ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. lii.

An Act for making and maintaining a Turnpike Road from *Burnt House* in the Parish of *Lympstone* in the County of *Devon* to *Exmouth* in the same County. [23d *May* 1832.]

WHEREAS the widening, diverting, and improving the Highway; and making and maintaining a Turnpike Road, from the Termination of the *Exeter* Turnpike Road at or near to *Burnt House* in the Parish of *Lympstone* in the County of *Devon* to *Johnson's Place* in *Exmouth* in the Parish of *Withycombe Rawleigh* in the same County, will be of great Benefit, and attended with much Convenience and Accommodation to the Owners and Occupiers of Lands, and Inhabitants, within the several Parishes through which such Road will pass, and will also be of public Utility; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace acting for the County of *Devon* for the Time being, together with *John Adney*, the Honourable *John Brodrick*, Sir *George Burgmann* Knight, *John Bartholomew* Clerk, *Samuel Thomas Black*, *Henry Blackall*, *Henry Clarke*, *Gilbert Cowd*, Sir *Thomas Trayton Fuller Elliott Drake* Baronet, *Bartholomew Davy Floud*, *James Lewis Gidoin* Clerk, Trustees.

Clerk, *Edward Gatty*, *Wearman Gifford*, *Charles Gifford*, *Philip Gidney*, *William Hartopp Hull*, *Gilbert Lovering Horwill*, *John Hine*, *John Haddy*, *James William Marchant*, *John Marchant*, Sir *Stafford Henry Northcote* Baronet, *James Winsloe Phillips*, *Richard Prat* Clerk, *Francis Rowe*, *William Francis Spicer*, *Charles Sanders*, *William Sykes* Clerk, *William Sweetland*, *Abraham Stogdon*, *Ambrose Stapleton* Clerk, *John Wright Swann*, *John Warren* Doctor in Divinity, *John Thomas Wright*, *Thomas Williams*, *Richard Webber*, and their Successors, being duly qualified according to the Laws in force respecting Trustees of Turnpike Roads in *England*, shall be, and they, and their Successors to be duly elected in manner directed by the Laws in force respecting Trustees of Turnpike Roads in *England*, are hereby appointed Trustees for making and maintaining a Turnpike Road from the Termination of the *Exeter* Turnpike Road at or near to *Burnt House* in the Parish of *Lympstone* in the County of *Devon* to *Johnson's Place* in *Exmouth* in the Parish of *Withycombe Rawleigh* in the same County, and for otherwise putting the several Acts respecting Turnpike Roads in *England* and this Act into execution, and which said Road shall be called the "*Exmouth* Turnpike Road."

Power to appoint additional Trustees.

II. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized and empowered, from Time to Time at any of their Meetings, to elect and appoint any additional Number of Trustees, not exceeding Three in the whole; and such Trustees so elected and appointed, being qualified as aforesaid, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing the same as if they had been herein named Trustees.

Meetings of Trustees.

III. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Globe* Inn at *Exmouth* in the County of *Devon*, or at some other convenient Place in the Neighbourhood of the said Road, on the Third *Wednesday* after the passing of this Act, or as soon after as conveniently may be; and the said Trustees, or any Five or more of them, shall proceed in the Execution of this Act, and shall and may then, and from Time to Time after, adjourn to and meet at such Times and at such Place or Places as they shall think proper.

Map or Plan deposited with the Clerk of the Peace to remain there, and be open to Inspection.

IV. And whereas a Map or Plan describing the Line of the said Road, and the Lands, Hereditaments, and other Premises in, upon, through, over, or along which the same is intended to be made or carried, together with a Book of Reference to such Map or Plan, containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and other Premises, have been deposited with the Clerk of the Peace for the said County of *Devon*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the

Rate of Sixpence for every One hundred Words of such Copies or Extracts; provided always, that the said Trustees, in making the said Road, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees not deviate to more than 100 Yards without Consent.

V. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners of Lands or Premises over which the same is set out and described in the said Map or Plan and Book of Reference, as aforesaid, although such Lands, Tenements, or Hereditaments, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the Book of Reference and Schedule to this Act annexed, or either of them, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error, Omission, or Mis-statement proceeded from Mistake.

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

VI. Provided also, and be it further enacted, That the Powers and Authorities hereby given for making the said Road shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Garden, Yard, Paddock, Park, planted Walk, or Avenue to a House, or any inclosed Ground planted as Ornament or Shelter to a House, or planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except so much and such Parts of such Dwelling Houses or other Buildings, Gardens, Yards, Paddocks, Parks, planted Walks, Avenues, Nurseries for Trees, Woods, and Plantations, as are described in the Schedule to this Act annexed.

Trustees not to pull down certain Houses, &c. without Consent of the Owner.

VII. Provided also, and be it further enacted, That in case the said Trustees shall not, within the Space of Three Years from the passing of this Act, agree for or cause to be valued and paid for in manner directed by the Acts now in being for regulating Turnpike Roads in *England*, the several Messuages, Lands, and Premises mentioned in the said Schedule, which they are hereby empowered to purchase, take, and use, or so much thereof as they shall deem necessary for the Purposes of this Act, then and from thenceforth all the Powers which are hereby given them for such Purpose only shall, as to such of the said Messuages, Lands, and Premises as shall not have been agreed for or valued and paid for as aforesaid, cease, determine, and be void, save and except with the Consent of the Owner or Proprietor thereof respectively for the Time being.

Trustees restrained from using Dwelling Houses, &c. mentioned in the Schedule, unless purchased within a certain Period.

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

Power to take Tolls.

lectors of the Tolls by this Act authorized to be taken, to demand, receive, and take the Tolls herein-after mentioned at the several and respective Toll Gates, Turnpikes, Side Gates, Side Bars, and Chains which shall be erected or set up upon or across the Road by this Act authorized to be made, maintained, and kept in repair, or on the Side or Sides thereof, before any Horse, Mule, Ass, Beast, Cattle, or Carriage shall be permitted to pass through any such Toll Gate, Turnpike Gate, Side Gate, Side Bar, or Chain; (that is to say,)

For every Horse or other Beast drawing any Gig or Chair, or such like Carriage, with Two Wheels only, any Sum not exceeding Eight-pence:

For every Horse or other Beast drawing any Car, Chair, Phaeton, Caravan, or any Four-wheel light Carriage, where the same shall be drawn by no more than One Horse, any Sum not exceeding Nine-pence:

For every Horse or other Beast drawing any Coach, Barouche, Sociable, Berlin, Chaise, Chariot, Car, Chair, Phaeton, Caravan, Hearse, Litter, or such like Carriage (except Stage Coaches), where drawn by Two or more Horses or other Beasts, any Sum not exceeding Eight-pence:

For every Horse or other Beast drawing any Stage Coach, where the same shall be drawn by not more than Two such Horses or other Beasts, any Sum not exceeding Nine-pence; and where the same shall be drawn by a greater Number than Two such Horses or other Beasts, any Sum not exceeding Eight-pence:

For every Horse or other Beast drawing any Van, Caravan, or such like Carriage used for the Conveyance of Goods for Hire, any Sum not exceeding Nine-pence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or such like Carriage, where the same shall be drawn by not more than One Horse or other Beast, any Sum not exceeding Eight-pence; and where the same shall be drawn by Two or any greater Number of Horses or other Beasts, any Sum not exceeding Six-pence for every such Horse or other Beast:

For every Horse or other Beast drawing any Carriage used for the Purpose of conveying Timber, where the same shall be drawn by not more than One Horse or other Beast, any Sum not exceeding Eight-pence, where the same shall be drawn by Two or Three Horses or other Beasts, having the Fellies of the Wheels of less Breadth than Six Inches, any Sum not exceeding One Shilling and Eight-pence; and of the Breadth of Six Inches, any Sum not exceeding Eight-pence; where the same shall be drawn by Four or Five Horses or other Beasts, having the Fellies of the Wheels of less Breadth than Six Inches, any Sum not exceeding Two Shillings and Five-pence, and of the Breadth of Six Inches, any Sum not exceeding Eight-pence; and where the same shall be drawn by a greater Number than Five Horses or other Beasts, having the Fellies of the Wheels of less Breadth than Six Inches, any Sum not exceeding Two Shillings, and of the Breadth of Six Inches, any Sum not exceeding Eight-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding One Penny Halfpenny:

For

For every Drove of Oxen, Cows, or other Neat Cattle, any Sum not exceeding One Shilling and Three-pence *per* Score, and so in proportion for a less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, any Sum not exceeding Seven-pence Halfpenny *per* Score, and so in proportion for a less Number:

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

Fractional Part of a Halfpenny in Toll.

IX. Provided always, and be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted or authorized to be collected, or any of them, the full Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be payable once a Day for passing.

X. Provided always, and be it further enacted, That if the respective Tolls by this Act granted and made payable in respect of any Horse, Mule, Ass, Beast, Cattle, or Carriage whatsoever, at any Gate or Turnpike, Bar or Chain, which shall by virtue of this Act be set up or erected across or on the Side of the said Road, shall have been paid, such Horse, Mule, Ass, Beast, Cattle, or Carriage shall be permitted to return and repass at any Time or Times during the same Day, to be computed and reckoned from Twelve of the Clock in one Night to Twelve of the Clock in the following Night, through the said Gate or Turnpike, Bar or Chain, or any other Gate or Turnpike, Bar or Chain, upon or by the Side of the said Road, Toll-free, on a Note or Ticket of the Day denoting such Payment being produced.

Limiting the Number of Tolls.

XI. And it further enacted, That no more than One full Toll shall be payable in any One Day for or in respect of any Horse, Cattle, Beast, or Carriage, for passing the whole Length of the said Road.

Stage Coaches, &c. to pay each Time of passing;

XII. And be it further enacted, That the said Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other public Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Road: Provided always, that no further or additional Toll shall be payable in respect of any Horses drawing any Stage Coach, Stage Waggon, Diligence, Van, Caravan, Cart, or other Stage Carriage, on account only of the Horses drawing the same having been changed between any Gates freeing each other by Ticket.

Post Chaises on every new Hiring.

XIII. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Coach, Post Chaise, Chair, Gig, Whiskey, Car, or other such like Carriage let out to Hire, for every Time of passing along the said Road whenever any new Hiring thereof shall take place.

Lime used for Manure exempted from Toll.

XIV. And be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle, or Carriage, employed in drawing or carrying any Lime to be used as Manure, or going unladen or empty, or loaded only with Implements necessary for the more convenient Carriage or loading or unloading such Lime, or returning unladen or empty, or loaded only with such Implements as aforesaid, having been so employed.

Application of Tolls, &c.

XV. And be it further enacted, That out of the Monies already subscribed and advanced or which shall hereafter be subscribed or advanced for the Purposes of or which shall be borrowed on the Credit of this Act the said Trustees shall, in the first place, pay and discharge all the Costs, Charges, and Expences incidental or in anywise relating to the soliciting, obtaining, and passing of this Act, and to the making the Surveys and Plans preparatory thereto, together with lawful Interest for Money advanced by any Person or Persons for that Purpose; in the next place, in defraying the Expences of making the said Road hereby authorized to be made, and of purchasing Lands, Hereditaments, and Materials for that Purpose, and of erecting, building, making, and providing Toll Gates, Turnpikes, Side Bars, Chains, Weighing Machines, Toll Houses, with Outhouses, Offices, and Conveniences suitable thereto, and also Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Lamps, Books, and other Matters and Things necessary or requisite for carrying the Purposes of this Act into execution; and after Payment of all such Expences as aforesaid, the Remainder, if any, of such Monies, and all Monies whatsoever which shall arise or be produced from or by the Tolls by this Act granted or authorized to be taken, or otherwise howsoever, shall from Time to Time be applied in discharging the Interest of the Monies subscribed, advanced, or borrowed, or which shall or may hereafter be subscribed, advanced, or borrowed, for the Purposes or on the Credit of this Act, and afterwards in amending, sustaining, and keeping in repair the said Road, Toll Houses, Toll Gates, and other Matters and Things hereinbefore particularly specified, and in otherwise putting this Act into execution, and lastly in repaying the Principal Monies subscribed, advanced, or borrowed for the Purposes or on the Credit of this Act.

Public Act.

XVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Duration of Act.

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

The

The SCHEDULE to which this Act refers.

No.	Description of Property.	Parish.	Land Owners.	Occupiers.
1	Barn, Stable, Cowshed, Pigsty, and Courtlage	Lympstone	Rev^{d} William Sykes	Anna Cooper.
2	Shrubbery	Ditto	Ditto	Ditto.
3	Garden	Ditto	Samuel Darby	Samuel Darby.
4	Ditto	Ditto	Ditto	Ditto.
35	Dwelling House and raised Ground adjoining the Road	Wythycombe Rawleigh	Mayor, Bailiffs, and Commonalty of the City of Exeter	Thomas Williams.
36	Dwelling House and Courtlage	Ditto	Ditto	Unoccupied.
37	Ditto	Ditto	Ditto	Ditto.
38	Glazier's Shop and Plot behind	Ditto	Ditto	Thomas Williams.
39	Garden	Ditto	William Thomas Hull Esq^{r}	John Long, Thomas Northy, Mary Beavis.
40	Ditto	Ditto	Ditto	William Hall.
41	Ditto	Ditto	Ditto	Elizabeth Morey.

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