ANNO QUARTO

GEORGII IV. REGIS.

Cap. xliv.

An Act for making and maintaining a Turnpike Road from *East Teignmouth*, through *Dawlish*, *Starcross*, and *Kenton*, to communicate with the *Exeter* Turnpike Road in the Parish of *Exminster*, all in the County of *Devon*. [23d *May* 1823.]

WHEREAS the present Road from *East Teignmouth*, through *Dawlish*, *Starcross*, and *Kenton*, to *Exminster*, all in the County of *Devon*, is very much out of Repair, and in many Parts thereof extremely hilly and inconvenient: And whereas it would be of great Benefit to the Inhabitants of the said Places, and to the Public, that a good Road, avoiding the steep Hills in the present Line of Road, should be made and maintained: And whereas the same cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England; 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 all His Majesty's Justices of the Peace for the County of *Devon*, together with *Stephen Oakeley* 3 G. 4. c. 126. Trustees.

Oakeley Attlay, Sir *John Palmer Acland*, *Richard Brock*, *Thomas Bremridge*, *William Cartwright*, *William Comyns*, *William Courtenay*, *George Thomas Chamberlain* Clerk, *Benjamin Chapman*, *George Cole*, *Joseph Drury* Doctor in Divinity, *Richard Eales*, *Richard Ferris*, *John Foulkes*, *James Goss*, *William Baring Gould*, *Charles Hoare*, *Charles Hubbard*, *Robert Jordan*, *Robert Keen*, *Charles Knighton*, *Robert Long*, *Edmund Pusey Lyon*, *John Henry Ley*, *Henry Ley* Clerk, *William Langmead*, Honourable *George Lysaght*, Sir *James Nugent* Baronet, *John Newcombe*, *James Nash*, *Parr*, *John Moore Pidgesley*, *Charles Phillott* Clerk, *Thomas Penson*, *Wilmot Palk* Clerk, *John David Perkins* Doctor in Divinity, *John Strachan*, *Henry Disney Roebuck*, *John Beaumont Swete*, Honourable *Arthur St. Leger*, *Edward Smedley* Clerk, *Richard Cornish Stone*, *John Templar* Clerk, *William Tayleur*, *Abraham Vicary*, *James Vinicombe*, *Edward Upham*, and their Successors, to be elected in the Manner directed by the said recited Act, shall be and are hereby appointed Trustees for making and maintaining a Turnpike Road from *East Teignmouth* in the County of *Devon*, along the Sea Coast to *Dawlish*, and from *Dawlish* through *Starcross* and *Kenton*, to join and communicate with the *Exeter* Turnpike Road in the Parish of *Exminster* in the said County, partly by amending, widening, and improving the present Parish Roads, and partly by making new Pieces of Road, for the Purpose of avoiding several steep and dangerous Hills (the said Road being to commence at the *Old Market House* at *East Teignmouth*, and to be carried by the Line of the present Road to *Gorway Cross*, and then by a new Line of Road, deviating towards the Sea, from the present Road, about One hundred Yards from the said *Gorway Cross*, for the Purpose of avoiding the steep Hills at and leading to and from the Village of *Holecombe*, and then by the present Road to *Dawlish*, and from *Dawlish* by the Road along the Sea Coast to certain Lime Kilns, and from near the said Lime Kilns, by a new Line, to the Village of *Week*, to join and fall into the Road from *Dawlish* to *Cockwood* at or near a certain Bridge called *Shatterton Bridge*, and from the said Bridge, by the present Road to *Cofton Commons*, lately inclosed, and thence by a new Line of Road across a certain Marsh called *Corford Marsh*, and down on the North Side of the said Marsh to *Southbrooke*, and by the Road at the Back of *Starcross* to the *Courtenay Arms* at *Starcross*, and thence by the present Road through *Kenton* and over *Kenton Bridge*, and through Part of the Parish of *Powderham* to the *Exeter* Turnpike Road in the Parish of *Exminster* aforesaid), and for carrying this Act and the said recited Act into Execution.

Power to appoint additional Trustees.

II. And be it further enacted, That it shall be lawful for the Trustees hereby nominated, and they are hereby authorized and empowered, at any Meeting to be holden for that Purpose (of which Meeting, and the Purpose thereof, Ten Days Notice shall be given in some Newspaper published in the City of *Exeter*), to elect any Number of Persons, not exceeding Five in the whole, to be Trustees in addition to the Trustees hereby appointed; and such Trustees so elected shall be and are hereby invested with the same Powers and Authorities as if they had been herein named and appointed Trustees as aforesaid.

Powers of 3 G. 4. extended to this Act.

III. And be it further enacted, That the said recited Act and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except

except such Parts thereof as are expressly varied or altered by this Act), shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Trustees to take an Oath truly to execute the Acts.

IV. Provided always, and be it further enacted, That every Person shall, before he shall act as a Trustee (except in administering the Oath mentioned in the said recited Act, and the Oath herein-after mentioned), take and subscribe before any One or more of the said Trustees an Oath, or being a Quaker, an Affirmation, in the Words or to the Effect following; (that is to say),

Oath.

'I *A. B.* do swear, [*or, being a Quaker*, do affirm], That I will truly, honestly, and impartially, according to the best of my Judgment, 'execute and perform the several Powers, Authorities, and Trusts reposed 'in me as a Trustee by virtue of an Act passed in the Fourth Year of 'the Reign of His Majesty King *George* the Fourth, intituled *An Act*, '*&c.* [*here insert the Title of this Act*], and also an Act passed in the 'Third Year of the Reign of His said Majesty, intituled *An Act to* '*amend the general Laws now in being for regulating Turnpike Roads in* '*that Part of* Great Britain *called* England. So help me GOD.'

'[*Or, being a Quaker, omit the Words* 'So help me God.']

Which Oath or Affirmation any One or more of the said Trustees is and are hereby authorized and empowered to administer; and if any Person shall presume to act as such Trustee (except as aforesaid) before he shall have taken and subscribed the said Oath, or made and subscribed the said Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said recited Act or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath, or make and subscribe the said Affirmation by this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Acts and Proceedings shall be as valid and effectual as if such Person had taken such Oath or made such Affirmation previously to his having acted as such Trustee as aforesaid.

First Meeting.

V. And be it further enacted, That the said Trustees shall meet at the *York Hotel*, or some other convenient Place at *Dawlish* aforesaid, on the Second *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Forenoon and Four in the Afternoon, and shall then proceed to carry the said recited Act and this Act into Execution.

For appointing Clerks, Treasurers, and other Officers.

VI. And be it further enacted, That the said Trustees may and shall, as occasion may require from Time to Time, by Writing under their respective Hands in the Book of Proceedings, appoint a Clerk and a Treasurer, and such Surveyors, Collectors of the Tolls, and other Officers as they the said Trustees shall think necessary; and that it shall be lawful for the

the said Trustees from Time to Time to remove such Clerk, Treasurer, Surveyors, Collectors, and other Officers, or any of them, and on the Removal, Death, or Resignation of any such Clerk or Treasurer, or of any of such Surveyors, Collectors, or other Officers, to appoint others in their Stead; and the said Trustees are hereby authorized and empowered, out of any Money arising by virtue of this Act or the said recited Act, to allow and pay to the Clerk, Treasurer, Surveyors, Collectors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of this Act or the said recited Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Service, as the said Trustees shall from Time to Time deem reasonable; and the said Trustees shall at their First Meeting appoint another Meeting for the especial Purpose of appointing their said Officers, of which Meeting Notice shall be given in some Newspaper to be published in the City of *Exeter*, at least Five Days before such Meeting.

Clerk and Treasurer not to be the same Person.

VII. Provided always, and be it enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk for the Purposes of this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under this Act, other than that of Treasurer, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Trustees may erect Gates.

VIII. And be it further enacted, That the said Trustees shall, and they are hereby required and empowered from Time to Time, to cause to be erected or set up a Toll Gate, Bar, or Chain, in, upon, and across such and so many Parts or Places in the said Road, or upon the Sides thereof, across such and so many of the Lanes or Ways leading into the same, as they may consider necessary for collecting the Tolls granted and made payable by this Act and the said recited Act; and that it shall be lawful for them from Time to Time to discontinue or remove or alter the Situation of any such Gate, Bar, or Chain; and that it shall also be lawful for the said Trustees to cause to be erected or to provide a Toll House at each such Toll Gate, and to take from the Land adjoining to any such Toll House a convenient Garden Spot, not exceeding One-eighth Part of a Statute Acre for each such Toll House, and to inclose the same.

Trustees to appoint Collectors of Tolls.

IX. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors

tors as aforesaid, or for any Person or Persons acting for and under the Authority of such Collector or Collectors, and they are hereby authorized and empowered, from and after the passing of this Act, to demand and take at each and every Gate, Bar, or Chain as aforesaid (subject however to the Restrictions and Exemptions in this and the said recited Acts contained), the Tolls hereafter mentioned from the Person or Persons using, leading, driving, or attending any Horse or Horses, or other Beast or Beasts hereby made subject to the Payment of Toll, before such Horse or Horses, Beast or Beasts, shall be permitted to pass through any such Gate, Bar, or Chain; (that is to say),

Power to take Tolls.

For each and every Horse or Beast of Draught drawing any Coach, Chariot, Chaise, Curricle, Gig, Car, Hearse, Van, or any other such Carriage, if drawn by One Horse or other Beast of Draught, the Sum of Sixpence; by Two or Three Horses or other Beasts of Draught, the Sum of Sixpence; by Four Horses or other Beasts of Draught, the Sum of Four-pence Halfpenny; and by more than Four Horses or other Beasts of Draught, the Sum of Sixpence:

For each and every Horse or other Beast of Draught drawing any Waggon or Cart or other such Carriage (except light Carts as hereafter mentioned), having the Fellies of the Wheels of the Breadth of Six Inches or upwards, the Sum of Four-pence; Four Inches and a Half, and under Six Inches, the Sum of Four-pence Halfpenny; under Four Inches and a Half, the Sum of Sixpence:

For each and every Timber Carriage, so constructed as that the Distance between the Axle-trees thereof shall be more than Nine Feet, the Sum of Two Shillings, over and above the Toll payable for the Horses drawing the same:

For each and every Horse or other Beast of Draught drawing any Slide, Sledge, or Butt, the Sum of Nine-pence:

For the Horse or other Beast of Draught drawing any light Market Cart, with Fish, or Vegetables, or Bread, drawn by only One Horse or other Beast, the Sum of Two-pence:

For each and every Horse, Ass, or Mule, laden with Crooks, Two-pence:

For each and every other Horse, Ass, or Mule, laden or unladen, One Penny.

Which said respective Sums of Money shall be demanded and taken in the Name of or as Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed.

Limiting the Tolls.

X. Provided always, and be it further enacted, That not more than Two full Tolls shall be demanded or taken of or from any Person or Persons, on the whole Line of the said Road, from *Teignmouth* to the said *Exeter* Road, and that a Second Toll shall not be demanded or taken, at any Gate, Bar, or Chain, within Seven Miles of any Gate, Bar, or Chain where Toll shall have been paid for or in respect of the same Horse or Horses, Beast or Beasts, for passing through all or any Number of Gates, Bars, or Chains in any one Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next following Night).

Tolls payable but Once a Day.

XI. And be it further enacted, That any Person who shall have paid the Toll hereby granted at any Gate, Bar, or Chain, or shall have passed through any Gate, Bar, or Chain with a Ticket denoting the Payment of the proper Toll at some other Gate, Bar, or Chain, for or in respect of any Horse or Horses, Beast or Beasts, shall on the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next following Night), be permitted to pass and repass as often as such Person shall think proper, with the same Horse or Horses, Beast or Beasts, through the same Toll Gate, Bar, or Chain; such Person producing a Ticket denoting that the Toll hath been paid on that Day.

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

XII. Provided always, and be it further enacted, That the said Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any licensed Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing on the same Day, the Day to be computed from Twelve of the Clock in the Morning till Twelve of the Clock at Night; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Road on the same Day (the Day to be computed as aforesaid), with a Ticket denoting a fresh Hiring.

Waggons to pay each Time of passing with a new Load.

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of any Horse or Horses, Beast or Beasts of Draught, drawing any Waggon, Cart, Slide, or other such Carriage, shall be paid for every Time of passing along the said Road with a new Load.

Exemptions for Agricultural Produce.

XIV. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this Act, for any Horse or Horses, Beast or Beasts employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Lime, Dung, Soil, Compost, or Manure for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other Thing not hereby exempted from Toll), or any Hay, Straw, Fodder for Cattle, and Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, or Potatoes, or other Agricultural Produce, which has not been bought, sold, or disposed of, nor is going to be sold or disposed of, or for any Horse or Horses, Beast or Beasts employed in Husbandry, going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, such Horse or Horses, Beast or Beasts, not going or returning on those Occasions more than Two Miles on the said Road; and if any Person shall claim or take the Benefit of the said Exemptions, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds; and the Proof of Exemption shall lie on the Person claiming the same.

To enable Trustees to borrow Exchequer Bills on the Credit of the Act, 3 G. 4. c. 86.

XV. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting or Meetings to be held by them under the Provisions of this Act, to borrow of and from the Commissioners for carrying into Execution an Act of Parliament made and passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty, and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, such Sum or Sums of Money as the Majority of the said Trustees present at such Meeting or Meetings may deem expedient for the Purposes mentioned in this Act, upon Mortgage or Assignment of all Tolls authorized to be collected and received by this Act, and the Toll Gates and Toll Houses erected or to be erected for collecting the same, with their Appurtenances; subject nevertheless to such of the Provisoes and Conditions particularly mentioned and expressed in the said Act of the Third Year of His present Majesty, and the Acts therein recited and referred to, and in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint.

Exchequer Bill Commissioners to have Priority over Securities granted by Trustees.

XVI. And be it further enacted, That any Mortgage or Assignment which shall be given by the said Trustees to the said Commissioners for the Issue of Exchequer Bills, shall have Priority over and shall precede all other Mortgages or Securities granted by the Trustees for the Execution of this Act, any thing in the said recited Acts or this Act, or in any Mortgage or Security which shall hereafter be granted as aforesaid, to the contrary in anywise notwithstanding.

Application of the Money.

XVII. And be it further enacted, That it shall be lawful for the said Trustees to borrow or take up at Interest on the Credit of the Tolls by this Act and the said recited Act granted and made payable, such Sums of Money as they shall from Time to Time deem necessary for carrying this Act and the said recited Act into Execution, and to demise and mortgage the said Tolls in manner directed by the said recited Act; and that all the Money so to be borrowed shall be vested in the said Trustees for the Time being, and 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 the Payment of the Cost and Expence of the Survey which has been made of the said Road, and of all the other Costs and Expences which have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; and in the Second Place, in defraying the Expence of erecting and providing Toll Gates, Bars, Weighing Machines, Houses, and other Buildings, and of making, altering, raising, widening, repairing, and improving the said Road, and of purchasing Lands and Hereditaments for that Purpose, and of erecting and making necessary and convenient Bridges, and otherwise executing the Purposes of this Act; and all the Money which shall arise from the Tolls granted and made payable by this Act and the said recited Act shall, in the First Place, be applied from Time to Time in paying the Interest of the Money to be borrowed as aforesaid, and when such Interest shall have been paid, the Remainder of such Money shall be applied for the Purpose of keeping the said Road, Toll Houses, Gates, and Bars in Repair,

Repair, and in otherwise putting this Act into Execution; and lastly, in reducing, paying off, and discharging the several principal Sums of Money which may be borrowed and secured by virtue of this Act and the said recited Act as aforesaid.

Trustees not to be personally liable.

XVIII. Provided always, and be it enacted, That the Trustees appointed or to be appointed by virtue of this Act shall not be personally subject to or charged with the Payment of any Sum or Sums of Money, by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage or other Security, to be made as aforesaid; and in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees for any thing done by virtue of or in pursuance of the said recited Act or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution shall be defrayed out of the Money vested in the said Trustees by virtue of this Act.

Road to be made according to Plan.

XIX. And whereas a Map or Plan, describing the Lines of the several new Pieces of Road herein-before mentioned, and the Lands through which the same are to be carried, together with a Book of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Devon*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and take Copies and Extracts therefrom, at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts.

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

XX. And be it further enacted, That it shall be lawful for the said Trustees to make the said Pieces of new Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be the Owner or Owners, or Occupier or Occupiers of Lands or Premises over which the same or any Part thereof is or are set forth and described in the said Map or Plan or Book as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan or Book, in case it shall appear to any Two or more Justices of the Peace for the said County of *Devon*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful, and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County: Provided always, that the said Trustees in making such respective new Roads shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Ground such Deviation shall be made.

Power to enter Lands to make Road.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and

and Premises through which, or whereupon the said new Pieces of Road hereby authorized to be made and maintained, or any Alteration or Deviation thereof, is intended to pass, and also upon any Lands or Grounds adjoining to the said new Road, or adjoining to the said old Road; and to stake out the said new Pieces of Road, and also any Improvement of the said old Road, and cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any Lands or Grounds adjoining to the Parts of the said old Road to be made use of as a Public Highway whilst the narrow or ruinous Parts of the said Road are being widened or altered, and until the said Road shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned, such Damage to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as the Value of Lands to be purchased or used by virtue of this Act is directed by the said recited Act to be ascertained and settled in case of Dispute; and if any Person shall pull up or destroy any of the Stakes or other Marks used in laying out any Part of the Road hereby directed to be made, amended, widened, improved, and maintained, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees restrained from pulling down Dwelling Houses without Consent of the Owners.

XXII. Provided also, and be it enacted, That the Power and Authority hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a 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 Owner or Proprietors thereof first had and obtained, other than and except so much and such Part of such Dwelling Houses or other Buildings, Gardens, Orchards, Yards, Parks, Paddocks, planted Walks, Avenues, and Nurseries for Trees as are described in the said Map or Plan and Book of Reference as aforesaid.

Trustees to fence the new Road.

XXIII. And be it further enacted, That in all Cases where the said Trustees shall by virtue of this Act make any Part of the said new Pieces of Road over and through any private Grounds, or shall take away any Fence for widening, diverting, or turning any Road already made, the said Trustees shall make or cause to be made proper Fences or Stone Walls on both Sides of such new-made Road, or on the Side upon which such Fence shall be so removed as aforesaid, so as effectually to guard and fence off the Lands adjoining to such Road, and also proper Gates, Bridges, and Arches where necessary, out of the said Roads into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Six Months from the Time that such Fences shall have been made or set up.

In case of Nonpayment of Compensation for Materials, &c. the same to be levied on the Goods of such Trustees or their Treasurer.

XXIV. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act or this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by such Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after the same shall have been demanded in Writing from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices (in which Demand the Order of such Justice or Justices shall be stated), then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Money which he shall receive in pursuance of the said recited Act or this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of any such Warrant as aforesaid.

Regulation as to Performance of Statute Labour.

XXV. And be it further enacted, That all Persons who by Law are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, and the Inhabitants of all such Parishes, Townships, or Places liable to do Statute Work upon, or contribute towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereunto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Devon*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or on which the said Road lies; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such

such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Monies shall be made in such Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to pay over to the said Trustees or their Treasurer or Treasurers such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the said Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as any Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if such Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Devon*, on Complaint made to such Justices by the Surveyor of the said Trustees.

XXVI. And

Public Act.

XXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of this Act.

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

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