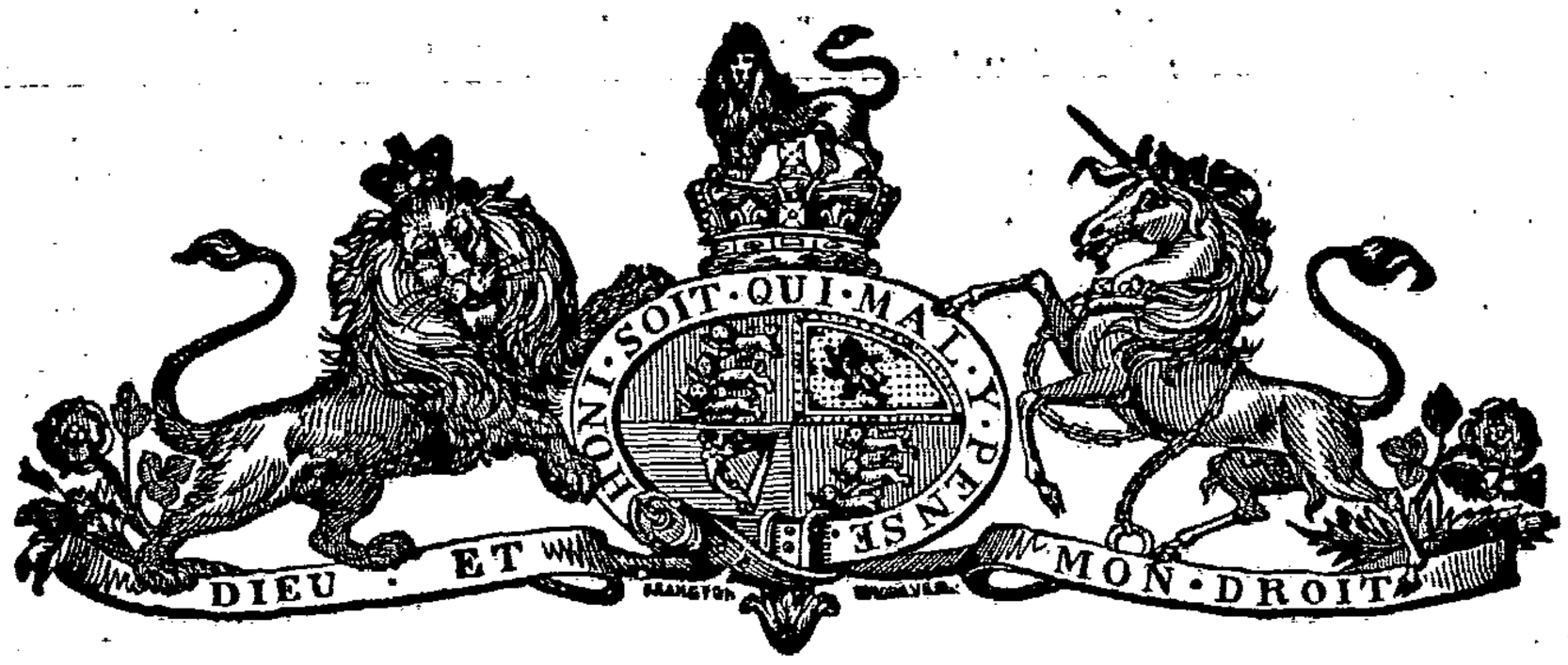


ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cliv.

An Act to repeal the Acts relating to the *Exeter* and the *Countess Wear* Turnpike Roads, and to make other Provisions in lieu thereof, and o authorize the Construction of certain new Roads; and for other Purposes.

[30th *June* 1852.]

WHEREAS the following (Local and Personal) Acts have been passed relating to several Turnpike Roads leading to and from the City of *Exeter;* to wit, an Act of the Seventh Year of the Reign of King *George* the Fourth, Chapter Twenty-five; an Act of the Session of Parliament held in the First and Second Years of the Reign of King *William* the Fourth, Chapter Sixty-two; and an Act of the Third Year of the Reign of Her present Majesty Queen *Victoria*, Chapter Eighty-one; which Three Acts are herein-after referred to as "the *Exeter* Turnpike Trust Acts:" And whereas by the First of the *Exeter* Turnpike Trust Acts herein-before referred to One Body of Trustees was appointed for the Management and Maintenance of the greater Portion of the Roads therein comprised (which Portion of the said Roads form Part of the Roads comprised in this Act, and herein-after called "the *Exeter* District"), and another Body of Trustees was appointed for the Management and Maintenance of the

7 G. 4. c. 25.
1 & 2 W. 4. c. 62.
3 & 4 Vict. c. 81.

Road leading out of the Turnpike Road between *Alphington* Church and *Crab Lake* in the Parish of *Exminster* at or near a Lane called *Bear's Hill*, *Oak Corner*, to and through a Ford called *Countess Wear*, and from thence to the Turnpike Road leading from *Larkbear* to the Town of *Topsham* at a Place called the *Red Post*, and through *Riding Lane* to the *Exeter* Turnpike Road near *Sandy Gate*, and of the Bridge and Causeway of *Countess Wear*, and the Roads and Avenues leading thereto, (which said lastly-described Roads, Bridge, Causeway, and Avenues are in this Act called the *Countess Wear* District,) and separate and distinct Tolls were thereby authorized to be taken on the *Countess Wear* District from the other Portion of the said Roads included in the said Act: And whereas by the Second and Third of the *Exeter* Turnpike Trust Acts respectively herein-before referred to the said first-mentioned Body of Trustees were empowered to make and maintain certain new Roads therein mentioned, and such Roads have been for the most part duly made and since maintained accordingly: And whereas by another Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to repeal certain of the Provisions of an Act passed in the First Year of the Reign of His Majesty King* George *the Fourth, for improving Parts of the Line of Road between the Borough of* Plymouth *and the City of* Exeter, *through* Ashburton *and* Chudleigh, *in the County of* Devon, all the Powers and Provisions of the *Exeter* Turnpike Trust Acts were extended to a certain District of Road situate between *Chudleigh Bridge* and the Five Mile Stone on the Turnpike Road leading from the City of *Exeter* aforesaid to *Newton Bushell* in the County of *Devon* (which District of Road is hereafter in this Act called the *Chudleigh* District), and separate Accounts were directed to be kept of the Tolls arising on the *Chudleigh* District, and the same were made specifically applicable to the Payment of the Principal Sums mentioned in the Schedule to the Act now in recital, and the Interest thereon, until the same should be fully paid and satisfied: And whereas the Powers by the recited Acts granted have been from Time to Time continued by virtue of certain Public General Acts for continuing certain Turnpike Acts in *Great Britain*, and are now so continued until the First Day of *October* One thousand eight hundred and fifty-two, and to the End of the then next Session of Parliament: And whereas considerable Sums of Money are now owing on the Credit of the Tolls arising on each of the Two Districts comprised in the First, Second, and Third of the *Exeter* Turnpike Trust Acts, and also on the Credit of the Tolls arising on the *Chudleigh* District: And whereas it would be of public Utility if the Trustees for executing this Act were empowered to make and maintain the Diversions and Improvements of the present Lines of Road herein-after mentioned, and to adopt as Turnpike Roads the Highways herein-after described: And whereas it is expedient that the Trustees should be enabled to relin-

4 & 5 Vict. c. 31.

quish

quish as Turnpike Roads certain Portions of Road comprised in the said *Exeter* Turnpike Trust Acts, the One of such Portions being situate between *Barnstaple Cross* Turnpike Gate and the Point of its Junction with the *Drayford* Turnpike Road, and the other being situate in the Parish of *Topsham*, and known as *Pound Lane*: And whereas it is expedient that the said recited Acts should be repealed, and that some of the Provisions thereof should be re-enacted and amended, and that the Management of all the Roads comprised in those Acts should be vested in One Body of Trustees, and the Tolls thereby granted reduced and varied, and that further Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: 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, as follows; (that to say,)

Recited Acts repealed.

I. That upon the Fourth *Wednesday* next after the passing of this Act the said recited Acts shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Exeter* Turnpike Roads Act, 1852."

Interpretation of Terms.

III. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act:

The Expression "the late Trustees" shall mean the Trustees acting in the Execution of the said recited Acts with regard to each of the Districts of Roads therein comprised before and up to the Commencement of this Act:

The Word "Lands" shall include Messuages, Tenements, and Hereditaments of any Tenure:

The Expression "Toll Gates" shall include Turnpikes, Bars, Chains, and Side Gates:

The Expression "the Roads" shall comprise the Roads, Bridges, and Avenues to be maintained and repaired under the Powers of this Act:

The Expression "the *Exeter* Canal Bridge" shall comprise the present

present Drawbridge across the *Exeter* Canal formerly called the *Haven* or *Hayne Cut*, and any Swivel or Draw Bridge which may hereafter be substituted for the same:

The Word "Person" shall include Corporation.

New Tolls liable to Debts of old Trusts respectively.

IV. That the Tolls by this Act granted on the *Exeter* District shall be and the same are hereby made subject and liable to the Payment of all Monies now due on the Credit of the Tolls arising on the Roads comprised in that District, and the Interest thereon, but shall not be subject or liable to the Payment of any Monies due on the Credit of the Tolls arising on the *Countess Wear* District, or the Interest thereon; and the Tolls by this Act granted on the *Countess Wear* District shall be and the same are hereby made subject and liable to the Payment of all Principal Monies due on the Credit of the Tolls arising in that District, according to the Provisions of this Act, but shall not be subject or liable to the Payment of any Monies due on the Credit of the Tolls arising on the *Exeter* District, or the Interest thereon; anything in any Public General Act relating to Turnpike Roads in *England* to the contrary notwithstanding.

Monies and Property vested in new Trustees.

V. That all Rents, Arrears of Tolls, and other Monies due to, and all Property and Choses in Action vested in, the late Trustees under the said recited Acts shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under the said recited Acts, and they shall be liable to all the Debts and Engagements to which the late Trustees may under the recited Acts be liable at the Repeal thereof (except such of the same Debts and Engagements as are by this Act extinguished).

Appointment of Trustees.

VI. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Devon*, together with Sir *Thomas Dyke Acland* Baronet, *James Wentworth Buller*, *Baldwin Fulford*, Sir *Robert Lydstone Newman* Baronet, and the several Persons who have duly qualified, or who are entitled under the said Acts hereby repealed to qualify, and shall qualify, to act as Trustees of any Roads comprised either in the *Exeter* District or in the *Countess Wear* District, under or by virtue of the said recited Act of the Seventh Year of King *George* the Fourth, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

VII. That the Trustees may from Time to Time, at any Meeting under this Act, elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Five in the whole, to be Trustees for executing the Purposes of this Act, in addi-

tio-

tion to the Trustees hereby nominated and appointed, and the Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Meetings of Trustees.

VIII. That the Trustees shall hold their First Meeting at the Guildhall in *Exeter*, or at some other convenient Place in the Neighbourhood of the Roads, at Noon on the Fourth *Wednesday* next after the passing of this Act, and may then and from Time to Time thereafter adjourn to and meet at such Times and Places in the Neighbourhood of the Roads as they shall think proper.

Trustees may appoint Committees.

IX. That the Trustees may appoint Committees out of their own Number, to take the Care and Management of any particular Part of the Roads, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting; and such Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable to the General Meetings of the Trustees according to the Instructions and Regulations so to be made.

Roads to which this Act is applicable.

X. That this Act shall be put into execution for the Purpose of more effectually maintaining, improving, and keeping in repair the present Turnpike Roads, and other Roads, Bridges, and Avenues herein-after described; (that is to say,)

The Road leading from the lower End of *Paris Street* in the County of the City of *Exeter*, through *Heavitree*, to a Place called *Straitway Head* in the Parish of *Whimple* in the County of *Devon*, which is called the *Honiton* Road:

The Road leading from a Bond Stone near to the Centre of the *Magdalen* Road Embankment to the *Liverydole* Turnpike Gate, where it joins the last-mentioned Road:

The Road leading from the Site of the ancient Gallows of the County of *Devon* in the Parish of *Heavitree*, through the Villages of *Clist Saint Mary* and *Bishop's Clist*, to a Place called *Aylesbear Hill* leading to *Newton Poppleford* in the Parish of *Aylesbear*, which is called the *Sidmouth* Road:

The Road leading from a Place called *Clist Bridge* to the Top of *Woodbury Hill* in the Parish of *Woodbury*, which is called the *Woodbury* Road:

The Road from *Saint Agnes* Chapel in the County of the City of *Exeter* to the *Black Dog*, and thence through *Broadclist* Town to a Place in the Parish of *Broadclist* where the *Crab Tree* Alehouse formerly stood:

The Road leading from the *Black Dog* aforesaid, over *Broadclist Heath*, to the *Crown and Sceptre* in the Road leading from *Exeter* to *Honiton*:

The Road leading from *Pin Pound* in the Parish of *Pinhoe*, through *Monkerton*, into the *Honiton* Road, and crossing the same, through *Moor Lane*, by *Sandy Gate*, to where the House formerly known by the Name of the *Red Cow* Alehouse near to the Town of *Topsham* formerly stood, and from thence to *Topsham Bridge*, and which said Road is called the *Sandy Gate* Turnpike Road:

The Road leading from *Saint Agnes* Chapel aforesaid to the County Bridge Bounds of *Minchem Lake Bridge* at the Bottom of *Stoke Hill* in the Parish of *Heavitree* in the County of *Devon*, and from *Crab Tree* to the Parish of *Broadclist* aforesaid, through the Town of *Bradninch*, to the Town of *Cullompton*, which is called the *Old Cullompton* Road:

The Road from *Cowley Bridge* to the County Bounds at *Stoke Bridge*, and from the County Bounds Stone on the North-west Side of the same Bridge, through the Villages of *Stoke Canon* and *Rew*, to its Junction with the present *Tiverton* Turnpike Road, which is called the *Tiverton* Road:

The Roads from the *Crown and Sceptre* Inn, and near the Place where Northgate formerly stood, in the Parish of *Saint David's* in the County of the City of *Exeter*, over *Saint David's Hill*, by way of *Cowley Bridge*, to the *White Hart* Inn in the Town of *Crediton*, which Road is called the *Crediton* Road; and from thence to a Place called *Crediton Forches* in the Parish of *Crediton*, and from *Barnstaple Cross* in the said Parish to a Place called *Copplestone Stone*, and also to *Bow* otherwise called *Nymet Tracy*:

The Road from *Copplestone* Stone to the County Bridge Bound Stone at *Eggisford Bridge* in the Parish of *Chawleigh*, so as to join the Turnpike Road from *Barnstaple*:

The Road from *Crediton Forches* aforesaid, by *Creedy* Gate, in and through the Village of *Sandford*, to the Bounds of *Drayford Bridge* in the Parish of *Sandford*, which Road is called the *Drayford* Road:

The Road branching off on the Right Hand of the Road leading to *Crediton*, over *Pynes Bridge*, in the Parish of *Upton Pyne*, to the *Great* or *Starved Oak* in *Upton Pyne* aforesaid, and also the Road branching from the Right of the same *Crediton* Road, and commencing from the North Side of a Bridge called *New Bridge* in the Parish of *Newton Saint Cyres*, to *Raddon Cross* in the Parish of *Shobrooke*:

The Road from the *New London* Inn in the Parish of *Saint David* aforesaid, by a Line from the Eastern Side of *Elmfield House*, to or near adjoining *Duryard Lodge* Gate, into the Turnpike Road leading from *Exeter* to *Crediton*:

The Road from the Bound Stone at *Larkbeare* in the Parish of the *Holy Trinity* in the County of the said City of *Exeter* to the Entrance

Entrance to the Town of *Topsham*, which is called the *Topsham* Road:

The Road from *Topsham Bridge* aforesaid, to and through the Villages of *Ebford*, *Exton* otherwise *Exon*, *Higher Nutwell*, and *Gulliford*, to a Place called *Burnt House* in the Parish of *Lympstone* in the said County of *Devon*, and which said last Road is called the *Lympstone* Road:

The Road from the *Seven Stars* at the Bridge Foot in the Parish of *Saint Thomas the Apostle* to the Three Mile Stone from *Exeter* in the same Road, and which is called the *Whitstone* Road:

Also the Road branching from the Right of the Turnpike Gate at *Exwick Cross* called the *Okehampton* Gate to a Place called *Cowley Cross*, which Road is called the *Exwick* Road:

Also the Road from a House distinguished by the Name of the *Plymouth* Inn in the said Parish of *Saint Thomas the Apostle*, through the Village of *Alphington*, and by way of *Kenford*, to the Junction of the Road leading to the Lime Kilns at or near the *Thorns-upon-Haldon*, and from thence by *Beggar's Bush* to the Four Cross Way near the Embankment at *Sandy Gate*, which is called the *Newton Bushell* Road:

The Road from or near the Five Mile Stone on the *Newton Bushell* Road, by the Race Stands on *Haldon*, through the Town of *Chudleigh*, to *Chudleigh Bridge* in the Parish of *Chudleigh*, which Road is called the *Chudleigh* Road:

The Road from the Head of *Alphington* Village, by way of *Shillingford* towards *Haldon House*, to *Clapton Brook* near the Four Mile Stone on the same Road, which Road is called the *Shillingford* Road:

Also the Road from *Alphington* Church, leading through the Village of *Exminster*, to the *Powderham Castle Lodge* at *Blackheath* at the Junction of the *Dawlish* Trust, which Road is called the *Powderham* Road:

Also the Road from the Church of *Saint Thomas the Apostle* aforesaid, by way of *Pocombe Bridge* towards *Dunsford*, to *Ready Cross*, where the said Road joins the *Moreton* Turnpike Trust, which Road is called the *Dunsford* Road:

The Road from *Little John's Cross* in the Parish of *Alphington* to the Smith's Shop near *Haldon House* in the Parish of *Kenn*, which is called the *Dunchideock* Road:

The Road from *Pocombe Bridge* in the Road leading to *Dunsford* aforesaid to *Taphouse* Turnpike Gate, and from thence to *Crockernwell* in the Parish of *Cheriton Bishop*, which Road is called the *Taphouse and Okehampton* Road:

Also for maintaining and repairing *Exe Bridge*, and the Avenue leading thereto from *Saint John's Bow* in the City of *Exeter* to the Junction of *Alphington Street* and *Exwick Street* in the Parish

Parish of *Saint Thomas the Apostle* aforesaid; all which said Roads are situate in the County of the City of *Exeter* or County of *Devon* respectively:

Also the Diversions and Widenings herein-after authorized to be made in some of the said Roads:

Also a certain Portion of the present Highway called *Taylor's Lane*, from a Point at or near a House now belonging to *F. W. L. Ross* Esquire in the Parish of *Topsham* in the County of *Devon* to a Point where the same Lane joins the *Sandy Gate* Turnpike Road leading to *Topsham Bridge* in the same Parish:

And also a certain Portion of another Highway commencing at or near the West Pier of the Entrance Gateway of the *Crediton* Union Workhouse, and terminating by a Junction with the Turnpike Road leading from *Crediton* to *Copplestone* at or near *Barnstaple Cross* Turnpike Gate, and situate wholly within the Parish of *Crediton* in the said County of *Devon* (all which said Turnpike and other Roads, Bridge, and Avenues herein-before particularly described are in this Act called "The *Exeter* District):

Also the Road leading out of the Turnpike Road between *Alphington* Church aforesaid and *Crab Lake* in the Parish of *Exminster* at or near a *Lane* called *Bear's Hill Oak Corner*, to and over a Bridge called *Countess Wear Bridge*, formerly *Countess Wear Ford*, and from thence to the Turnpike Road leading from *Larkbear* aforesaid to the Town of *Topsham* at a Place called the *Red Post*, and through *Riding Lane* to the *Exeter* Turnpike Road near *Sandy Gate*:

Also the Bridge called *Countess Wear Bridge* (which said Road, Avenues, and Bridge lastly herein-before particularly described are in this Act called "The *Countess Wear* District").

Trustees not to repair a certain Piece of Road.

XI. Provided always, That nothing in this Act contained shall authorize or require the Trustees to repair the Piece of Road from the Point where the Road from *Cowley Bridge* to *Stoke Bridge* joins the *Tiverton* Turnpike Road near *Swafford Lake* to *Stoke Bridge*, and which in the Second of the *Exeter* Turnpike Trust Acts was directed to be deemed a common Highway.

Repairs of Exeter Canal Bridge not to be affected.

XII. Provided also, That nothing in this Act contained shall increase, diminish, or in anywise alter the Liability of any Person with regard to the Repairs of the *Exeter* Canal Bridge, but the Person or Persons liable thereto immediately before the passing of this Act shall continue liable thereto, in like Manner as if this Act had not been passed.

XIII. That

Description of new Works.

XIII. That it shall be lawful for the Trustees to execute the following Works; (that is to say,)

To widen, alter, and improve the present Turnpike Road between the *Mount Radford* Toll Gate in the Parish of *Saint Leonard's* in the County of *Devon* and the *Windmill* Inn in *Holloway Street* in the Parish of the *Holy Trinity* in the City and County of the City of *Exeter*:

To divert, alter, widen, and improve so much of the present Turnpike Road leading from the Town of *Moreton* to the City of *Exeter* as lies between *Ready Bridge* in the Parish of *Dunsford* and *Pocombe Bridge* in the Parish of *Alphington*, and as described on the Plans herein-after referred to:

To widen and improve the said Portion of Road herein-before described, called *Taylor's Lane*.

Works to be made according to deposited Plans.

XIV. Whereas Plans and Sections of the intended Diversions, Widenings, Alterations, and Improvements, together with Books of Reference thereto, have been deposited at the respective Offices of the Clerks of the Peace for the County of *Devon* and County of the City of *Exeter*: Be it enacted, That the Trustees may make and complete the said Diversions, Widenings, Alterations, and Improvements respectively in the Lines and in and through the Lands delineated in the Plans and described in the Books of Reference, and according to the Levels shown upon the Sections so deposited as aforesaid, together with all such Footpaths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto respectively as they may think requisite; and for the Purposes aforesaid they may take possession of the Lands and Premises described in such Plans and Books of Reference, making Satisfaction for the same to the Owners thereof and other Persons interested therein for all Damage which such Owners or other Persons may respectively sustain thereby; and the Trustees, their Surveyors and Workmen, may from Time to Time enter upon the said Lands, and mark and stake out the same for the Purposes of this Act, at such Times and in such Manner as they or their Surveyors shall think necessary or expedient.

Power of Deviation.

XV. That the Trustees may, in the Construction of their Works by this Act authorized, deviate from the Lines thereof to the Extent delineated upon the said Plans, but not to any greater Extent, in passing through a Town or Lands continuously built upon, than Eleven Yards, and not to any greater Extent elsewhere than One hundred Yards from the said Lines, nor in any Case into any Lands not described in the Plan of such Work or the Book of Reference thereto, without the Consent in Writing of the Owner and Occupier of such Lands; and no Deviation shall be made from the Lines of the said Works where no Limits of Deviation are shown on the said Plans.

Deviations from Levels.

XVI. That the Trustees shall have full Power and Authority to deviate from the Levels of the said Works as marked on the Sections so deposited as aforesaid to any Extent not exceeding Five Feet, or, upon obtaining the Consent in Writing of the Owner and Occupier of the Land in which such Deviation is intended to be made, to any greater Extent than Five Feet.

Lands may be taken, notwithstanding Errors in Book of Reference, &c.

XVII. That the Works by this Act authorized may be made in or through any Lands delineated on the said Plans, although such Lands, or the Situations thereof, or the Names of the Owners, Lessees, or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in the said Plans or Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the County in which such Lands shall lie, in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of such County for the Time being.

8 & 9 Vict. c. 18. not to apply.

XVIII. That "The Lands Clauses Consolidation Act, 1845," shall not apply to the Works by this Act authorized, nor be incorporated with this Act.

As to Construction of certain Provisions of General Turnpike Acts.

XIX. That nothing in the Public General Acts now in force relating to Turnpike Roads in *England* contained shall prevent the Trustees from taking or pulling down any Dwelling House or Building, or taking in or making use of any Garden, Yard, or Paddock, Park, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, which is delineated on the Plans and described in the Books of Reference so deposited as aforesaid, either with or without the Consent in Writing of the Owners, Proprietors, or other Persons interested therein.

Freehold, &c. of Lands to remain in the Vendors.

XX. That the Freehold and Inheritance in the Lands so purchased shall not (notwithstanding any Provision in any of the Acts now in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the Trustees, but such Freehold and Inheritance shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the Trustees, subject to a perpetual Right of Way in, over, or upon the Lands so purchased.

XXI. That

Trustees to have Power of digging and using Lands, &c.

XXI. That the Trustees shall have the same Rights and Powers of cutting, digging, and using the Lands taken by them for the Purposes of this Act, and also of erecting any Toll Houses or other Buildings, or of building any Arch or Arches thereon, as they would have had in case they had purchased the Fee Simple or the whole Estate and Interest in such Lands.

Period for compulsory Purchase of Lands limited.

XXII. That the Powers of the Trustees for the compulsory Purchase of Lands for the Purposes of the Works by this Act authorized, and shown on the said Plans, may be exercised within, but shall not be exercised after, the Expiration of Three Years from the Commencement of this Act.

Period for Completion of Works.

XXIII. That the Works by this Act authorized, and shown on the said Plans, may be completed within Five Years from the Commencement of this Act, and on the Expiration of that Period the Powers by this Act given for executing the same shall cease to be exercised.

Power to purchase new Site for Mount Radford Stop Gate.

XXIV. That the Trustees may, with or without the Consent of the Owners, Lessees, and Occupiers thereof, purchase and take any Land shown on the said Plans and described in the said Books of Reference, not exceeding One Eighth of a Statute Acre in Extent, in the Parish of *Heavitree* in the County of *Devon*, as a Site and Garden for the Toll House intended to be erected in lieu of the present *Mount Radford* Stop Gate; and the Clauses and Provisions of all Public General Acts now in force for regulating Turnpike Roads in *England*, with reference to the taking, Sale, Purchase, and Conveyance of any Lands necessary for widening, diverting, altering, or improving any Road, and the Application of the Compensation Money for the same, shall extend and apply to the taking, Sale, Purchase, and Conveyance of any Lands so to be purchased for such Site and Garden, and the Compensation Money for the same; and the Trustees shall and may sell and dispose of the existing *Mount Radford* Toll House, and the Site thereof, or exchange the same for such proposed new Site and Garden as aforesaid, as to them shall seem meet; and every Person by the said Public General Acts empowered to sell Lands for the Purposes thereof may enter into and complete any such Exchange: Provided always, that upon the Completion of any such Exchange the Land conveyed in exchange by the Trustees shall be settled and assured to the same Uses, upon the same Trusts, for the same Ends, Intents, and Purposes, and with, under, and subject to the same Powers, Provisoes, Restrictions, Limitations, and Conditions, to, for, upon, with, under, and subject to which the Land conveyed in exchange by such Person at the Time of such Exchange stood settled as aforesaid.

XXV. That

Trustees to relinquish Parts of existing Roads.

XXV. That upon the Commencement of this Act the Trustees shall no longer be liable to maintain or repair, nor shall they collect any Toll or continue or erect any Toll Gate upon the following Portions of Road comprised in the *Exeter* Turnpike Trust Acts; (that is to say,) a Portion of Road lying between the said *Barnstaple Cross* Turnpike Gate and the Point where such Road joins the *Drayford* Turnpike Road in the Parishes of *Crediton* and *Sandford*, or One of them, in the County of *Devon*, and also a Portion of Road called *Pound Lane* situate in the said Parish of *Topsham* between a Blacksmith's Shop now in the Occupation of *Joseph Westcott* and the higher Corner of a Field in the Possession of *Alexander Hamilton Hamilton* Esquire opposite to certain Cottages belonging to *John Floyd*.

Present Tolls continued for a Time.

XXVI. That, notwithstanding the Repeal of the recited Acts, the Tolls thereby respectively granted and made payable upon the Roads situate in each of the Districts comprised in those Acts shall (except as in this Act otherwise provided) continue to be paid at all Toll Gates to be erected or continued on or on the Sides of those Roads until the Thirty-first Day of *December* One thousand eight hundred and fifty-two.

New Tolls on Exeter District.

XXVII. That after the said Thirty-first Day of *December* One thousand eight hundred and fifty-two the Trustees may demand and take, at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the Roads, such Tolls as the Trustees at any of their Meetings may direct, not exceeding the Tolls following; (that is to say,)

At the Toll Gates on the *Exeter* District (excepting *Cullompton* Town Toll Gate), as follows:

For every Horse or other Beast drawing any Gig or Chair or such like Carriage with a single Seat only, and with Two Wheels only, or any double-seated Carriage on Two Wheels, commonly called a Dog-cart, Sixpence:

For every Horse or other Beast drawing any Car or Chair or other such like Carriage with double Seats (except a Dog-cart), or any Phaeton, Caravan, or Taxed Cart, or any Four-wheeled light Carriage, if drawn by One Horse or other Beast only, Eightpence:

For every Horse or other Beast drawing any Coach, Barouche, Sociable, Berlin, Chariot, Car, Chair, Phaeton, Caravan, Taxed Cart, Hearse, Litter, or such like Carriage (except such Coaches and Carriages as are herein-after specified), if drawn by Two or more Horses or other Beasts, Sixpence:

For every Carriage with Four Wheels, affixed, tied, or secured to any other Carriage, Eightpence:

For every Carriage with Two Wheels, affixed, tied, or secured to any other Carriage, Fourpence:

For every Horse or other Beast drawing any Stage Coach or Omnibus or other such Carriage, Eightpence:

For every Horse or other Beast drawing any Van, Caravan, or such like Carriage used for the Conveyance of Goods for Hire, Pay, or Reward, Eightpence:

For every Horse or other Beast drawing any Waggon or such like Carriage (except Timber Carriages) upon Four Wheels, if drawn by One Horse or other Beast only, Eightpence; and if drawn by Two or more Horses or other Beasts, then for every such Horse or other Beast, Sixpence:

For every Horse or other Beast drawing any Wain, Dray, Cart, or other such Carriage upon Two Wheels only, if drawn by One Horse or other Beast only, Sixpence; and if drawn by Two or more Horses or other Beasts, then for every such Horse or other Beast, Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage (except Timber Carriages), if the Fellies of the Wheels thereof be of less Breadth than Four and a Half Inches, an additional Sum equal to One Half of the Toll to which such Horse or Beast is herein-before made liable; and if the Fellies of the Wheels thereof be of greater Breadth than Four and a Half and less than Six Inches, an additional Sum equal to One Fourth of the Toll to which such Horse or other Beast is herein-before made liable:

For every Horse or Beast employed in carrying Lime for the Improvement of Land, Threepence:

For every Horse or other Beast drawing any Carriage used in conveying Timber drawn by One Horse or other Beast only, Eightpence:

For every Horse or other Beast drawing any Carriage used for the Conveyance of Timber drawn by Two or more Horses or other Beasts, and having the Fellies of the Wheels thereof of the Breadth of Six Inches or more, Eightpence:

For every Horse or other Beast drawing any Carriage used for the Conveyance of Timber, having the Fellies of the Wheels thereof of less Breadth than Six Inches, if drawn by Two or Three Horses or other Beasts, One Shilling and Eightpence; and if drawn by Four or Five Horses or other Beasts, Two Shillings and Fivepence; and if drawn by more than Five Horses or other Beasts, Two Shillings:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, One Penny:

For every Dog drawing any Truck, Sledge, Barrow, or other like Carriage, One Penny:

For every Drove of Oxen, Cows, or other Neat Cattle, One Shilling and Threepence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, Sevenpence Halfpenny *per* Score, and so in proportion for any greater or less Number:

For every Carriage or Vehicle drawn or propelled by Steam or other Machinery other than Animal Power, Two Shillings and Sixpence:

At the *Cullompton* Town Toll Gate such Tolls as the Trustees shall at any of their Meetings direct, not exceeding One Half of the Tolls herein-before respectively specified:

Tolls on the Countess Wear District.

And at the Toll Gates on the *Countess Wear* District such Tolls as the Trustees at any of their Meetings may direct, not exceeding the Tolls following; (that is to say,)

For every Horse or other Beast drawing any Coach, Barouche, Sociable, Berlin, Chariot, Chair, Phaeton, Caravan, Omnibus, Taxed Cart, Hearse, Litter, or other such Carriage, Fourpence:

For every Horse or Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, Threepence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, One Penny:

For every Dog drawing any Truck, Sledge, Barrow, or other like Carriage, One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, Tenpence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, Fivepence *per* Score, and so on in proportion for any greater or less Number:

For every Carriage or Vehicle drawn or propelled by Steam, Machinery, or any other Power (except Animal Power), Two Shillings and Sixpence:

And the Tolls hereby made payable at any Toll Gate which shall be by virtue of this Act upon or across the Roads in either District, or on the Sides thereof, shall be taken before any Horse, Animal, or Carriage whatsoever liable to Toll shall be permitted to pass through the same.

Respecting Tolls on narrow Wheels.

XXVIII. That no Person who shall have paid the additional Tolls by this Act imposed on any Carriages shall be liable to pay the additional Tolls imposed by any General Acts relating to Turnpike Roads in *England* in respect of Carriages having the Fellies of the Wheels thereof of less Breadth than Six Inches.

No Tolls to be taken at Three Horse

XXIX. That the Trustees shall not at any Time after the Thirty-first Day of *December* One thousand eight hundred and fifty-two

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levy or collect any Tolls at either of the Gates called the *Three Horse Shoes* Gate and the *Upton Pyne* Gate, and they shall as soon as conveniently may be remove both the said Gates, and the Toll Houses thereunto belonging, and sell and dispose of the Materials thereof, and in case the Freehold and Inheritance be vested in the said Trustees, may also sell the Sites thereof and the Gardens and Appurtenances thereto, as directed by the Public General Act of the Fourth Year of the Reign of King *George* the Fourth, Chapter Ninety-five, in reference to Toll Houses becoming useless, and no longer required for the Purposes of any Road.

Shoes and Upton Pyne Gates.

XXX. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be taken in lieu of such fractional Part.

As to the Fraction of a Halfpenny in Tolls.

XXXI. That for passing and repassing any Number of Times on the same Day, with the same Horses or other Animals, Carriage, or Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on or on the Sides of any Road herein-after specified, no more than the Number of Tolls herein-after limited with reference to such Road shall be taken; (that is to say,)

Limiting Number of Tolls to be taken.

On the *Honiton* Road and any Branch or Side Road leading to or from the same, One full Toll:

On the *Sidmouth* Road and any Branch or Side Road leading to or from the same, One full Toll:

On the *Woodbury* Road and any Branch or Side Road leading to or from the same, One full Toll:

On the Road from the *Black Dog* across *Broadclist Heath* to the *Crown and Sceptre*, One full Toll:

On the Road between *Crediton* and *Coplestone* Stone, One full Toll:

On the Road between *Coplestone* Stone and *Eggesford Bridge*, One full Toll:

On the Road from *Cowley Bridge* to the Junction with the *Tiverton* Road beyond the Village of *Rew*, One full Toll:

On the Road from the *Seven Stars* called the *Whitstone* Road, One full Toll:

On the several Roads from *Exeter* by way of *Saint David's Hill* or the *Seven Stars* at the Bridge Foot to *Crediton*, and on the Road branching from the said Road over *Pyne's Bridge* to *Pollard* or *Starved Oak*, and over *New Bridge* to *Raddon Cross*, One full Toll:

On the Road from the *New London* Inn by *Elm Field House* into the Turnpike Road leading from *Exeter* to *Cowley Bridge*, One full Toll:

On the several Roads herein-before described, leading from *Paris Street*,

Street, *Saint Agnes* Chapel, the Bound Stone at *Larkbear*, and the Foot of *Magdalen Hill* respectively, Two full Tolls:

On the Road from *Crediton* to *Bow* otherwise *Nymet Tracey*, Two full Tolls:

On the *Chumley* Road, Two full Tolls:

On the *Drayford* Road, Two full Tolls:

On the several Roads from the *Plymouth* Inn, called the *Newton Bushell* Road, the *Chudleigh* Road, the *Shillingford* Road, and the *Powderham* Road, Two full Tolls:

On the Roads from the Church of *Saint Thomas the Apostle* called the *Dunsford* Road, the *Dunchideock* Road, and the *Taphouse* or *New Okehampton* Road, Two full Tolls:

On the Roads and Bridge in the *Countess Wear* District, One full Toll, and no more.

No Second Tolls to be taken within Six Miles on certain Roads.

XXXII. That the Payment of the Toll by this Act authorized to be taken at any Toll Gate upon or on the Sides of any Road on which Two full Tolls or One full Toll and a Half Toll are by this Act authorized to be taken (except the *Haldon* Gate on the *Chudleigh* Road) shall, upon the Production of a Ticket denoting such Payment, entitle the Horse or other Animal, Carriage or other Vehicle, in respect of which such Payment shall have been made, to pass and repass Toll-free on the same Day through all other Toll Gates on the same Road within the Distance of Six Miles from the Toll Gate at which such Payment shall have been made.

Exemptions from Tolls in favour of Lime.

XXXIII. That all Horses, Carts, and other Carriages carrying or conveying Lime for the Purpose of Manure shall not be liable to pay more than One full Toll at more than any One Gate returning or repassing at any Time or Times during the same Day, to be computed as aforesaid, through the same Toll Gate, or more than once for the same Load of Lime returning within Thirty-six Hours; and no such Cart or other Carriage drawn by Two or more Horses, so conveying Lime for the Purpose of Manure, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards, and the Fellies on the Tire thereof not deviating more than One Inch from a flat Surface, shall be charged with the Payment of any Toll whatsoever.

Certain Gates to free each other.

XXXIV. That Payment of the Tolls by this Act authorized to be taken at any Toll Gate herein-after named or referred to shall exempt the Horses, Animals, Carriage, or Thing in respect of which such Payment shall have been made from any further Payment of Toll on the same Day at any Toll Gate which is herein-after declared to be freed thereby; (that is to say,)

The *Kennerley* Gate shall free the *Broadway* Gate and the Stop Gate at *Sandford*, and each of the Two last-mentioned Gates shall free the *Kennerley* Gate:

The *Taphouse* Gate shall free the *Cheriton Cross* Gate and the Stop Gate at or near *Cheriton*, and each of the Two last-mentioned Gates shall free the *Taphouse* Gate:

The *Forches* Gate shall free the *Barnstaple Cross* Gate, and the last-mentioned Gate shall free the *Forches* Gate:

Any Toll Gate on the Roads comprised in this Act on the Eastern side of *Exeter* shall free all Toll Gates on the Road from the *Black Dog* across *Broadclist Heath* to the *Crown and Sceptre*, and any Toll Gate on the last-mentioned Road shall free any Toll Gate on the Roads comprised in this Act on the Eastern Side of *Exeter*.

Certain Gates not to free each other.

XXXV. That Payment of the Tolls by this Act authorized to be taken at any Toll Gate herein-after named or referred to shall not exempt any Horses, Animals, Cattle, or Thing from Payment of Toll at any other Toll Gate which is herein-after declared not to be freed thereby; (that is to say,)

Neither the *Barnstaple Cross* Gate, nor the *Forches* or *Broadway* Gate, nor the Stop Gate thereunto belonging in the Town of *Sandford*, shall free the Gate adjoining the City of *Exeter* called the *Crediton* or *Red Cow* Gate, or the *Elm Field* Gate, or any other Toll Gate erected or to be erected on any other Branch of the said Roads, nor shall the same *Crediton* or *Red Cow* Gate or the *Elm Field* Gate free either the *Barnstaple Cross* Gate, the *Forches* or *Broadway* Gate, or the Stop Gate thereunto belonging in the Town of *Sandford*, or any other Toll Gate erected or to be erected on any other Branch of the said Roads:

Neither the *Stoke Hill* Gate nor the *Blackboy* Gate, nor any Stop Gate thereunto respectively belonging, shall free the *Cullompton* Town Gate, nor shall the *Cullompton* Town Gate free either the *Stoke Hill* Gate or the *Blackboy* Gate, or any Stop Gate thereunto respectively belonging:

Neither the *Okehampton* Gate nor any Stop Gate now thereunto belonging shall free the *Taphouse* Gate, or the Stop Gate at or near *Cheriton Cross*, nor shall either of the Two-last mentioned Gates free the *Okehampton* Gate or any Stop Gate now thereunto belonging:

Neither the *Dunsford* Gate nor any Stop Gate now thereunto belonging shall free the *Taphouse* Gate, or the Stop Gate at or near *Cheriton Cross*, or any new or additional Gate erected or to be erected upon the *Taphouse* or *Okehampton* new Road, nor shall the *Taphouse* Gate, the Stop Gate at or near *Cheriton*

Cross, or any such new or additional Gate, free the *Dunsford* Gate, or any Stop Gate now thereunto belonging:

Neither the *Chudleigh* District Toll Gate, nor any Stop Gate belonging thereto, shall free any other Toll Gate on the same District, nor shall any other Gate on the last-mentioned District free the *Chudleigh* District Toll Gate, or any Stop Gate belonging thereto.

Persons having paid Toll to return Toll-free.

XXXVI. That all Horses, Animals, and Things in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate upon or on the Sides of any of the Roads, shall (except as in this Act otherwise provided), upon a Ticket denoting such Payment being produced, be permitted, in returning, passing, and repassing through the same Toll Gate, or such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

As to Post-chaises.

XXXVII. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, and for all Horses or other Animals drawing any Postchaise, or other such like Carriage travelling for Hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or other Animals had been made on the same Day.

As to Stage Coaches.

XXXVIII. That the Tolls hereby made payable for all Horses or other Animals drawing any Stage Coach, Omnibus, Van, Caravan, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, shall be paid for every Time of passing and repassing along the Roads.

Trustees may remove Toll Gates, and reduce Tolls, without Consent of Creditors.

XXXIX. That the Trustees may from Time to Time remove or discontinue any Toll Gate now or hereafter to be erected on the Roads, and may also from Time to Time lessen or reduce all or any of the Tolls for the Time being authorized and directed to be taken under the Powers of this Act, without the Consent of the Mortgagees or other Persons for the Time being entitled to the Money then remaining due upon such respective Tolls, or any Proportion of such Mortgagees or other Persons: Provided always, that (except with the Consent of the due Proportion of such Mortgagees or other Persons required by the Public General Acts relating to Turnpike Roads in *England*) the Trustees shall not, by the Removal or Discontinuance of any Toll Gate or otherwise, reduce the Income arising from the said Roads below the Amount necessary to provide for the Erection, Repairs, and Maintenance of Toll Gates and Toll Houses, the Payment of Salaries, and other Expenses of Management, and of all Interest for the Time being due

or

or accruing upon the Principal Sums for the Time being secured upon the Tolls of the said Roads, and for the Maintenance and Repair of the said Roads, and the setting apart of an annual Sum of not less than Five Pounds *per Centum* on the net annual Produce of the said Tolls, as a Sinking Fund, as herein-after provided, for the Discharge of the same Principal Sums; and that in case, from the Reduction of the said Tolls or otherwise, it shall be found that the Income arising from the said Trust shall during any Year be insufficient for the Purposes aforesaid, it shall be lawful for the Trustees and they are hereby required from Time to Time to increase the said Tolls, so that a sufficient Income to supply the past Deficiency, and for the Purposes aforesaid, may be raised therefrom, provided such Tolls shall in no Case exceed the Maximum authorized to be taken by this Act.

Separate Accounts to be kept for Countess Wear District.

XL. That the Trustees shall at all Times during the Continuance of this Act cause full and true Accounts to be kept of the Income and Expenditure on the *Countess Wear* District, separate and distinct from all other Accounts to be kept for the Purposes of this Act.

As to Interest on Countess Wear District.

XLI. That whereas a considerable Arrear of Interest is now due upon the Principal Monies borrowed on the Credit of the Tolls arising on the *Countess Wear* District, and the Tolls arising on that District are insufficient to provide for the Discharge of the last-mentioned Principal Monies, or the Interest thereon, unless further Arrangements are made with reference thereto: Therefore all Arrears of Interest now due on the last-mentioned Principal Monies shall be and the same are hereby absolutely extinguished, and shall be deemed to be satisfied and discharged, and no Interest shall hereafter accrue or become due or be paid upon or in respect to the last-mentioned Principal Monies.

Creditors not to enter upon Gates in Countess Wear District.

XLII. That no Person entitled to any Principal Monies now charged or secured upon the Tolls arising on the *Countess Wear* District shall enter into possession of any Toll Gate, Toll House, or Building upon that District, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon the letting of such Tolls.

For ascertaining Amount of Principal due on Countess Wear District.

XLIII. That for the better ascertaining the Amount of the Principal Monies due on the Credit of the Tolls arising on the *Countess Wear* District the Trustees shall, within Three Calendar Months next after the Commencement of this Act, cause Notice to be inserted once in each of Three successive Weeks in a daily Morning Newspaper published in *London*, and in One Newspaper published in the City of *Exeter*, or in default thereof in the County of *Devon*, requiring all Persons claiming to be entitled to any Principal Monies due on the Credit of the Tolls arising on the *Countess Wear* District to produce their Vouchers and Securities for the same to the Clerk of the Trustees for

for the Time being, within a Period to be named in such Notice, not being less than Twelve Calendar Months from the last Insertion thereof in the said Newspapers, in order that the same may be examined, and all lawful Claims duly registered by him, and upon the Expiration of the Period limited for that Purpose in such Notice no Person who shall not, either by himself or his Agent, have produced or caused to be produced his Voucher or Security, and made out or cause to be made out his Claim in respect thereof, shall be deemed to be entitled to any Part of the last-mentioned Principal Monies, or have any Claim, Right, or Interest in, to, or upon the Tolls arising on the *Countess Wear* District.

Application of Monies on Countess Wear District.

XLIV. That all Monies which shall come to the Hands of the Trustees from or in respect of the *Countess Wear* District shall be applied as follows; (that is to say,)

First, in paying and discharging One Eighth of the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in maintaining and repairing the Roads, Bridge, and Avenues in the *Countess Wear* District, and in erecting, repairing, and maintaining Toll Gates thereon:

Thirdly, in the Purchase of Stock in the Three Pounds *per Centum* Consolidated Bank Annuities or other Government Securities in the Names of any Three of the Trustees, until the actual Value of the Funds or Securities so purchased, and the Interest or Dividends thereon (which shall from Time to Time be invested in like Manner), shall amount to the Sum of Five hundred Pounds:

Lastly, in paying off and discharging all Principal Monies for the Time being due upon the Credit of the Tolls arising on the *Countess Wear* District, according to the Provisions of this Act.

Application of Contingency Fund.

XLV. That when the actual Value of the Sums invested in the Purchase of Bank Annuities or other Government Securities, under the foregoing Provisions, with the accumulated Interest or Dividends thereon, shall amount to the Sum of Five hundred Pounds, no further Addition shall be made thereto out of the Income or Revenue of the *Countess Wear* District, but the Interest or Dividends thereon shall from Time to Time continue to be invested and accumulated in like Manner; and the Trustees shall from Time to Time, if and when Occasion shall arise, sell out and apply the Proceeds of the Sum so accumulated, or of so much thereof as shall be required, in or towards any extraordinary Repairs or Restoration of the Roads, Bridge, and Avenues in the *Countess Wear* District which may be rendered necessary by Decay, Storm, or other Accident; and upon or immediately before the Expiration of the Term by this Act granted the Trustees shall

shall sell out so much of the Sums so accumulated as shall not have been applied for the Purposes last aforesaid, and shall pay and divide the Produce thereof unto and among the Creditors for the Time being entitled to the Principal Monies then due on the Credit of the Tolls arising on the *Countess Wear* District, rateably and in proportion to the Amounts due to such Creditors.

Separate Accounts to be kept of Tolls on Chudleigh District.

XLVI. And whereas the Principal Sums specified in the Schedule to this Act annexed (being Part of the Principal Monies mentioned in the Schedule to the said fourthly recited Act) have not yet been fully paid and satisfied: Be it enacted, That until full Payment and Satisfaction of all the Principal Sums specified in the Schedule to this Act, and the Interest thereon, the Trustees shall cause full and true Accounts to be kept of the Income and Expenditure on the Roads in the *Chudleigh* District, separate and distinct from the Accounts of the Income and Expenditure on the Residue of the Roads.

Application of Tolls arising on Chudleigh District.

XLVII. That until full Payment and Satisfaction of all the Principal Sums specified in the Schedule to this Act, and the Interest thereof, all Monies which shall come to the Hands of the Trustees by virtue of this Act from or in respect of the Roads comprised in the *Chudleigh* District shall be applied as follows; (that is to say,)

First, in erecting, repairing, and maintaining Toll Gates and Toll Houses on the Roads comprised in the *Chudleigh* District:

Secondly, in paying and discharging the Interest on the Principal Sums specified in the Schedule to this Act, or such Part thereof as shall for the Time being remain due and owing:

Lastly, in reducing, paying off, and discharging the last-mentioned Principal Sums, or such Part thereof as shall for the Time being remain due and owing.

Application of Monies on the Exeter District.

XLVIII. That all Monies which shall come to the Hands of the Trustees from or in respect of the *Exeter* District, except (until full Payment and Satisfaction of the Principal Sums specified in the Schedule to this Act, and the Interest thereon,) the *Chudleigh* District, and also from or in respect of the *Chudleigh* District when the last-mentioned Principal Sums and Interest shall be fully paid and satisfied, shall be applied as follows; (that is to say,)

First, in paying and discharging Seven Eighths of the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in erecting, repairing, and maintaining Toll Gates and Toll Houses on the *Exeter* District, and in paying Salaries and other Expenses of Management:

Thirdly, in paying the Interest upon all Principal Sums for the Time being due on the Credit of the Tolls arising on the *Exeter* District:

Fourthly, in maintaining and repairing the Roads, Bridge, and Avenues in the *Exeter* District:

Fifthly, in setting apart such annual Sum as the Trustees shall think fit, not being less than Five nor more than Ten Pounds *per Centum* on the net annual Produce of the Tolls arising under this Act on the *Exeter* District, as a Sinking Fund for the Discharge of the said several Principal Sums due on the Credit of the same Tolls:

Sixthly, in improving the Roads in the *Exeter* District:

Lastly, in paying off and discharging all Principal Sums for the Time being remaining due on the Credit of the Tolls arising on the *Exeter* District.

Mortgagees not to take possession of Toll Houses, &c., except for Arrears of Interest.

XLIX. That whenever and so long as the Interest upon all existing Mortgages charged upon the Tolls arising on the Roads under the Provisions of this Act and the recited Acts, or any of them, upon which Interest is payable according to the Provisions of this Act, shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any such Mortgage shall be entitled to enter into possession of any Toll Gate, Toll House, or Building upon the Roads, or into the Receipt of the Tolls arising thereon or of the Rent payable upon the letting of such Tolls; and every Mortgagee entering into possession of any such Toll Gate, Toll House, or Building, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due upon all the said existing Mortgages, without any Priority or Preference (except that the Tolls arising on the *Chudleigh* District shall be applied in Payment of the Interest upon the Principal Sums specified in the Schedule to this Act, or such of them as shall for the Time being remain due, and also all Principal Monies mentioned in the said Schedule, in preference to the Payment of any other Interest whatever), and may also reimburse himself any Costs to which he may be entitled; and every Mortgagee so in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on all such existing Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to the then Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of all Toll Gates, Toll Houses, and Buildings to the Trustees, or any Person appointed by them to receive the same, and discontinue the Receipt of the said Tolls and of any such Rent as aforesaid, anything in this Act or in any Statute or Law

Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

As to Mode of discharging Debt.

L. That when and so often as the Sum, other than the Sums so to be invested in the Three Pounds *per Centum* Consolidated Annuities or other Government Securities as aforesaid, applicable to the Discharge of the Principal Monies due under this Act and the recited Acts or any of them, shall amount, as regards any Principal Monies due on the Credit of the Tolls arising on the *Exeter* District or the *Chudleigh* District, to One hundred Pounds, or as regards any Principal Monies due on the Credit of the Tolls arising on the *Countess Wear* District to Fifty Pounds, the Trustees shall at some general annual or other Meeting (of which Meeting, and of the Objects thereof, so far as the same relate to the Application of such Sums, Ten Days previous Notice at the least shall be given in some Newspaper published in the City of *Exeter* or County of *Devon*), apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of the Principal Monies to the Payment whereof the same Sum shall under the Provisions of this Act be applicable, to the Creditor entitled to any such last-mentioned Monies who shall, by Proposal in Writing transmitted to the Clerk for the Time being of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of other Principal Monies to the Payment whereof such Sum shall, under the Provisions of this Act, be applicable, to the Creditor entitled to any such last-mentioned Monies who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of such Monies, and so and in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors of the same Class shall by such Proposal as aforesaid have offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between or among such Creditors, or may divide the Sum applicable rateably between or among such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid with reference to any particular Sum so applicable, or if there be any Surplus of any such Sum after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply such Sum, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors entitled to the several Principal Monies to the Payment whereof such Sum shall, under the Provisions of this Act, be applicable, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

LI. That

No additional Money to be borrowed without the Consent of the Secretary of State.

LI. That the Trustees shall not borrow any additional Monies on the Credit of any of the Tolls by this Act authorized to be taken, without the Consent in Writing of One of Her Majesty's Principal Secretaries of State for that Purpose first had and obtained: Provided always, that a Recital or Statement of such Consent having been obtained, inserted in any Security given for any such additional Monies, shall, in favour of all Persons claiming under such Security or any Transfer thereof, be sufficient Evidence of such Consent having been given; and in case the Trustees shall give any such Security containing a Recital or Statement of such Consent, without having first obtained the same, the Trustees executing such Security shall be jointly and severally liable to the Payment of all Monies thereby secured, and shall indemnify the Tolls and other Monies arising under this Act therefrom; and in case any Monies so secured, or any Part thereof, shall be paid out of the Tolls or other Monies arising under this Act, it shall be lawful for the Treasurer of the Trustees for the Time being to sue for and recover the Monies so paid from the Trustees who shall have signed the Security for such Monies, or from any or either of them, their or his Executors or Administrators, by Action of Debt in any of Her Majesty's Courts of Record, with full Costs of Suits, to be taxed as between Attorney and Client.

Corporation of Exeter to pay over Rents of Bridge Estate to the Trustees.

LII. And whereas the Rents and Profits of certain Lands called the Bridge Estate, holden by the Mayor, Aldermen, and Burgesses of the City of *Exeter*, are applicable to the Repairs of the *Exe Bridge* and of certain of the Roads comprised in this Act, and have hitherto been paid over to the Trustees acting under the repealed Acts with regard to the Roads comprised in the *Exeter* District, for the Purpose of making the ordinary Repairs of the said Bridge and Avenues: Be it therefore enacted, That the said Mayor, Aldermen, and Burgesses, and their Successors, shall and they are hereby required, on the Twenty-fifth Day of *December* next after the Commencement of this Act, and on the Twenty-fifth Day of *December* in every succeeding Year, to account for and pay to the Trustees, or such Person as they shall appoint to receive the same, the whole Produce of such Rents and Profits, both annual and others, as also of all Fines on the granting or Renewals of Leases of such Lands or any Part thereof, such Rents, Profits, and Fines to be by the Trustees applied in the said Repairs of the said *Exe Bridge* and the Avenues thereto, in preference to any other Payment thereout, and the said Mayor, Aldermen, and Burgesses shall also in like Manner and at the same Time account for and pay over the Rents and Profits of all such other Messuages, Lands, Tenements, and Hereditaments whereof or whereunto they are now seised or entitled as have been or ought to be applied to the said Repairs of the said *Exe Bridge* and a Weir formerly near thereto: Provided always, that the said Mayor, Aldermen, and Burgesses shall and they are hereby required

required at all Times hereafter to secure by proper Covenants in all Leases to be hereafter granted by them of such Lands or any Part thereof, for Years absolute or for Years determinable, or upon One or more Life or Lives, the full annual Rent or Fine on Renewal according to the Value of the Lands comprised in such Lease.

Totnes Trustees to continue discharged from certain Repairs.

LIII. And whereas by the secondly-recited Act the Trustees of the *Totnes* Trust were discharged from the Repair of a certain Piece or Parcel of Road therein mentioned: Be it enacted, That the Repeal of the said secondly-recited Act by this Act shall not revive the Liability of the Trustees of the *Totnes* Trust to repair any Piece or Parcel of Road from the Repairs whereof they were discharged by the said secondly-recited Act.

For preventing Drains, &c. from discharging on to the Roads.

LIV. And whereas great Damage may be occasioned to the Roads by reason of Water, Filth, or other offensive Matter being suffered to run or flow into or upon the same or the Sides thereof from the adjoining Houses, Buildings, and Lands: Be it enacted, That if the Occupier of any House, Buildings, Erection, Land, or Premises adjacent to the Roads or any Part thereof shall not, within Three Days after Notice in Writing so to do, signed by the Clerk or Surveyor of the Trustees for the Time being, shall have been given to him, or left at or upon such House, Building, Erection, Land, or Premises, stop and prevent all Water, Filth, or other offensive Matter or Thing from running or flowing into or upon the Roads or the Sides thereof or the Footpaths adjoining thereto, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, and a further Sum not exceeding Forty Shillings for every Day or Part of a Day during which such Offence shall continue after the Expiration of such Three Days, over and above the Damages occasioned thereby.

For the Regulation of the Exeter Canal Bridge.

LV. That every Person opening the *Exeter* Canal Bridge, for the Passage of any Ship, Vessel, or Craft, shall and he is hereby required, so soon as such Ship, Vessel, or Craft shall have passed through the *Exeter* Canal Bridge, to close, shut, or let down and fasten the same so as not to obstruct the Passage over the same; and whenever the *Exeter* Canal Bridge shall be opened unnecessarily, or shall be left open for a longer Period than shall be necessary, it shall be lawful for any Servant or Agent of the Trustees to shut, let down, and fasten the same; and every Person committing any or either of the Offences herein-after specified shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; (that is to say,)

Every Person opening the *Exeter* Canal Bridge when the same shall not be required to be opened for the Passage of any Ship, Vessel, or Craft through the same:

Every Person opening the *Exeter* Canal Bridge, who shall not close, shut down, and fasten the same, so as not to obstruct the Passage over the same, so soon as any Ship, Vessel, or Craft shall have passed through the same, or who shall permit the same to remain open longer than shall be necessary for the Passage of any such Ship, Vessel, or Craft:

The Owner, Master, or Person in charge of any Ship, Vessel, or Craft the Passage whereof through the *Exeter* Canal Bridge shall be delayed through the Neglect or Carelessness of any Person belonging to such Ship, Vessel, or Craft.

Recovery of Penalties.

LVI. That the Clauses and Provisions of the Public General Act of the Third Year of the Reign of King *George* the Fourth, Chapter One hundred and twenty-six, with respect to the levying, Recovery, and Application of Penalties, Forfeitures, and Fines by that Act inflicted or authorized to be imposed (the Manner of levying and recovering and applying whereof is not therein otherwise directed), shall extend and apply to and be available for the levying, Recovery, and Application of all Penalties, Forfeitures, or Fines by this Act inflicted or authorized to be imposed.

Roads not exempt from General Acts.

LVII. That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Term of Act.

LVIII. That this Act shall commence on the Fourth *Wednesday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and thence to the End of the Session of Parliament which shall then next follow.

SCHE-

SCHEDULE referred to in the foregoing Act.

Name of Creditor.	Date of Mortgage.	Amount of Principal Sums secured.
		£
Anne Ellford Woollcombe	3 January 1825 -	1,500
Executors of the late Henry Woollcombe.	3 January 1825 -	1,400
Elizabeth Beauford -	3 January 1825 -	400

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