of the publick Streets or Roads belonging to the ſaid Turnpike (except only during ſuch reaſonable Time as ſuch Carriages ſhall be loading or unloading); or if any Perſon or Perſons ſhall lay, lodge, place, put, or drop any Timber, Wood, Stone, or other Thing, in or upon any of the Roads or Streets within the ſaid Towns of *Totnes*, *Newton Abbot*, and *Newton Buſhell*, or any or either of them, ſo as to obſtruct the free Paſſage along the ſame; or if any Perſon or Perſons ſhall lay, lodge, put, or drop any Timber, or any Tree or Trees, in or upon a certain open Space or Piece of Ground in the Town of *Totnes* aforeſaid, commonly called or known by the Name of *The Plains*, or *Totnes Plains*, or if any Perſon or Perſons ſhall uſe the Foot Path of the ſaid Town of *Totnes* otherwiſe than for walking thereon, then and in every ſuch Caſe every ſuch Perſon or Perſons ſo offending, and being thereof convicted by his, her, 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*, or for the Borough of *Totnes* aforeſaid, if the Offence ſhall be committed within the Limits of the ſaid Borough (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter) ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Twenty Shillings for the Firſt Offence, and not exceeding Forty Shillings for the Second and every ſubſequent Offence, as ſuch Juſtice or Juſtices ſhall in his or their Diſcretion think right; which Sum, in caſe the ſame be not forthwith paid, ſhall be levied and recovered in the Manner directed by the ſaid recited Act for recovering Penalties and Forfeitures thereby incurred; and when recovered ſhall go and be paid to the Treaſurer or Treaſurers to the ſaid Truſtees, and be applied for the Purpoſes of this Act.

XV. And

Power to Truſtees to purchaſe and pull down any Building at the Weſt End of *Totnes*, to make a convenient Outlet.

XV. Provided alſo, and it is hereby enacted and declared, That for the Purpoſe of widening, altering, turning, and diverting the ſaid Road at the Weſt End of the ſaid Town of *Totnes*, ſo as to go out of the ſaid Town in and by the ſaid Lane, called *Broomborough* otherwiſe *Bramber Lane*, to *Fork Green* aforeſaid, it ſhall be lawful for the ſaid Truſtees to take or uſe the ſeveral Meſſuages, Buildings, Yards, Gardens, and Orchards, ſituate at or near the Weſt End of the ſaid Town of *Totnes*, and lying between the ſame and *Fork Green* aforeſaid, herein-after deſcribed; that is to ſay, a certain Meſſuage or Dwelling Houſe with the Yard, Garden, and Orchard thereto belonging, ſituate and lying at or near the Weſt End of the Town of *Totnes*, on the North Weſt Side of the Street there belonging to *John Tope*, now in the Poſſeſſion of *James Gilberd*, alſo certain Gardens or Orchards lying near or adjoining to the ſaid Dwelling Houſe, now in the ſeveral Occupations of *Ann Heath* Widow, and *Iſaac Stewart*, and alſo a certain Barn ſituate and lying at or near the Village of *Blackmore* in the Pariſh of *Harberton*, now in the Poſſeſſion of *Edmund Brown*, or any of them, or any Part or Parts thereof reſpectively, without the previous Conſent of the Owners and Occupiers thereof reſpectively, but full and adequate Compenſation and Satisfaction ſhall be made by the ſaid Truſtees to the ſeveral reſpective Owners and Occupiers of and Perſons intereſted in the ſame Meſſuages, Buildings, Yards, Gardens, and Orchards, or ſuch of them as ſhall be taken and uſed for the Purpoſes of this Act, and ſhall be aſcertained and paid in ſuch Manner as in the ſaid recited Act is provided in that Behalf; any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

Application of Compenſation when amounting to 200*l.*

XVI. 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 Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, 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 High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be paid, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order 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 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 to the ſame or the like Uſes, Intents, or 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 Meſſuages, 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 Hereditaments which ſhall be ſo purchaſed, 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

determined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, 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; and in the mean Time and until the said 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, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when the Compensation is less than 200*l.* and exceeds 20*l.*

XVII. 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 Corporation, or to any Person or Persons under 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, to be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, 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 Three or more of the 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 arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20*l.*

XVIII. 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 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 Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Three or more of them, shall think fit; or in case of Infancy 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.

Power to Trustees to erect Side Gates.

XIX. Provided also, and be it further enacted, That the said Trustees, or any Seven or more of them, shall and lawfully may, and they are hereby authorized and empowered (on or after Ten Days Notice in Writing signed by their Clerk, and affixed on all the Turnpike Gates then erect-

ed on the ſaid Roads, to erect or cauſe to be erected on the Side or Sides of any Part or Parts of the ſaid Turnpike Road, or in or acroſs any Way or Lane leading into the ſame, One or more Turnpike or Turnpikes, Bar or Bars; and that no Carriage, Horſe, or Beaſt, ſhall be permitted to paſs ſuch Gate or Gates, Bar or Bars, ſo to be erected, without firſt paying the Toll or Tolls to which Carriages and Cattle of the ſame Deſcription are made liable for paſſing any Gate or Toll Houſe by the ſaid Act or this Act, erected or to be erected, provided that ſuch Side Gate or Side Gates ſhall not ſubject or charge any Perſon to the Payment of Double Toll; any Thing herein contained to the contrary notwithſtanding.

Truſtees diſcharged from the Repairs of the Road lying between *Teingbridge* and *Bovey Mills*.

XX. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to the further repairing and keeping in Repair, ſo much or ſuch Part of the ſaid Road as in and by the ſaid recited Act is deſcribed to lie between *Teingbridge*, in the Pariſh of *Teingraze*, and a Place called *Bovey Mills*, in the Pariſh of *Bovey Tracey*, but that the ſaid Truſtees ſhall be exonerated and diſcharged from the Repair thereof, as fully and effectually, to all Intents and Purpoſes, as if the ſame Road had not been comprized in or directed to be repaired by the ſaid recited Act; any Thing herein or in the ſaid Act contained to the contrary notwithſtanding.

Truſtees to repair the Footways.

XXI. And whereas by the ſaid Act of the Twentieth Year of the preſent Reign, the ſaid Truſtees of the ſaid Roads were empowered to lower, raiſe, level, and improve the Roads, and alſo the Pavements, as well the Carriage Ways as Footpaths within the ſeveral Towns through which the ſaid Roads paſs, but after ſuch Alterations and Improvements were made, the ſame Pavements and Footpaths were by the ſaid Act directed to be kept in Repair, by ſuch of the Inhabitants or other Perſons within the ſaid Towns as before the paſſing of the ſaid Act were liable to repair the ſame; and the ſaid Truſtees are deſirous that they ſhould be authorized to repair ſuch Pavements and Footpaths; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, to repair and maintain all or any of the Pavements and Streets (as well the Carriage Ways as Footways) and other Ways in the ſeveral Towns and Streets through which the ſaid Roads or any of them lead, and ſuch Pavements and other Ways ſhall henceforth be deemed Part of the Roads to be repaired by the ſaid Act and this Act; any Thing in the ſaid Act to the contrary notwithſtanding.

Enabling the Truſtees to make Contracts for repairing the Roads.

XXII. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, are hereby empowered to contract with any Perſon or Perſons for making, altering, widening, and repairing the ſaid Road, or any Part or Parts thereof, and for doing any Work by this Act or by the ſaid recited Act authorized to be done, in ſuch Manner, and for ſuch Sum or Sums of Money, as the ſaid Truſtees ſhall think proper; and all Contracts in Writing for any of the Purpoſes aforeſaid, which ſhall be entered into purſuant to an Order made at any Meeting of the ſaid Truſtees, ſhall be binding to all Parties who ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators; and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

XXIII. And

Expences of the Act.

XXIII. And be it further enacted, That the Charges and Expences incurred in and about the applying for, preparing, obtaining, and paſſing of this Act, ſhall be paid out of any Money already raiſed by virtue of the ſaid recited Act, or out of the firſt Monies which ſhall be raiſed or borrowed upon the Credit of this Act, in Preference to all other Payments whatſoever.

Term of this Act.

XXIV. And be it further enacted, That this Act ſhall commence upon the Firſt Day of *May* One thouſand eight hundred and three, and ſhall continue in force until the Firſt Day of *May* One thouſand eight hundred and twenty-four, and from thence to the End of the then next Seſſion of Parliament; and this Act ſhall be adjudged, deemed, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons without the ſame being ſpecially pleaded.

Publick Act.

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