ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. xlvii.

An Act for repealing the Acts relating to the Roads leading from the Lower Market House in *Tavistock* to *Old Town* Gate in the Borough of *Plymouth,* and from *Manadon* Gate to the *Old Pound* near *Devonport,* in the County of *Devon,* and making other Provisions in lieu thereof.

[21st *June* 1847.]

WHEREAS by an Act passed in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better amending and repairing of* 44 G. 3. c.16. *the Roads leading from the Lower Market House in* Tavistock *to* Old Town *Gate in the Borough of* Plymouth, *and from* Manadon *Gate to the* Old Pound *near* Plymouth *Dock, in the County of* Devon, certain Persons therein mentioned and their Successors were declared to be Trustees for amending, repairing, altering, widening, and improving the several Roads therein mentioned, and for otherwise carrying that Act into execution, and were empowered to take Tolls and to raise Money by Mortgage for the Purposes thereof: And whereas by an Act passed in the Fifty-third Year of the Reign of His said late

53 G. 3. c. 26. Majesty King *George* the Third, intituled *An Act for altering and enlarging the Terms and Powers of an Act of the Forty-fourth Year of His present Majesty, for repairing the Roads leading from* Tavistock *to* Old Town *Gate in the Borough of* Plymouth, *and from* Manadon *Gate to the* Old Pound *near* Plymouth *Dock, in the County of* Devon, the Powers of such Trustees were continued and enlarged, and they were empowered to take other Tolls: And whereas the recited Acts have by divers subsequent general Acts been continued and are still in force: And whereas such Trustees have borrowed a Sum of Money under the Authority of the recited Acts at Interest, whereof the Sum of Three thousand six hundred and twenty-five Pounds now remains due to divers Mortgagees on the Credit of such Tolls: And whereas it is expedient that the present Parish Road or Highway leading from *Knackersknowle* to *Tamerton Foliott* in the County of *Devon* should be altered, repaired, and improved by such Trustees, and that the recited Acts should be repealed, and other Provisions made in lieu thereof, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it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, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The *Plymouth and Tavistock* Turnpike Roads Act, One thousand eight hundred and forty-seven."

Short Title.

Recited Acts repealed and this Act to be put in force.

II. And be it enacted, That upon the First Day of *July* One thousand eight hundred and forty-seven the recited Acts of the Forty-fourth and Fifty-third Years of the Reign of His late Majesty King *George* the Third shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes hereinafter mentioned.

All Arrears of Tolls and Monies due under recited Acts vested in the Trustees under this Act.

III. And be it enacted, That all Monies due to, and all Property and all Choses in Action vested in, the Trustees under the Acts hereby repealed, or either of them, 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 recited Acts or either of them, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Acts or either of them were liable at the Repeal thereof.

Appointment of Trustees.

IV. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Devon*, together with the several Persons who at the passing of this Act shall be Trustees under and by virtue of the said Two several Acts of the Forty-

fourth and Fifty-third Years of the Reign of His late Majesty King *George* the Third, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

First Meeting of Trustees.

V. And be it enacted, That the Trustees shall within Three Months after the passing of this Act hold their first Meeting at the Guildhall in the Borough of *Plymouth*, or at some other convenient Place in the Neighbourhood of the said Roads whereat the Trustees may qualify, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

VI. And be it enacted, That the Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said 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 the Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Roads to which this Act is applicable.

VII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from the Lower Market House in *Tavistock* in the County of *Devon* to a Place called *Old Town* Gate in *Plymouth*, and also the Turnpike Road from the said Place called *Manadon* Gate to the *Old Pound* near *Devonport*, all in the same County, and of altering, widening, and otherwise improving the present Parish Road or Highway leading from the *Plymouth and Tavistock* Turnpike Road at *Knackershole* otherwise *Knackersknowle* to *Tamerton Foliott* in the same County, and which commences by a Junction with the said Turnpike Road at *Knackersknowle*, and passes through or into the several Parishes of *Egg Buckland*, *Saint Budeaux* otherwise *Budock*, and *Tamerton Foliott*, all in the County of *Devon*, and terminates at the Corner and Commencement of the present Parish Road or Highway leading from *Tamerton Foliott* to the Village of *Saint Budeaux*.

Map or Plan deposited at Office of the Clerk of the Peace to remain there and be open toInspection.

VIII. And whereas a Map or Plan describing the Line of such Parish Road or Highway, and the Alterations thereof intended to be made, and the Lands in or through which the same are intended to be made, together with a Book of Reference thereto containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the County of *Devon*; be it enacted, That such Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the same County to the end that all Persons may at all seasonable Times inspect and peruse the same, and have Copies thereof

or

or Extracts therefrom, paying to such 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; and such Map or Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by such Clerk of the Peace or his Deputy for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and elsewhere.

Power to alter and improve the Parish Road or Highway from Knackersknowle to Tamerton Foliott according to the Plan.

IX. And be it enacted, That it shall be lawful for the Trustees to set out, make, and complete the several Alterations of such Parish Road or Highway in the Line and through the Lands delineated and described in such Map or Plan and Book of Reference, and to make such Parish Road or Highway of such Width as they may think proper, not exceeding Sixty Feet, together with such Foot-paths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto as they may think requisite, and for the Purposes aforesaid to take possession of the Lands delineated and described in such Map or Plan and Book of Reference, making Satisfaction for the same to the Owners thereof and other Persons interested therein for the Damage which such Owner or other Persons may respectively sustain thereby; and it shall be lawful for the Trustees and for their Surveyors and Workmen from Time to Time to enter upon such several Lands, and stake out the same for the Purposes of this Act, at such Times and in such Manner as the Trustees or their Surveyors shall think necessary or expedient.

Power to Trustees to deviate from Plan to certain Extent.

X. And be it enacted, That it shall be lawful for the Trustees in making such Alterations to deviate from the Line delineated upon such Map or Plan; provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from such Line, or into the Lands of any Person not delineated or described in such Map or Plan or Book of Reference without the Consent in Writing of the Party in or through whose Lands any such Deviation shall be proposed to be made.

Errors in the Plan, &c. may be corrected by Justices, who shall certify the same.

XI. And be it enacted, That it shall be lawful for the Trustees to make such Alterations and Deviations in or through the Lands delineated in such Map or Plan, although such Lands or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in such Map or Plan or Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County of *Devon* in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake, and the Certificate of such Justices shall be deposited with and remain in the Custody of such Clerk of the Peace for the Time being: Provided nevertheless, that Ten Days Notice in Writing be given to or left at the last or usual

Certificate to be deposited.

usual Place of Abode of the Owners, Lessees, and Occupiers whose Lands are affected by such erroneous Description of the Time and Place where the Justices will hear the Case, and on Proof of the Notice being duly served the Justices may adjudicate thereon in the Absence of the Parties.

Ten Days Notice to be given of Application to Justices.

XII. Provided always, and be it enacted, That Notice in Writing shall be served upon the Owners, Lessees, and Occupiers of any Lands in or through whose Lands such Alterations and Deviations are intended to be made, either by serving the same personally or by leaving the same at their last or usual Place of Abode Ten clear Days before Application shall be made to the said Justices, and that such Notice shall specify the Nature and Object of such Application, and the Time and Place when and where the same will be made, and that upon Proof of such Notice having been served or left as aforesaid the said Justices shall hear and determine such Application in the Absence of the Party served with such Notice, or at whose Abode the same shall have been left.

The Freehold and Inheritance of Lands purchased to remain and be vested in the Persons of whom they are purchased.

XIII. And be it enacted, That in case any Lands shall be hereafter purchased by the Trustees for the Purpose of making or improving any Road mentioned in this Act, the Freehold and Inheritance in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure, the Estate and Interest therein, shall not (notwithstanding any Provisions in any of the Acts 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 or the Estate and Interest in such Lands 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; and the Trustees shall, by means of such Purchase and Conveyance or Assurance, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands are *not* wanted.

XIV. Provided always, and be it enacted, That if at any Time any Land purchased by the Trustees under the Authority of this Act shall not be wanted for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over such Lands shall cease and be extinguished, and the Freehold and Inheritance in such Lands in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands in case the same shall be of any other Tenure, shall be and remain in the Persons then entitled to the same freed and discharged from such Right of Way.

Trustees to have the same Power

XV. Provided also, and be it enacted, That the Trustees shall have the same Power and Authority of cutting, digging, and using the

of cutting, &c. as if they possessed the Fee Simple.

Lands taken by them for the Purposes of this Act as the Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest in such Lands.

Limitation of Time for purchasing Land.

XVI. Provided also, and be it enacted, That in case the Trustees shall not, within the Space of Three Years from the Commencement of this Act, pay for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads shall, so far as such Powers relate to the Lands by this Act authorized to be taken for the Purposes thereof, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively.

Present Tolls continued until the End of the Term of the existing letting.

XVII. And be it enacted, That, notwithstanding the Repeal of the said recited Acts, the several Tolls by the said secondly-recited Act granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the said Roads until the First Day of *July* One thousand eight hundred and forty-seven.

Power to take Tolls.

XVIII. And be it enacted, That upon and after the First Day of *July* One thousand eight hundred and forty-seven it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Roads such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast drawing any Carriage, if not exceeding Two in Number, the Sum of Three-pence; if Three in Number, the Sum of Four-pence; if exceeding Three in Number, the Sum of Four-pence Halfpenny:

For every Horse, Mule, or other Beast (not drawing), laden or unladen, the Sum of One Penny:

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

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

For every Carriage propelled or drawn by Steam or other Power than Animal Power, the Sum of One Shilling:

Which said Tolls shall be taken before any such Animal or Carriage whatsoever shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Roads, or on the Sides thereof.

XIX. And

As to the Fraction of a Halfpenny in Tolls.

XIX. And be it enacted, 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 payable in lieu of such fractional Part.

Only Two Tolls to be taken on the present Roads, and only One Toll to be taken on the new Road.

XX. And be it enacted, That no more than Two Tolls shall be taken for passing or repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty through all the Toll Gates erected or continued on the said Turnpike Roads leading from the Lower Market House in *Tavistock* to *Old Town* Gate in *Plymouth*, and from *Manadon* Gate to the *Old Pound* near *Devonport*; and no more than One Toll shall be taken for such passing and repassing once only in the same Day (to be computed as aforesaid) through all the Toll Gates to be erected on the said Parish Road or Highway leading from the *Plymouth and Tavistock* Turnpike Road at *Knackershole* otherwise *Knackersknowle* to *Tamerton Foliott*.

Persons having paid Toll to return Toll-free.

XXI. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on any of the said Roads or on the Sides thereof shall, upon a Ticket denoting such Payment being produced, be permitted in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Post-chaises to pay every Time of passing with fresh Hiring.

XXII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post-chaise or other Carriage travelling for Hire as often as new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Regulations as to Stage Coaches, &c.

XXIII. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage at any Toll Gate or Bar, the Payment at which shall be freed by such Ticket, on account only of their conveying

other

other Passengers, or of the Horses or Cattle drawing the same having been changed.

Double Toll for extra Weight between Nov. 1. and April 1.

XXIV. And be it enacted, That between the First Day of *November* inclusive in every Year and the First Day of *April* exclusive in the next succeeding Year it shall be lawful for the Trustees to demand at every Toll Gate double the Toll hereby made payable for every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon or other Carriage the Weight of which and of the Loading thereof shall exceed Two Tons.

Trustees may reduce the Tolls for Lime or Chalk for Manure.

XXV. And be it enacted, That it shall be lawful for the Trustees at any Meeting to be specially called for the Purpose to make an Order from Time to Time that the Tolls hereby made payable for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with Lime or Chalk for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the Trustees shall at any such Meeting agree or determine; and after the making of any such Order, and while the same shall remain in force, such reduced Tolls only shall in respect of the Matters last mentioned be payable.

Respecting Toll Gates.

XXVI. And be it enacted, That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said Turnpike Roads or on the Sides thereof shall be continued until removed by any Order of the Trustees, and it shall be lawful for the Trustees to order and cause to be set up in or across the said present Turnpike Roads, and also in or across the said Parish Road or Highway, and on the Sides thereof respectively, any Toll Gate or Bar, and to remove the present or any future Toll Gate or Bar as they shall think proper.

Application of Monies on the present Roads.

XXVII. And be it enacted, That all Monies which shall be received by the Trustees by virtue of this Act upon the Roads included in the said recited Acts hereby repealed shall be applied as follows; (that is to say,)

First,—In paying and discharging the Expences of obtaining and passing this Act or incident thereto:

Secondly,—In paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said former Acts hereby repealed, or either of them:

Thirdly,—In paying the Expences of improving, maintaining, and keeping in repair such Roads, and in putting this Act into execution with reference thereto:

Fourthly,—In reducing, paying off, and discharging the several Principal Sums which have been borrowed on the Credit of the

Tolls authorized to be taken by the said former Acts hereby repealed, or either of them.

Application of Monies on the new Road.

XXVIII. And be it enacted, That all Monies which shall be received by the Trustees on or in respect of the said Parish Road or Highway shall be applied as follows; (that is to say,)

First,—In discharging the Expences of obtaining and passing this Act or incident thereto:

Secondly,—In altering, improving, maintaining, and keeping in repair the said Parish Road or Highway, and putting this Act into execution with reference thereto:

Thirdly,—In paying and discharging any Interest which may from Time to Time become due and owing in respect to any Money which may hereafter be borrowed on the Credit of the Tolls to be collected on the said Parish Road or Highway:

Fourthly,—In reducing, paying off, and discharging any Principal Sums of Money which may be due on the Credit of the Tolls to be taken on the said Parish Road or Highway.

Limiting Amount of Money to be laid out on any Road.

XXIX. And be it enacted, That, except as herein-before provided, no more Money shall be expended in the Repair of any Road comprised in this Act than shall be collected on such Road, or borrowed on the Credit of the Tolls collected thereon.

No Tolls to be taken or Money laid out in certain Towns.

XXX. And be it enacted, That no Money shall be laid out on any Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected thereon, or in any of the Towns following, (that is to say,) the Boroughs of *Tavistock*, *Plymouth*, and *Devonport*, all in the County of *Devon*.

Nothing to exempt Roads from Provisions of any future general Act.

XXXI. And be it enacted, 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.

Term of Act.

XXXII. And be it enacted, That this Act shall commence on the First Day of *July* One thousand eight hundred and forty-seven, and shall continue in force for the Term of Twenty-one Years, and if Parliament shall then be sitting until the End of the Session of Parliament which shall then next follow.

Interpretation of Act.

XXXIII. And be it enacted, 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,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporation:

Words importing the Masculine Gender shall include Females:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments.

Public Act.

XXXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1847.