

ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

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The Kingsbridge and Dartmouth Roads Act, 1866.

Trustees have maintained the then existing Turnpike Roads, and have made a certain Portion of the Roads so authorized to be made, and have maintained a certain Portion of the then existing Highways so authorized to be maintained as Turnpike Roads: And whereas considerable Principal Sums of Money, amounting in the whole to Seventeen thousand six hundred and twenty-eight Pounds or thereabouts, are due and owing on the Credit of the Tolls authorized to be taken on the Roads comprised in the recited Act: And whereas the Sums specified in the First Schedule to this Act were advanced for the Purposes of the said Roads by the Persons lending the same, on the Condition that the Interest on those Sums should be paid in preference and priority to the Interest on such Portion of the other Sums then due and owing on the Credit of the said Tolls as now remains unsatisfied: And whereas the Sums specified in the Second Schedule to this Act form the Residue of certain Sums borrowed by the Trustees on the Credit of the said Tolls for the Purposes of the said Roads after the passing of the Act of the Twelfth and Thirteenth *Victoria*, Chapter Eighty-seven, and the other Part of the Sums so borrowed has been paid off under the Provisions of that Act: And whereas the Principal Sums specified in the Schedules to this Act cannot be paid off unless a further Term and further Power be granted: And whereas it is expedient that the recited Act should be repealed, and further and more effectual Powers granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it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 is to say,)

Recited Act repealed.

1. Upon the Fourth *Thursday* next after the passing of this Act the recited Act shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Interpretation of Terms.

2. 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," or "the said Trustees," shall mean the Trustees for the Time being acting in execution of this Act:

The Expression "the old Trustees" shall mean the Trustees acting under the recited Act:

The Expression "the Road," or "the Roads," shall mean the Roads by this Act authorized to be maintained:

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The Expression "Toll Gate" or "Toll Gates" shall include any Turnpikes, Bars, Chains, or Side Gates from Time to Time continued or set up upon, across, or by the Side of the Roads, or any Bridge in the Line of the Roads, or across any Highway or other Carriageway or Bridleway communicating with the Road:

The Word "Carriage" shall mean and include all Carriages, Coaches, Stage Coaches, Omnibuses, Vans, Caravans, Chariots, Landaus, Berlins, Barouche, Chaises, Postchaise, Curricles, Phaetons, Cars, Gigs, Dog Carts, Calashes, Taxed Carts, Chairs, and other Vehicles, by whatsoever Name known, respectively adapted or used for the Conveyance of Persons or light Articles, and also all Hearses and Breaks, and all other Vehicles not comprised in the Word "Cart" or "Waggon" as used in this Act:

The Word "Cart" and the Word "Waggon" respectively shall mean and include all Carts, Waggons, Wains, Vans, Caravans, Drays, Drags, Sledges, and other such Vehicles, by whatsoever Name known, respectively adapted or used for the Conveyance of heavy Articles and other heavy wheeled Vehicles.

Short Title.

3. This Act may be cited for any Purpose as "The *Kingsbridge* and *Dartmouth* Roads Act, 1866."

General Saving of Rights under repealed Act.

4. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by virtue of the recited Act shall be as valid as if that Act were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the Repeal had not happened and this Act were not passed, would be incident to and consequent on any and every thing so done, suffered, and confirmed respectively; and with respect to all such Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Trustees shall to all Intents represent the old Trustees: Provided always, that the Generality of this Provision shall not be restricted by any of the Clauses and Provisions of this Act.

Monies and Property to vest in new Trustees.

5. Notwithstanding the Repeal of the recited Act, all Rents and Arrears of Rents, Monies due to, and all Property, Lands, Books, Accounts, Papers, Writings, and other Things, and all Choses in Action and Rights, vested in or belonging to, the old Trustees, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act; and such last-mentioned

tioned Trustees may sue for and recover the same and act in respect thereof as effectually as if the same had been vested in and belonged to them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the old Trustees may be liable at the Repeal thereof, except in so far as those Debts and Engagements are reduced, varied, or extinguished by this Act.

Provisions of other Acts continued.

6. Notwithstanding the Repeal of the recited Act, all the Provisions of any and every Act of Parliament (other than the recited Act) relating to the old Trustees and their Officers and Servants respectively, and on the Commencement of this Act in force, shall be of the like Force as if the Repeal of the recited Act had not happened, and may be exercised, enforced, and enjoyed by and against the Trustees and their Officers and Servants respectively in as full and beneficial a Manner to all Intents as the same respectively might be exercised, enforced, and enjoyed by and against the old Trustees and their Officers and Servants respectively as if this Act were not passed.

Actions, &c. not to abate.

7. Notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced by or against the old Trustees before the Commencement of this Act shall not abate or be discontinued or prejudiced by reason of the passing of this Act, or the Repeal of that Act, and shall continue and take effect in favour of and against the Trustees in the same Manner to all Intents as if this Act had not passed, and such Repeal had not happened, save only that the Trustees shall be substituted therein for the old Trustees.

Contracts, &c. preserved.

8. Notwithstanding the Repeal of the recited Act (and except as is otherwise hereby expressly provided), all Purchases, Sales, Leases, Mortgages, Securities, and Contracts before the Commencement of this Act made under the recited Act, or with reference to the Purposes thereof, shall be as effectual to all Intents for, against, and with respect to the Trustees as if the same had been made by, to, or with respect to the Trustees instead of the old Trustees, and may be proceeded on and enforced in like Manner to all Intents as if the Trustees had been party or privy thereto or referred to therein instead of the Party actually party or privy thereto or referred to therein.

Debts to be paid.

9. Notwithstanding the Repeal of the recited Act (and except only as is by this Act otherwise expressly provided), all Persons who immediately before the Commencement of this Act owed any Money to the old Trustees, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing for the same, to the Trustees; and all Monies which immediately before the Commence-

Commencement of this Act were owing by or recoverable from the old Trustees, or for the Payment of which they would but for this Act be liable, shall be paid by or be recoverable from the Trustees.

Byelaws, Resolutions, &c. continued.

10. Notwithstanding the Repeal of the recited Act, all Resolutions, Orders, and Proceedings of Meetings of the old Trustees which immediately before the Commencement of this Act were enforced shall, but subject to the Provisions of this Act, continue in full Force and be available for the Purposes of this Act.

Books, &c. continued in Evidence.

11. Notwithstanding the Repeal of the recited Act, all Documents, Books, and Writings by the recited Act directed or authorized to be kept, and which if this Act were not passed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Officers continued.

12. Notwithstanding the Repeal of the recited Act, every Officer and Servant appointed by virtue of or acting under the recited Act shall hold and enjoy his Office and Employment, and be deemed an Officer and Servant of the Trustees, until he be removed from the Office and Employment, and he shall have the like Powers and Authority for the Purposes of this Act, and be subject to like Power of Removal, Regulations, Pains, and Penalties, as if he were appointed under this Act.

Appointment of new Trustees.

13. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Devon*, together with *Richard Andrews*, *William Bastard*, *William Rundle Beer*, *John Charles Carwithen* Clerk, *Samuel Cornish*, *Francis Shath Cornish*, *George Dawson* Clerk, *James Dewing* Clerk, *Alfred Earle* Clerk, *John Elliott*, *Thomas Lakeman Elliott* junior, *Samuel Nathaniel Elliot*, *George Fox*, *John Kingwell Gillard*, *Arthur Bailey Harris*, *Henry Hare* Clerk, *William Hodder*, *Robert Hurrell*, *Gabriel Beer Lydstone*, *John Miles*, *John Netherton*, *John Alfred Pearce*, *Francis Drake Pearce*, *Nicholas Pitts*, *John Thomas Savery*, *John Smart* Clerk, *Thomas Twysden* Clerk, *John Tracey* Clerk, *James Webber*, *Thomas Bury Wells* Clerk, *John Wroth*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, and the Chairmen and Vice-Chairmen for the Time being of the *Kingsbridge* Highway District Board, the *Totnes* Highway District Board, the *Ermington and Plympton* Highway District Board, and of the Local Board of Health for the Borough of *Dartmouth*, shall be and they are hereby appointed Trustees for putting this Act into execution.

Power to appoint additional Trustees.

14. The Trustees may from Time to Time, at any Meeting under this Act, elect any Number of Persons duly qualified to act as Trustees

tees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for executing the Purposes of this Act, in addition to the Trustees hereby nominated, and the Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby nominated.

Meetings of Trustees.

15. The Trustees shall hold their First Meeting at the *King's Arms* Inn in the Town of *Kingsbridge* in the County of *Devon*, or at some other convenient Place in the Neighbourhood of the Roads, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, on the Fourth *Thursday* 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: Provided always, that Two General Meetings of the Trustees at least shall be held during each Year in the Town of *Dartmouth*.

Road to which this Act is applicable.

16. This Act shall be put into execution for the Purpose of discharging, in accordance with the Provisions of this Act, the Monies due and owing on the Credit of the Tolls arising on the Road, and the Interest in accordance with this Act thereon, and for managing, maintaining, and keeping in repair the Roads herein-after mentioned; (that is to say,)

The present Turnpike Road:

From the North Entrance of the Churchyard in *Kingsbridge*, by way of *Aveton Gifford* and *Stolliford Bridge*, through *Modbury*, to unite with the present Turnpike Road leading from *Modbury* to *Plymouth*; and from the said North Entrance to the Churchyard in *Kingsbridge*, through *Frogmore*, *Chillington*, *Stokenham*, *Torcross Street*, *Stokefleming*; to the Viaduct, *Warfleet*, *Dartmouth*, and by *Mill Street*, *West Alvington*, and *Malborough* to *Salcombe*; and from the *Embankment Bridge* to *Ranscombe Bridge*; and from the North Entrance to the Churchyard in *Kingsbridge* aforesaid, by way of *Knowle* and *Sorley Green*, and by way of *Sugar Lane* and *Bell Cross*, by *Stanborough*, *Halwell Cross*, *Blackawton Foroes*, *Norton Townstall*, to the Western End of the *British School House*, *New Road*, *Dartmouth*; and from *Townstall Cross*, by way of *Mount Boon*, to the Top of the Hill leading to *Sand Quay*; and from *Week Cross* to *Swannaton*, *Deadman's Cross*, and thence to unite with the Turnpike Road from *Dartmouth* to *Kingsbridge*, at or near *Long Cross* and *Townstall Farm*; and from *Sorley Green* aforesaid to *Ven Cross*; and also from *Halwell Cross* to *Halwell*; and from *Morley Cross* by way of *Gara Bridge* and *Mary Cross* to *Brownston Street*, *Modbury*; and from *Stolliford Bridge* to a Road leading from *Galpin Street*

Street to *Elston Cross*, and Two hundred Yards from the said Junction towards *Elston Cross*; also Fifty Yards of a certain other Road leading from or near *Mary Cross* towards *Shipham*, and from the said Turnpike Road between *Stolliford Bridge* and *Modbury* to a Road from *Modbury* to *Bigbury*, at or near the Top of *Prigdon Hill*, and continuing therein Two hundred Yards towards *Bigbury*; also from *Scoldon's Lane* One hundred and twenty Yards in a certain Lane called *Back Lane*, and One hundred and twenty Yards from the Entrance to *Modbury* up *Galpin Street*, and from or near the Turnpike Gate called the *Quay Gate* to *Tacketwood Bridge*, and a certain Lane leading thereout to *Square's Quay*, called *Sand Lane*; also Two hundred Yards in each of the Roads leading from *Bell Cross* to *Addlehole* and *Washbrook Mill*, and a certain Lane leading from *Bell Cross* to unite with the Turnpike Road to *Ven Cross*, called *Wallingford Lane*; and also a certain Road leading from *Stanborough Cross* to or near *Ritson Lane End*, and Two hundred Yards in a certain Lane called *Blackauton Lane* leading out of the Turnpike Road near *Stanborough Heights* towards *Blackawton*, and Two hundred Yards in each of the Roads leading from *Swannaton Cross* to *Swannaton* and *Cousins's Barn*, and Two hundred Yards in a certain Road leading from *Deadman's Cross* to *Waterpool*, and from *Sorley Green Gate* to *Churchstow Cross*, near the Village of *Churchstow*, and which said Roads run to, into, or through the several Parishes following; (that is to say,) *South Pool*, *Townstall*, *Stokefleming*, *Saint Petrox*, *Halwell*, *Blackawton*, *Modbury*, *Stokenham*, *Diptford*, *North Huish*, *South Brent*, *Loddiswell*, *Dodbroke*, *Kingsbridge*, *West Alvington*, *Churchstow Malborough*, *Buckland-tout-Saints*, *Charleton*, *Sherford*, *South Milton*, *South Huish*, *East Allington*, *Woodleigh*, *Morley*, *Cornworthy*, *Dittisham*, *Saint Saviours*, *Aveton Gifford*, *Slapton*, and *Ugborough*, or some of them, all in the County of *Devon*.

Present Tolls continued for a Term.

17. Notwithstanding the Repeal of the said recited Act, the several Tolls now payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the Road until Twelve o'Clock at Noon of the First Day of *November* One thousand eight hundred and sixty-six.

Power to take new Tolls.

18. Upon and after Twelve o'Clock at Noon of the First Day of *November* One thousand eight hundred and sixty-six the Trustees may, subject to the Provisions herein-after contained, demand and take at their several Toll Gates such Tolls as the Trustees shall direct,

direct, not exceeding the Sums herein-after specified; (that is to say,)

For every Horse or other Beast drawing any Carriage or Waggon, Sixpence:

For every Horse or other Beast drawing any Waggon laden with Timber, the Sum of One Shilling:

For every Four-wheeled Carriage or Waggon in any Manner fixed to any Carriage or Waggon, Sixpence:

For every Two-wheeled Carriage or Waggon in any Manner fixed to any Carriage or Waggon, Sixpence:

For every Horse or Mule not drawing, One Penny:

For every Ass not drawing, One Halfpenny:

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 in proportion for any greater or less Number.

As to the Fraction of a Halfpenny in Tolls.

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

Limit of Number of Tolls.

20. Except as in this Act otherwise provided, for passing and repassing on the same Day with the same Horses or other Animals, Carriage, Waggon, or Thing liable to Toll through all the Toll Gates on the Road, no more than Six full Tolls shall be taken; and for passing and repassing on the same Day with the same Horses or other Animals, Carriage, Waggon, or Thing liable to Toll through any Toll Gate on the Portions only of Road herein-after specified, no more than the Tolls herein-after prescribed shall be taken; (that is to say,)

On the Road from *Kingsbridge* to *Modbury*, including the double Line by *Stolliford Bridge* by the Poorhouse into the Road by *Elston Cross*, and the Extensions in *Back Lane* and *Galpin Street*, One full Toll;

On the Road from *Kingsbridge* to *Salcombe*, One full Toll;

On the Road from *Kingsbridge* to *Venn Cross*, One full Toll;

On the Road from *Kingsbridge*, by way of *Frogmore*, *Chillington*, *Stokenham*, *Torcross Street*, *Stokefleming*, to *Dartmouth*, Two full Tolls;

On the Road from *Kingsbridge* to *Ranscombe Bridge*, One full Toll;

On the Road from *Kingsbridge* to *Dartmouth*, by way of *Stanborough*, Two full Tolls;

On the Road from *Dartmouth*, by way of *Gara Bridge*, to *Modbury*, Two full Tolls:

Provided

Provided always, that no further Toll shall be taken for passing and repassing on the same Day with the same Horses or other Animals, Carriage, Waggon, or Thing liable to Toll through any Toll Gate on the Roads, except the Toll Gate on the Drawbridge at *Bowcombe*, within the Distance of Three Miles from that at which Toll shall have been previously paid.

Persons who have paid Tolls to return Toll-free.

21. Except as in this Act otherwise provided, all Horses, Carriages, Animals, and Things in respect of which Tolls shall have been paid for passing through any Toll Gate upon the Roads shall, upon the Production of a Ticket denoting such Payment, be permitted in going and returning during the same Day through the same and every other Toll Gate upon the Roads which the Ticket for such Payment shall free to pass Toll-free at all Times during the same Day.

As to Post-chaises.

22. 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 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.

23. The Tolls hereby made payable for all Horses or other Animals drawing any Stage Coach, Omnibus, Van, Caravan, or other Stage Carriage conveying or employed for the Purpose of conveying Passengers or Goods for Hire or Reward shall be paid for every Time of passing or repassing through any Toll Gate on the said Roads.

Further Regulations as to Stage Coaches.

24. Provided always, That all Horses and Animals drawing any Stage Carriage conveying or employed for the Purpose of conveying Passengers or Goods for Hire or Reward in respect whereof the Toll by this Act authorized to be taken shall have been paid at any Toll Gate shall, upon Production of a Ticket denoting such Payment, be permitted to pass once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Cases of Horses or Animals drawing any other Stage Carriage, and no further or additional Toll shall be payable in respect of any Stage Carriage as aforesaid at any Toll Gate the Payment at which shall be freed by any such Ticket as aforesaid on account only of their conveying other Passengers, or of the Horses or Animals drawing the same having been changed.

Tolls to be taken before passing through Toll Gate.

25. The respective Tolls hereby made payable shall be taken before any Horse, Beast, Cattle, or Carriage whatsoever shall be permitted to pass through any Toll Gate.

26. No

No Tolls to be taken for passing only over certain Portion of Road.

26. No Tolls shall be demanded or taken in respect of any Horses or other Animals, Carriage, Waggon, or Thing liable to Toll for passing and repassing through the *Knowle* Turnpike Gate and the *Norton* Turnpike Gate, provided the same do not pass along the said Roads for any greater Distance than One hundred Yards to the Northward of the *Knowle* Turnpike, or to the Westward of the *Norton* Turnpike Gate, and any Person claiming to be exempt from the Payment of Tolls under the Provisions of this Section shall claim such Exemption at the Time of passing through the said Toll Gates, or either of them.

Lime and Sea Sand for Manure exempt from Toll with certain Exceptions.

27. No Toll shall be demanded or taken for or in respect of any Horse or other Beast carrying or conveying, or going for or returning after having been only employed in carrying or conveying, on the same Day any Lime or Sea Sand, to be used only for the Purposes of Manure, in passing through any of the Toll Gates on the Roads: Provided always, that no such Exemption from the Payment of Toll shall be allowed in the Case of any Horse or other Beast drawing any Waggon, unless such Waggon, if drawn by Two Horses, shall have the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches or upwards, and if drawn by Three or more Horses shall have the Breadth of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards.

Toll on Foot Passengers crossing Embankment at Bowcombe.

28. And whereas the Trustees, acting under a previous Act relating to the Roads, made an Embankment and built a Bridge at a great Expense for carrying the Road over the Estuary at *Bowcombe*, and the same have been and are a great Convenience for Foot Passengers, and the Trustees under the recited Act are authorized to take and have taken Tolls thereon: It shall be lawful for the Trustees to demand and take of and from every Foot Passenger who shall cross the Embankment such Sum as the Trustees shall direct not exceeding One Halfpenny, which Toll shall be recovered by such Means and be subject to the same Penalties for Evasion as any other Tolls granted by this Act: Provided always, that any Foot Passenger who shall have paid Toll at any such Toll Gate shall, upon producing a Ticket denoting such Payment, be permitted to pass and repass through such Toll Gate Toll-free at all Times during the same Day.

Respecting Toll Gates.

29. It shall be lawful for the Trustees to set up in, upon, or across the Road, or on the Sides thereof, any Toll Gate or Toll House, and to remove the present or any future Toll Gates or Toll Houses, as they think proper: Provided always, that no Toll Gate or Toll House shall be removed, erected, or set up upon or across the Road, or on the Sides thereof, unless the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for

that Purpose, in conformity with and after such Notices as are required to be given by the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads.* 9 G. 4. c. 77.

Provisions of 24 & 25 Vict. c. 70. to apply.

30. The Clauses and Provisions of "The Locomotive Act, 1861," with reference to Tolls and otherwise, shall apply to the Roads comprised in this Act.

Application of Funds.

31. All Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, in discharging the Expenses of and incident to the obtaining and passing this Act:

Secondly, in defraying the necessary Expenses of Management of the Road, including Salaries of Officers, Repair of Toll Houses and Toll Gates, and incidental Expenses, but so that the total Amount to be expended in any One Year in defraying such Expenses (exclusive of the Salaries of Toll Collectors and Proceedings at Law or in Equity or before Justices of the Peace) shall not exceed the Sum of One hundred and sixty Pounds:

Thirdly, in paying Interest at the Rate of Three Pounds *per Centum per Annum* on the Principal Sums specified in the First Schedule to this Act, or on such Part of the same Principal Sums as shall for the Time being remain unsatisfied:

Fourthly, in paying Interest at the Rate of Two Pounds Ten Shillings *per Centum per Annum* on the Principal Sums specified in the Second Schedule to this Act, or on such Part of the same Principal Sums as shall for the Time being remain unsatisfied:

Fifthly, in paying Interest at the Rate of One Pound Ten Shillings *per Centum per Annum* on the Principal Sums specified in the Third Schedule to this Act, or such Part of the same Principal Sums as shall for the Time being remain unsatisfied:

Sixthly, in setting apart each and every Year the Sum of Five Pounds *per Centum per Annum* on the Amount of the Principal Sums specified in the Second Schedule to this Act, to be applied in paying off, as herein-after provided, those Principal Sums, or such Part of the same as shall for the Time being remain unsatisfied:

Seventhly, in repairing and maintaining the Road, but so that the whole Sum to be expended in any One Year for such Purpose shall not exceed the Sum of Six hundred and fifty Pounds:

Eighthly, in paying off in manner herein-after provided the said Principal Sums specified in the several Schedules to this Act, or such Part thereof as shall for the Time being remain unsatisfied:

Lastly, in further maintaining, repairing, and improving the Road.

32. All

Arrears of Interest extinguished.

32. All Arrears of Interest now due and owing in respect of the Principal Sums specified in the Second and Third Schedules to this Act shall be and the same are hereby extinguished.

Interest not to accrue until Expenses of Act are paid.

33. No Interest shall accrue due on any of the Principal Sums specified in the Schedules to this Act until the Expenses of and incident to the obtaining and passing of this Act shall have been paid and discharged.

Mortgagees not to take possession except for Arrears of Interest.

34. Whenever and so long as the Interest after the Rate hereinbefore respectively provided upon the Mortgage Debts for the Time being due, according to the Provisions of this Act, shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage shall be entitled to enter into possession of any Toll Gate, Toll House, or Building upon the Road, 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 Toll Gate, Toll House, or Building, or into the Receipt of any Toll or Rent, shall pay the Interest from Time to Time becoming due upon all these existing Mortgages without any Priority or Preference as between Mortgages of the same Class, and may also reimburse himself all 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 Days whereon the Interest on such Mortgages shall be payable, render to the Clerk to the Trustees for the Time being a true and full 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 Mortgages up to the last of such 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 their 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 Rents as aforesaid, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

As to Mode of discharging Debt.

35. When and so often as the Fund applicable to the Discharge of the Principal Sums due and owing on the Credit of the Tolls arising on the Road, according to the Provisions of this Act, shall amount to One hundred 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 Fund, One Calendar Month's previous Notice at the least shall be given in some Newspaper published

published in the County of *Devon*, or by Notice in Writing given to each Creditor entitled to participate in such Fund, or addressed and forwarded to him at his usual or last known Place of Abode, apply such Fund, or a Portion thereof (as the Case may require), in or towards the Discharge of the Principal Monies for the Time being due, and to the Discharge of which such Fund is under the Provisions of this Act applicable, to the Creditor entitled to participate in such Fund 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 Part of the said Principal Monies to the Creditors who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of such Monies, and so on in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors shall, by such Proposals 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 amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, 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 Debts to which all the Proposals relate, the Trustees may apply such Sum, or the Surplus thereof (as the Case may be), rateably amongst the Creditors entitled to the Monies, or may pay the same to such of them as may be determined by Lot, or to any of such Creditors, with the Consent of all the other Creditors, as the Trustees think fit.

For preventing Damage to Embankment at Bowcombe.

36. If any Person or Persons shall, with any Boat or Vessel or in any other Way whatever, wilfully or carelessly injure, pull down, or damage any Part of the said Embankment at or near *Bowcombe*, or the Hedges, Arches, Walls, Posts, Rails, or Fences thereof, or of the Drawbridge, or any Erection or Building thereon, made by or repaired or repairable by the Trustees, any Person or Persons so offending shall for each and every such Offence forfeit and pay to the Trustees any Sum not exceeding Ten Pounds over and above the Damage occasioned thereby.

Trustees may make Regulations as to Barges passing under Bridge over Estuary at Bowcombe.

37. The Trustees may at any Meeting under this Act order and direct that all Persons navigating any Barges passing up the Estuary at *Bowcombe* shall, when passing under the Bridge of the Trustees constructed over such Estuary, lower the Masts of such Barges so as to permit the same to pass under the said Bridge, and any Person offending against any such Order and Direction shall forfeit and pay to

to the Trustees any Sum not exceeding Forty Shillings: Provided always, that no such Order and Direction shall have any Effect unless and until the same shall have been approved by the Court of Quarter Sessions for the County of *Devon*, and also by the Board of Trade, nor unless and until a Copy of the same shall have been published for Four successive Weeks in some one and the same Newspaper published in the County of *Devon*, nor unless and until a Copy of such Order and Direction shall have been affixed for the Space of One Calendar Month on some conspicuous Part of the said Bridge.

No Money to be taken or laid out within the Limits of Improvement Acts.

38. The Trustees shall not lay out or collect any Money on any Part of the Road within the Limits of any Act of Parliament passed for the Improvement of any Town, nor on the Streets of any Town through which the Roads pass, except that the Trustees may collect Tolls at any now existing Toll Gate in any Town.

Road not exempt from General Acts.

39. 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.

40. This Act shall commence on the Fourth *Thursday* next after the passing thereof, and shall continue in force for a Term of Fifteen Years, and from thence to the End of the Session of Parliament which shall then next follow.

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

Names of Persons to whom or to whose Representatives the Principal Money is due or reputed to be due.	Principal due or reputed due to each.
	£ s. d.
Moore, Miss - - - - -	500 0 0
Newman, Thomas - - - - -	800 0 0
Seale, Sir H. P. - - - - -	200 0 0
	1,500 0 0

SECOND SCHEDULE.

Names of Persons to whom or to whose Representatives the Principal Sums are due or reputed to be due.	Principal due or reputed due to each.
	£ s. d.
Ashburton, Lady - - - - -	100 0 0
Baxendale, Josh. - - - - -	800 0 0
Holdsworth, A. B. E. - - - -	850 0 0
Newman, Thomas - - - - -	1,000 0 0
Newman, T. N. - - - - -	28 17 6
	2,778 17 6

THIRD

THIRD SCHEDULE.

Names of Persons to whom or to whose Representatives the Principal Sums are due or reputed to be due.	Principal due or reputed to be due to each.			Names of Persons to whom or to whose Representatives the Principal Sums are due or reputed to be due.	Principal due or reputed to be due to each.		
	£	s.	d.		£	s.	d.
Andrews, John - -	100	0	0	Hurrell, Robert - -	50	0	0
Andrews, Henry - -	200	0	0	Jellard, John (Exors. of)	25	0	0
Andrews, Elizabeth (Representatives of) -	100	0	0	Loyd, Philip - -	30	0	0
Allen, John - -	50	0	0	Leigh, John - -	100	0	0
Bell, James Thomas -	200	0	0	Lightfoot, Miss - -	100	0	0
Bulteel, Lady Elizabeth -	500	0	0	Morley, Earl of - -	500	0	0
Cornish, Jas. (Exors. of) -	100	0	0	Miles, John - -	50	0	0
Crewdson, W. D. - -	50	0	0	Newman, Thomas -	500	0	0
Eales, William Penn Heal	100	0	0	Newman, T. H. - -	550	0	0
Eales, T., and Eales, John	25	0	0	Pitts, Nicholas - -	180	0	0
Eales, Susannah - -	130	0	0	Prideaux, Mrs. (Exors. of)	200	0	0
Fortescue, W. B. - -	200	0	0	Prettejohn, Nathaniel -	50	0	0
Froude, William - -	300	0	0	Parsons, Robert - -	100	0	0
Freeke, Mrs. (Exors. of) -	200	0	0	Seale, Sir H. P. - -	1465	0	0
Elton, Dr. -	89	7	3	Savery, Mrs. - -	50	0	0
Grills, Mrs. - -	75	0	0	Twysden, H. D. - -	150	0	0
Haley, W. C. (Exors. of) -	100	0	0	Twysden, Rev. Thos. -	950	0	0
Harris, Thos. (Exors. of) -	175	0	0	Walkey, J. E. C. -	100	0	0
Harris, John - -	100	0	0	Wroth, Samuel - -	100	0	0
Hunt, Hy. & Holdsworth -	300	0	0	Wyse, M. A. - -	100	0	0
Hingston, Jos. (Exors. of)	200	0	0	Wise, The Misses -	600	0	0
Hunt, Charles - -	200	0	0	Weymouth, T. W. -	25	0	0
Hunt, Henry - -	100	0	0	Wise, Mrs. - -	1,050	0	0
Hunt, Thomas N. - -	400	0	0	Wise, Miss - -	400	0	0
Holdsworth, A. B. E. -	800	0	0	Wells, Samuel (Exors. of)	50	0	0
Holdsworth, G. T. -	550	0	0	Wells, Miss - -	620	0	0
Holdsworth, E. W. H. -	100	0	0	Wells, Rev. T. B. -	50	0	0
Howard, Luke -	360	0	0	Willing, Richard -	50	0	0
Hare, Rev. H. - -	150	0	0	Yates, Jacob - -	200	0	0
				Total - £	13,349	7	3

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