ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. xviii.

An Act for making a Turnpike Road from *Combmartin* in the County of *Devon* to *Bratton Down* in the same County, and several other Roads in the Neighbourhood thereof. [9th *May* 1838.]

WHEREAS it would be of great public Utility if Powers were given to make a Turnpike Road from the Town of *Combmartin* in the Parish of *Combmartin* in the County of *Devon* to a certain Place called *Easter Close* in the Parish of *Kentisbury* in the County of *Devon*, and from thence by a Place called *Blackmores*, in the said last-mentioned Parish, to *Ridge* in the Parish of *Challacombe* in the said County, and from *Ridge* aforesaid to *Mockham Gate* in the Parish of *Bratton Fleming* in the said County; another Turnpike Road from *Easter Close* aforesaid to *Arlington Bridge* in the Parish of *Arlington* in the said County, and from thence to *Sherwill Cross* in the Parish of *Sherwill* in the said County; and also another Turnpike Road from or near *Rowley Cross* in the Parish of *Paracombe* to *Kentisbury Ford* in the Parish of *Kentisbury*; and also another Turnpike Road from or near the Parish Church of *Combmartin* to *Berry Down Cross* in the Parish of *Berrynarbor*; but the same cannot be effected without the Authority of Par-

liament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of making and maintaining a Turnpike Road from the Town of *Combmartin* in the Parish of *Combmartin* in the County of *Devon* to or near a certain Field or Close called *Easter Close*, Part of *East Seven Ash Farm*, in the Parish of *Kentisbury* in the County of *Devon*, which said Road is intended to pass from, in, through, or into the several Parishes of *Combmartin*, *Berrynarbor*, and *Kentisbury*, all in the said County of *Devon*; and also for making and maintaining a Turnpike Road from or near *Easter Close* aforesaid to a Place called *Blackmores* in the said Parish of *Kentisbury*; also for making and maintaining a Turnpike Road from or near *Blackmores* aforesaid to *Ridge* in the Parish of *Challacombe* in the said County, which said last-mentioned Road is intended to pass from and into the several Parishes of *Challacombe* and *Bratton Fleming* in the said County of *Devon*; also for making and maintaining a Turnpike Road from or near *Ridge* aforesaid to *Mockham Gate* in the Parish of *Bratton Fleming* in the said County; also for making and maintaining another Turnpike Road from or near *Easter Close* aforesaid to *Arlington Bridge* in the Parish of *Arlington*, which said last-mentioned Road is intended to pass from and into the said Parishes of *Kentisbury* and *Arlington* aforesaid; also for making and maintaining another Turnpike Road from or near *Arlington Bridge* aforesaid to *Sherwill Cross* in the Parish of *Sherwill* in the said County, which said last-mentioned Road is intended to pass from, through, or into the several Parishes of *Arlington*, *East Down*, and *Sherwill*, all in the County of *Devon*; and also for making and maintaining a Turnpike Road from or near a certain Place called *Rowley Cross*, in the Parish of *Paracombe* aforesaid, to *Kentisbury Ford* in the said Parish of *Kentisbury*, which said last-mentioned Road is intended to pass from and into the several Parishes of *Paracombe* and *Kentisbury*; and also for making and maintaining a Turnpike Road from or near the Parish Church of *Combmartin* aforesaid to *Berry Down Cross* in the said Parish of *Berrynarbor*, which said last-mentioned Road is intended to pass from and into the several Parishes of *Combmartin* and *Berrynarbor* aforesaid.

This Act to be put into Execution for the Purposes herein mentioned.

Trustees.

II. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Devon*, together with *Richard John Beadon* Clerk, *Richard Blackmore* Clerk, *John Bowden*, *Richard Bowden*, *John Boyle*, Sir *Arthur Chichester* Baronet, *James Hamilton*, *John Chichester* Clerk, *George Chichester*, *James Clarke*, *Timothy Clogg*, *William Crang*, *William John Crang*, *Walter Crang* of *Georgeham*, *John Dovell*, *Philip Dovell*, *Richard Dovell*, *Richard Frost*, *James Gammon*, *Richard Harding*, *James Harris*, *George Harris*, *George Harris* of *Ilfracombe*, *William Harris*, *John Irwin*, *George Langdon* of *Berrynarbor*, *William Newton*, *John Pyke*, *J R Reed*, *James Richards*, *James Richards* of

of *Lee*, *William Vellacott Richards*, *John Ridd* of *Combmarun*, *John Ridd* of *Bratton*, *John Lock Roach*, *Walter Roach*, *John Rockhey*, *John Rodgement*, *James John Rowe* Clerk, *Charles Smith*, *James Smyth*, *Charles Barter Sweet* Clerk, *William Tamlyn*, *Peter Tamlyn*, *William Tamlyn*, *Walter Thorne*, *George Tucker*, *John Watts*, *Joseph Watts*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying the several Acts for regulating Turnpike Roads in *England* and this Act into execution.

Election of new Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, at any of their Meetings (of which respective Meetings, and of the Purposes thereof, at least Ten Days previous Notice shall be given in manner directed by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named; and such additional Trustees, so elected, and being duly qualified, shall have the same Powers and Authorities for executing this Act as if they had been herein named.

Meetings.

IV. And be it further enacted, That the Trustees for executing this Act may hold their First Meeting at the *Fortescue Arms* Inn in the Parish of *Kentisbury* in the County of *Devon*, or at some other convenient Place in the Neighbourhood of the said intended Roads, on the first *Wednesday* next after the Commencement of this Act, or so soon afterwards as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places in the Neighbourhood of the said Roads as the said Trustees, or the major Part of them present at such respective Meetings, shall think proper and appoint.

Plan of Roads and Book of Reference.

V. And whereas a Plan describing the said intended Roads, and the Lands, Tenements, and Hereditaments upon, in, over, or through which the same are intended to be carried, together with a Section, and also a Book of Reference thereto, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and the Occupiers of such Lands, Tenements, and Hereditaments, have been deposited at the Office of the Clerk of the Peace for the County of *Devon*; be it therefore enacted, That the said Plan, Section, 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 reasonable Times have Liberty to inspect the same, and to take Copies thereof and Extracts therefrom, paying to the said Clerk 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; and the said Plan, Section, and Book of Reference, or any Copy thereof, respectively certified by the said

said Clerk of the Peace for the Time being to be a true Copy, shall be good Evidence in all Courts of Law and elsewhere; and the said Trustees in making such Roads shall not deviate more than One hundred Yards from the Lines described on the said Plan, without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands, Tenements, or Hereditaments any such Deviation beyond the said Distance of One hundred Yards shall be made.

Houses, &c. not to be taken without Consent unless mentioned in the Schedule.

VI. Provided always, and be it further enacted, That the Powers and Authorities by this Act given for making the said Road shall not authorize the said Trustees to pull down or take or use any Dwelling House or other Building, or to take or use any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shubbery, Plantation, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof respectively, or other Persons interested therein, first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

Unintentional Errors remedied.

VII. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads upon, in, over, or through the Lands, Tenements, or Hereditaments of any Person who is or may be the Owner of the Lands, Tenements, or Hereditaments through which such Roads are delineated on the said Plan, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described on the said Map or Plan, or in the said Book of Reference, provided it shall appear to any Two or more Justices of the Peace for the County of *Devon* (in case of Dispute about the same), and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake.

Limiting Time for Purchase of Property.

VIII. Provided always, and be it further enacted, That if the said Trustees shall not, within the Space of Three Years next after the passing of this Act, agree for or cause to be valued and paid for the Lands, Tenements, and Hereditaments which they are by this Act authorized to take, or so much thereof respectively as they deem necessary for the Purposes of this Act, then and from thenceforth the Powers granted by this Act, or by any other Act or Acts in relation to the taking of Lands, Tenements, or Hereditaments for the Purposes of Turnpike Roads, shall, so far as relates to the Lands, Tenements, or Hereditaments herein-before mentioned, cease and be utterly void, unless with the Consent of the respective Owners of such Lands, Tenements, or Hereditaments.

The Freehold and Inheritance of Lands to remain and be vested

IX. And be it further enacted, That in case any Lands shall, in pursuance of this Act or the Acts for regulating Turnpike Roads in *England*, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Land so purchased

chased 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 the Freehold and Inheritance of and in the Land so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the 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, over, or upon the Lands purchased by them in pursuance of this Act and the said Acts, or any of them.

in the Persons of whom the are purchased.

X. Provided always, 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, over, or upon the Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of such Lands shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

Right of Way to cease when Lands are not wanted.

XI. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and of building any Toll House or any Bridge or any other Erections thereon, 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*.

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

XII. And be it further enacted, That it shall be lawful for the said Trustees to erect or build on the said Roads or any Part thereof, or upon the Sides thereof or any Part thereof, when and where and as they shall judge proper, any Toll Gates or Toll Bars, Turnpikes, Toll Houses, and Weighing Machines, with Outhouses and Conveniences thereto, and to take in and inclose suitable Garden Spots for such Toll Houses, not exceeding One Eighth Part of a Statute Acre to each Toll House, as they shall think necessary, and from Time to Time to alter, take down, and rebuild or to discontinue and to remove the same or any of them, as they shall think proper.

Trustees empowered to erect Toll Houses, &c.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, and for any Collector duly authorized, to demand and take, at each and every of the Turnpikes, Toll Gates, Bars, and Chains to be erected or set up in, upon, across, or on the Sides of the said Roads or any Part thereof, the respective Tolls following; that is to say,

Tolls.

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

For every such Carriage with Four Wheels affixed to any Waggon, Cart, or other Carriage, a Sum not exceeding Sixpence; and for every such Carriage with Two Wheels affixed to any Waggon, Cart, or other Carriage, a Sum not exceeding Three-pence:

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

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

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

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

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

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

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

For every Horse, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, a Sum not exceeding One Penny Halfpenny:

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

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

And for every Coach, Vehicle, or other Carriage, of whatever Description, propelled or drawn wholly or in part by Steam, Gas, or Machinery,

Machinery, or otherwise than by Animal Power, the Sum of Two Shillings:

And for every Dog drawing any Truck or other Carriage, the Sum of Sixpence:

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

As to the fractional Part of a Halfpenny in Tolls.

XIV. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls hereby granted, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Limiting the Number of full Tolls to be taken.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or their Collector or Collectors, to demand or take more than the respective Number of Tolls herein-after mentioned, for or in respect of the same Horses, Cattle, or Carriages, for passing in any One Day (to be computed as aforesaid) over the whole Line or Lines of the said several Roads, as after mentioned; (that is to say,) on the Road from *Combmartin* to *Blackmores* not more than One full Toll; on the Road from *Blackmores* to *Mockham Gate* not more than Two full Tolls; on the Road from *Easter Close* to *Arlington Bridge* not more than One full Toll; on the Road from *Arlington Bridge* to *Sherwill Cross* not more than One full Toll; on the Road from *Rowley Cross* to *Kentisbury Ford* not more than One full Toll; and on the Road from *Combmartin Church* to *Berry Down Cross* not more than One full Toll.

Toll to be paid but once each Day

XVI. Provided also, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates or Toll Bars, such Horse, Beast, or Cattle shall at any Time during the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to repass Toll-free (except as herein-after mentioned) through the same Toll Gate or Toll Bar, and also through such other Toll Gates and Toll Bars (if any) as the Ticket of such Payment shall free: Provided nevertheless, that no Horse, Beast, or Cattle for which Toll shall have been paid at any of the said Toll Gates or Toll Bars, drawing another or different Waggon, Wain, Cart, or other such Carriage, or drawing for Hire or Reward a fresh or different Lading of the Weight of Two hundred and forty Pounds Avoirdupois or more, in the same Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Toll Gate or Toll Bar on the same Day without again paying Toll, if in so repassing such Horse, Beast, or Cattle shall go or travel upon the said Road for the Distance of Three Miles or more.

Stage Coaches to pay each Time of passing.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle drawing any Stage Coach, Stage Waggon, Van, Caravan,

Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing along the said Roads: Provided nevertheless, that no further or additional Tolls shall be payable in respect of any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Carriage, on account only of the Horses drawing the same having been changed.

Post Chaises to pay on every new Hiring.

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

Tolls to be paid in respect of every Load of Timber.

XIX. Provided also, and be it further enacted, That the Tolls hereby made payable for Horses or other Beasts drawing Carriages when laden with Timber shall be paid for and in respect of every Load of Timber passing along the said Roads; and that unconverted Plank, Beams, Joists, Rafters, and Spars shall be deemed and considered as Timber, and liable to the Tolls hereby made payable for and in respect of Timber, or the Horses or other Beasts drawing the same: Provided always, that no Toll shall be taken for any Horses or other Beasts drawing any Carriage when returning empty on the same Day from carrying or conveying Timber.

No Toll to be taken on any Line of Road until the same shall be completed.

XX. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Trustees or any other Person to demand or take any Toll whatever upon any one of the said Roads hereby authorized to be made until such Road shall be fully completed and finished for the Use of the Public, and be so certified by Two of Her Majesty's Justices of the Peace for the said County of *Devon* by Writing under their Hands.

Restriction on Exemptions.

XXI. Provided always, and be it further enacted, That no Exemption from any Tolls by this Act granted shall be allowed for or in respect of any Horse or Beast or Cattle drawing any Waggon, Wain, Cart, or other Carriage laden with Lime or Lime Ashes for agricultural or other Purposes.

Application of Tolls.

XXII. And be it further enacted, That all the Monies which shall arise and be produced by or from the Tolls by this Act granted and made payable, together with the Monies that shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in payment of all Costs, Charges, and Expences which shall have been incurred preparatory to and in applying for, preparing, passing, and obtaining this Act, and otherwise relative thereto; in the second place, in defraying the Expences of making, forming, improving, and altering the said Roads, and of erecting necessary and convenient Bridges and Culverts, and in defraying the Expences of building or erecting Turnpikes, Toll Houses, Toll Gates, Side Gates, and Toll

Bars, with suitable Outbuildings thereto; and in the third place, in maintaining and repairing the said Roads, and removing, altering, or repairing Gates, Weighing Machines, Toll Houses, and other Conveniences, and executing the general Purposes of this Act; and in the fourth place, in paying and keeping down the Interest of the Monies subscribed and advanced for the Purposes of this Act upon any Mortgages of the Tolls or Duties hereby granted or made payable; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money due on any such Mortgages or Securities as aforesaid, and all other Debts and Sums of Money now due or owing and hereafter to become due or owing in pursuance of this Act.

No more Money to be laid out on any Road than there is collected thereon.

XXIII. 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 Road authorized to be made by this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued on such Road or on the Side thereof, nor unless the said Tolls shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act; Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any of the Roads authorized to be made by this Act than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

No Money received under this Act to be expended in repairing Streets.

XXIV. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of this Act shall be laid out in paving, cleansing, or repairing any Street through which any of the said Roads shall pass which shall be repaired under or by virtue of any Local Act.

Trustees empowered to divert or stop up Highways and Foot paths.

XXV. And whereas when the Roads hereby authorized to be made are completed some Parts of the Highways adjoining thereto or communicating therewith, and of the Footpaths leading into or out of the same, may become useless, and other Parts of the said Highways and Footpaths may, for the Convenience of the Public, require to be diverted into the said Turnpike Roads, or otherwise; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held under this Act after the making of any of the said Roads, by Writing under their Hands and Seals to order and direct that such Parts of the said Highways and Footpaths, or any of them, as they shall deem expedient, shall be diverted, and that such Part or Parts thereof as they shall deem useless or unnecessary shall be stopped up and discontinued at the End of Four Calendar Months next after the Date of such Order; and from and after the Expiration of such Four Calendar Months it shall not be lawful for any Person or Persons whomsoever afterwards to use the said Highways or Footpaths, or such Part or Parts thereof as shall be so stopped up and discontinued as aforesaid, but the same shall thenceforth cease to be common Highways or a common Highway, common Footpaths or a common Footpath, to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order

having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the Highways or Footpaths so ordered to be diverted, stopped up, and discontinued as aforesaid, and also upon the principal Door of the Church or Chapel (if any) belonging to the Parishes within which such Highways or Footpaths shall be situate, immediately before Divine Service, upon Three successive *Sundays* next after the making of such Order, and shall also be inserted Twice in some public Newspaper usually circulated in the said County of *Devon*, for the Purpose of enabling any Person who may be aggrieved by the said Order to make his Appeal against the same as herein-after provided; nor shall any such Highway or Footpath be stopped up or discontinued in case any such Person shall make any such Appeal within Four Calendar Months next after the making of such Order, until the Determination of such Appeal.

Appeal.

XXVI. And be it further enacted, That it shall be lawful for any Person who may be aggrieved by the making of any Order by this Act authorized for diverting, stopping up, or discontinuing any such old Highways or Footpaths as aforesaid to appeal against the same at any General or Quarter Sessions of the Peace for the said County of *Devon* which shall be held within Four Calendar Months next after the making of the said Order, upon giving a Notice in Writing of such Appeal, to be signed by the Appellant, to the Clerk of the said Trustees for the Time being, or by leaving the same at the usual Place of Abode of such Clerk, at least Twenty-one Days before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine the said Appeal, and upon the quashing or Confirmation of the said Order to award and adjudge that the Party against whom such Appeal shall be determined shall pay such Costs as the said Justices shall appoint; and the said Appeal, having been so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only: Provided always, that in case no Appeal shall be made within the Time aforesaid the said Order or Orders shall be final and conclusive on all Persons whomsoever.

Satisfaction to be made to the Owners of Lands through which any Diversions shall be made.

XXVII. And be it further enacted, That Satisfaction shall be made to the Owner or Owners of the Land or Ground through which any such Diversion of the said Highways or Footpaths respectively shall pass, such Satisfaction to be made by the said Trustees in the Manner directed by the Laws now in force for regulating Turnpike Roads in *England*; and all Monies expended in diverting or stopping up the said Highways and Footpaths shall be paid out of the Monies received by virtue of this Act.

Term of Act.

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

XXIX. And

XXIX. 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.

The

The SCHEDULE to which this Act refers.

Line from Combmartin to Ridge (near Bratton Down).

Description of Premises.	Parish.	Owners.	Lessees.	Occupiers.
Courtlage - -	Combmartin -	Sir Charles Watson -	- - -	William Ley.
Orchard - -	Ditto - -	John Ridd - - -	- - -	John Bedford.
Pig stye - -	Ditto - -	Ditto - - - -	- - -	Henry Watts.
Seven Ash Wood	Kentisbury -	Messrs. John Nott, Sloley, W. V. Richards, andCharles Cutcliffe.	- - -	Messrs. Nott. Sloley, Richards, and Cutcliffe.
Ditto - -	Ditto - -	Messrs. John Nott and Walter Lerwill.	- - -	Walter Crang.
Ditto - -	Ditto - -	John Nott, Esq. - -	Thomas Richards	Thomas Richards.
Orchard - -	Ditto - -	Trustees of the Poor of Fremington.	William Harding	William Harding.
Brushwood - -	Ditto - -	Ditto - - - -	Ditto - - -	Ditto.
Outbuildings - -	Ditto - -	Ditto - - - -	Eliz. Hussell -	Eliz. Hussell.
Garden - - -	Ditto - -	Ditto - - - -	- - -	Thos. Lerwill.
Ditto - -	Challacombe -	Rt. Hon. Earl Fortescue	Wm.Ridd,Westland	Wm. Ridd.
Ditto - -	Ditto - -	Ditto - - - -	Ditto - -	Ditto.

Line from the Easter Close (on East Seven Ash) to Sherwill Cross.

Orchard - -	Kentisbury - -	Jas. Richards - -	- - -	Jas. Richards.
Courtlage - -	Ditto - -	Ditto - - - -	- - -	Ditto.
Orchard - -	Ditto - -	Ditto - - - -	- - -	Ditto.
Wood - -	Ditto - -	Ditto - - - -	- - -	Ditto.
Ditto - -	Ditto - -	John Richards - -	- - -	John Richards.
Garden - -	Ditto - -	John Blackmore - -	- - -	John Blackmore.
Ditto - -	Ditto - -	John Boyles - -	- - -	John Boyles.
Ditto - -	Ditto - -	J.P.B. Chichester, Esq. and Messrs. Sloley.	Messrs. Jno. and Hugh Sloley.	John Fry.
Pig stye - - -	Ditto - -	Ditto - - -	Ditto - -	Ditto.
Dwelling - -	Ditto - -	J. P. B. Chichester, Esq.	John Dennis -	—— Dennis.
Plantation - -	Sherwill -	Sir Arthur Chichester, Bart.	- - -	SirArthur Chichester, Bart.
Cellar - -	Ditto - -	Ditto - - -	- - -	Richard Smith.

Line from Combmartin to Berry Down Cross.

Orchard - - -	Combmartin -	John Lynch - - -	- - -	John Lynch.
Ditto - -	Ditto - -	Wm. Peake - - -	- - -	Thomas Facey.
Coppice - -	Ditto - -	SirChas. Watson, Bart.	- - -	John Dovell.
Orchard - -	Ditto - -	—— Toms - - -	Rev. John Blackmore.	Rev. J. Blackmore.
Ditto - -	Ditto - -	Ditto - - - -	Ditto - - -	Ditto.
Wood - - -	Ditto - -	Nich. Cutcliffe - -	- - -	Nich. Cutcliffe.
Ditto - -	Berrynarbor -	James Clark - - -	- - -	John Sloley.
Courtlage - -	Ditto - -	Ditto - - - -	- - -	Ditto.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.