ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 52.

An Act for altering and enlarging the Term and Powers of Three Acts, made for repairing the High Road leading from *Brent Bridge*, in the County of *Devon*, to *Gasking Gate*, in or near the Borough of *Plymouth*, in the said County of *Devon*.

[18th *May* 1814.]

WHEREAS by an Act made in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the High Road leading from* Brent Bridge, *in the County of* Devon, *to* Gasking Gate, *in or near the Borough of* Plymouth, *in the said County*; and by One other Act, made in the Seventeenth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and enlarging the Powers of an Act made in the Thirty-first Year of the Reign of His late Majesty, for repairing the High Road leading from* Brent Bridge, *in the County of* Devon, *to* Gasking Gate, *in or near the Borough of* Plymouth, *in the said County*; and by One other Act, made in the Fortieth Year of the Reign of His present Majesty, intituled *An Act for continuing for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, and for altering and enlarging the Powers of Two Acts, one made in the Thirty-first Year of the Reign of His late Majesty King* George *the Second, and the other in the Seventeenth Year of the Reign of His present Majesty, for repairing*

31 G. 2.

17 G. 3.

40 G. 3. c. 6.

repairing the High Road leading from Brent Bridge, *in the County of* Devon, *to* Gaſking Gate, *in or near the Borough of* Plymouth, *in the ſaid County:* And whereas the Truſtees appointed in and by virtue of the ſaid recited Acts, have proceeded in the Execution thereof, and have borrowed conſiderable Sums of Money upon the Credit of the Tolls thereby granted; which Sums of Money cannot be repaid, nor can the ſaid Roads be kept in Repair, unleſs the Term and Powers granted by the ſaid recited Acts be further continued and enlarged, and the Tolls increaſed: And whereas it would be highly advantageous to the Public, if Power was given to the ſaid Truſtees, to vary and alter the Line of the preſent Road, in order to avoid a low, wet, and marſhy Part thereof, which is frequently inundated; and alſo certain other dangerous and inconvenient Parts of the preſent Road: 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 the ſaid recited Acts, and all and every the Clauſes, Powers, Exemptions, Pains, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Proviſions, Articles, Matters and Things whatſoever therein contained (ſave and except as much thereof reſpectively as are varied, altered, or repealed), ſhall be and are hereby declared to remain in full Force and Effect, for the Term herein-after mentioned, in as full, ample, and beneficial Manner, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this preſent Act; and that this Act, and the Terms and Tolls hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all Monies now due and owing on the Credit of the ſaid recited Acts, or either of them, or which ſhall or may hereafter be borrowed and become due on the Credit of the ſaid recited Acts and this preſent Act, or any or either of them, and all Intereſt due and to become due for the ſame reſpectively.

Acts further continued.

Road to be varied according to Plans and Book of Reference.

II. And whereas Maps or Plans, deſcribing the Variations in the Line of the preſent Road and the Lands through which the ſame are to be carried, together with a Book of Reference, containing Liſts of the Names of the Owners or reputed Owners or Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of *Devon*, be it therefore enacted, That the ſaid Maps or Plans 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 any reaſonable Times, have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof, at their Will and Pleaſure, paying to the ſaid Clerk of the Peace the Sum of Two Shillings and Sixpence for every ſuch Inſpection, and at the Rate of Eight-pence for every One hundred Words of ſuch Copies or Extracts of the ſaid Maps or Plans and Book of Reference; and that the ſaid Truſtees, in varying the Line of the preſent Road ſhall not deviate more than One hundred Yards from the Lines deſcribed in the ſaid Maps or Plans reſpectively, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate or Collegiate, through whoſe Lands or Grounds ſuch Variation ſhall be made.

III. And

Variations to be made, notwithſtanding Miſnomers in the Book of Reference.

III. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to make the ſaid Variations in the Line of the preſent Road, into, through, acroſs or over the ſeveral Lands or Grounds of any Perſon or Perſons who is or are or may be Owner or Owners of Land over which the ſame is ſet out and deſcribed in the ſaid Map or Plan, although the Name or Names of ſuch Perſon or Perſons may happen to be erroneouſly deſcribed or omitted in the ſaid Book of Reference; in caſe it ſhall appear to Two or more Juſtices of the Peace for the ſaid County, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Road to be varied at Farm Pool Gate and Cadley.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, whenever they ſhall be enabled to effect the Alteration of the Line of Road between a certain Place called *Farm Pool Gate*, in or near the ſaid Road, in the Pariſh of *Plympton Saint Mary*, in the ſaid County, and a certain Bridge in the ſaid Road called *Plympton Saint Mary Bridge*, to carry the new Line of Road through a certain Orchard and Curtilage belonging to the Right Honourable *John* Lord *Boringdon*, and now in the Occupation of *Peter Stephens*, as his Tenant thereof, any Thing in this Act or any other Act to the contrary thereof in anywiſe notwithſtanding; and that it ſhall be lawful for the ſaid Truſtees, whenever they ſhall deem it neceſſary and expedient, to alter and vary the ſaid Road through the Village of *Cadley*, in the Pariſh of *Ermington*, in the ſaid County, and to make a new Line of Road through a Garden and Plantation or Nurſery for Plants, near adjoining to the ſaid Road, belonging to *Samuel Winter Pearſe* Gentleman, and now in his Occupation; any Thing in this Act or any other Act to the contrary thereof in anywiſe notwithſtanding.

Former Tolls repealed, and new ones enacted.

V. And be it further enacted, That from and after the Twenty-fourth Day of *July* One thouſand eight hundred and fourteen, the Tolls payable in and by the ſaid recited Acts ſhall ceaſe, determine, and be no longer paid; and that in lieu thereof, it ſhall and may be lawful for the Truſtees appointed or to be appointed, to demand and take, or cauſe to be demanded and taken, at the Turnpikes or Toll Houſes erected or to be erected on the ſaid Roads, provided the ſame do not exceed Two Gates (ſave and except from any Perſon or Perſons paſſing through the Stop Gate on that Part of the Road which is commonly known by the Name of *The Long Bridge*, and is repaired out of the Funds of the County of *Devon*, having paſſed and intended to paſs over that Part of the Road only), the reſpective Tolls following, of the Perſon or Perſons uſing or attending any Cattle or Carriages herein-after mentioned, before any ſuch Cattle or Carriage ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe or Litter, drawn by Six or more Horſes, Mares, Geldings, Mules or other Cattle, on a *Sunday*, the Sum of Four Shillings, and on every other Day Two Shillings:

For every Stage Coach drawn by Six or more Horſes, Mares, Geldings, Mules or other Cattle, on a *Sunday*, the Sum of Five Shillings, and every other Day Three Shillings:

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe or Litter, drawn by Four or more Horſes, Mares, Geldings, Mules or other Cattle, on a *Sunday*, the Sum of Three Shillings, and on every other Day, One Shilling and Six-pence:

For every Stage Coach drawn by Four or more Horſes, Mares, Geldings, Mules or other Cattle, on a *Sunday*, the Sum of Four Shillings, and on every other Day the Sum of Two Shillings:

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe or Litter, drawn by Two or more Horſes, Mares, Geldings, Mules, or other Cattle, on a *Sunday*, the Sum of One Shilling and Sixpence, and on every other Day the Sum of Nine-pence:

For every Stage Coach drawn by Two or more Horſes, Mares, Geldings, Mules or other Cattle, on a *Sunday*, the Sum of Three Shillings, and on every other Day the Sum of One Shilling and Sixpence:

For every Chaiſe, Car or Chair, drawn by One Horſe, Mare, Gelding, Mule or other Beaſt, on a *Sunday*, the Sum of One Shilling, and on every other Day Sixpence:

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by Eight Horſes or other Beaſts, the Sum of Five Shillings:

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by Seven Horſes or other Beaſts, the Sum of Four Shillings and Sixpence:

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by Six Horſes or other Beaſts, the Sum of Four Shillings:

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by Five Horſes or other Beaſts, the Sum of Three Shillings:

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by Four Horſes or other Beaſts, the Sum of Two Shillings:

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by Three Horſes or other Beaſts, the Sum of One Shilling and Sixpence:

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by Two Horſes or other Beaſts, the Sum of Ten-pence:

For every Waggon, Wain, Cart, Tumbril or Dray, drawn by One Horſe or other Beaſt, not exceeding Fifteen hundred in Weight, the Sum of Sixpence; and if exceeding that Weight, One Shilling:

For every Carriage (without Horſes) of any Deſcription, which ſhall be faſtened or tied, or in any Manner affixed to another Carriage, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule or Aſs, laden or unladen, and not drawing, on a *Sunday*, the Sum of Two-pence, and on every other Day One Penny:

For every Drove of Oxen, Cows or other Neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and ſo in Proportion for a leſs Number:

For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Five-pence *per* Score; and ſo in Proportion for a leſs Number:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, having the Fellies of the Wheels cylindrical, and of the Breadth of Six Inches or more, with a flat and level Surface, drawn by Eight Horſes or other Beaſts, the Sum of Five Shillings; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes, Sixteen Shillings:

For

For every Carriage uſed for the drawing or conveying Timber, drawn by Seven Horſes or other Beaſts, having the Fellies of the Wheels cylindrical, and of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Four Shillings and Sixpence; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes, the Sum of Fourteen Shillings:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Six Horſes or other Beaſts, having the Fellies of the Wheels cylindrical, and of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Four Shillings; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes or other Beaſts, the Sum of Twelve Shillings:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Five Horſes or other Beaſts, having the Fellies of the Wheels cylindrical, and of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of Three Shillings; and having the Fellies of the Wheels of leſs than Six Inches in Breadth, drawn by the like Number of Horſes or other Beaſts, the Sum of Twelve Shillings:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Four Horſes or other Beaſts, having the Fellies of the Wheels cylindrical, and of the Breadth of Six Inches or more; with a flat and level Surface, the Sum of Two Shillings and Sixpence, and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes or other Beaſts, the Sum of Eight Shillings:

For every Carriage uſed for the Purpoſe of drawing or conveying Timber, drawn by Three Horſes or other Beaſts, having the Fellies of the Wheels cylindrical, and of the Breadth of Six Inches or more, with a flat and level Surface, the Sum of One Shilling and Sixpence; and having the Fellies of the Wheels of a leſs Breadth than Six Inches, drawn by the like Number of Horſes or other Beaſts, the Sum of Five Shillings:

Stage Coaches to pay each Time of paſſing through Gates.

VI. And be it further enacted, That every Stage Coach ſhall pay at each Gate erected or to be erected on the ſaid Road, provided the ſame do not exceed Two Gates on the whole Extent of the ſaid Road, the ſeveral Tolls mentioned and contained in this Act, on each and every Time of paſſing through the ſaid Gates or either of them, notwithſtanding ſuch Stage Coach ſhall have previouſly paſſed through and paid the Tolls at ſuch Gates on the ſame Day, either with the ſame or different Horſes: Provided always, that no Perſon who ſhall have paid the additional Tolls in and by this Act impoſed on Carriages with narrow Wheels, ſhall be ſubject and liable to pay the Half Toll impoſed by an Act of the Thirteenth Year of His preſent Majeſty, intituled *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*, on Carriages with narrow Wheels; any Thing in any Act or Acts to the contrary notwithſtanding.

Perſons paying additional Tolls on narrow Wheels, not to pay thoſe impoſed by the General Turnpike Act.

Exemptions from Toll.

VII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken of or from any Perſon or Perſons, for any Horſe, Cattle or Beaſt employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any ſick, wounded,

wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Beast or Cattle drawing the same, employed in carrying or conveying any Ordnance or Barrack or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

VIII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts contained to the contrary notwithstanding.

Waggons, &c. to be provided with Shoes or Pattens.

IX. And for the better preserving and keeping the said Road in Repair, be it further enacted, That every Person who shall chain or tie, or cause to be chained or tied, the Wheel of any Waggon or Cart, for the Purpose of dragging down any Hill or Descent of Ground on the said Road, shall, when the Wheels of such Waggon or Cart are of less Breadth than Six Inches, be provided with a Shoe or Patten, or Plate or Sheet Iron, on which such Wheel shall be dragged; and in case such Waggon or Cart shall not be dragged in Manner aforesaid, the Person driving the same shall be liable and subject to a Penalty of any Sum not exceeding Five Pounds.

To provide a Footpath or Causeway of Five Feet in Width on the whole Line of Road.

X. And whereas by the before recited Acts, Power is given to the Trustees to make Causeways by the Side of the said Turnpike Roads, but the said Powers have not hitherto been exercised: And whereas the said Causeways or Footpaths would be of great public Utility; be it hereby further enacted, That in proceeding to make the Variations from the present Line of Road described in the Maps or Plans hereinbefore mentioned, or any other Variation from the present Line which shall be hereafter adopted, the Trustees are hereby required to lay out the same of the full Breadth of Thirty-five Feet at the least, so that a Footpath may be formed on the South Side of such new Lines of Road of Five Feet in Breadth, leaving a clear Space of Thirty Feet for the Carriage

Carriage Road on the Northern Sides thereof reſpectively; and that from and after the Period of Five Years from the paſſing of this Act, the ſaid Truſtees are hereby directed and required, out of the Monies to ariſe from the Tolls hereby granted, to ſet apart annually during the Continuance of this Act, a Sum not exceeding One hundred and twenty Pounds, nor leſs than One hundred Pounds, to be employed excluſively to the Purpoſe of providing the ſaid Cauſeways or Footpaths between a certain Place on the ſaid Road called *Efford Quay*, whither the preſent Footpath terminates, and *Brent Bridge* aforeſaid, and to that End, of purchaſing the Land for widening the preſent Road, and of removing the preſent and erecting new Fences where neceſſary for the above Purpoſe: Provided always, that ſuch Cauſeways or Footpaths ſhall, in all Caſes where practicable, be made Five Feet in Breadth, and on the Southern Side of the ſaid Road; and that the public Carriageway, including the Water Tables thereof, but excluſive of the Footpaths, ſhall in no Caſe be left of a leſs Breadth than Thirty Feet, and that no new Fence made for the Purpoſe of incloſing the ſame ſhall be made higher than Six Feet, meaſured from the Foot of the ſaid Fence, ſuch Fence not being a Part of the Wall or other Incloſure of any Houſe, Building, Garden, Nurſery, Shrubbery, Pleaſure Ground or Court Yard belonging to any Houſe or other Building, nor the Paling or other Fence of any Park or Paddock.

Truſtees empowered to purchaſe Land, with the Conſent of the Owners.

XI. And be it further enacted, That for the better enabling the Truſtees to purchaſe the Land neceſſary to afford the Accommodation aforeſaid, it ſhall be lawful for them to purchaſe, with the Conſent of the Owners, and of all other Perſons intereſted therein, any Houſes or Buildings, Courts, Yards, or Lands of any Deſcription whatever, for the Purpoſe of obtaining a clear Breadth of Thirty-five Feet for the ſaid Carriage Road and Footpaths.

Truſtees to keep a diſtinct Account of Money, &c.

XII. And be it further enacted, That from and after the Twenty-fourth Day of *July* One thouſand eight hundred and nineteen, the Truſtees are hereby required to ſet apart annually out of the Tolls hereby granted, the Sum of One hundred and twenty Pounds, for the Purpoſe of conſtructing and making the ſaid Cauſeways or Footpaths; and in caſe the ſaid Truſtees ſhall omit or neglect to ſet apart ſuch Sum, and to expend the ſame in the Conſtruction and Formation of Cauſeways or Footpaths, then it ſhall and may be lawful for the Juſtices of the Peace acting for the County of *Devon*, at any General Quarter Seſſions of the Peace held for the ſaid County, upon Complaint made to them by any Juſtice of the Peace, or by any Two or more Freeholders of the ſaid County, that ſuch Cauſeways or Footpaths have not been made, to ſummon and warn the Clerk or Treaſurer of the ſaid Truſtees to appear before the ſaid Juſtices at their then next General Quarter Seſſions of the Peace, to ſhew Cauſe why ſuch Cauſeways or Footpaths have not been made and conſtructed upon the ſaid Road; and if at ſuch ſubſequent Seſſions the ſaid Clerk or Treaſurer ſhall not appear before the Juſtices at ſuch Seſſions, or appearing ſhall not ſhew ſufficient Cauſe to the ſaid Juſtices why ſuch Cauſeways or Footpaths have not been made and conſtructed, it ſhall and may be lawful for the ſaid Juſtices, if they think fit, at ſuch Quarter Seſſions, to order and direct that the ſaid Cauſeways or Footpaths, or ſuch Parts thereof as they ſhall think neceſſary, be made and conſtructed upon

ſuch

ſuch Road, a Copy of which Order ſhall be forthwith delivered to the Clerk or Treaſurer of the ſaid Truſtees; and the ſaid Truſtees are hereby directed and required, at the next Meeting held after their Clerk or Treaſurer ſhall have been ſerved with ſuch Copy of the Order as aforeſaid, to make or cauſe ſuch Cauſeways or Footpaths to be made, or ſuch Part thereof as ſhall be mentioned and compriſed in ſuch Order, with all convenient Speed; and the Treaſurer of the ſaid Truſtees is hereby authorized and required to pay the Expences attending the making and conſtructing of ſuch Cauſeways or Footpaths, out of the Money which ſhall then be, or next come into his Hands from the Tolls ariſing upon the ſaid Road: Provided always, that the ſaid Juſtices ſhall in no Caſe have Power or Authority to order more than the ſaid Sum of One hundred and twenty Pounds in any One Year, to be applied out of the Tolls, for the Purpoſe of making and conſtructing the ſaid Cauſeways or Footpaths.

For puniſhing Perſons damaging the Footpaths, &c.

XIII. And be it further enacted, That every Perſon who ſhall wilfully drive any Carriage or Barrow, or ſhall ride or wilfully drive any Horſes, Mules, Aſs, Cattle, Sheep or Hogs, upon any Footpath adjoining to the ſaid Turnpike Road, or ſhall in any Manner wilfully damage the ſame, or who ſhall wilfully break, damage, or deface any Lamp or Lamp Poſt, Boundary or Mile Stone or Poſts, or any Direction Poſt, or any other Poſt which may be ſet up upon or near the ſaid Turnpike Road, or upon any Footpath belonging to the ſame for the Protection thereof, or for any other Object of public Utility, or who ſhall in any Manner wilfully damage any Bridge in the Line of the ſaid Turnpike Road, or the Parapets or Battlements thereof, ſhall, upon Conviction before any One Juſtice of the Limits, forfeit and pay any Sum not exceeding Five Pounds, over and above the Expence of repairing the Damage ſo wilfully done; the Fine to be paid to the Perſon who ſhall give Information to the Juſtices of the Peace againſt the Offender, and the Sums neceſſary to repair the Damage to be paid to the Treaſurer of the ſaid Truſt.

Surveyors may remove Annoyances.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time (ſuch Surveyor or Surveyors having a general Order for that Purpoſe from the ſaid Truſtees, or any Three or more of them) to remove and prevent all Annoyances and Obſtructions on any Part of the ſaid Roads, by Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and to depoſit the ſame, and to carry the Soil or other Materials neceſſary to be removed for the above Purpoſes into any of the adjoining Lands, not being a Garden, Orchard, Nurſery, Shrubbery, Pleaſure Ground, Court Yard, Park, or Paddock, unleſs with the Conſent of the Owner thereof, paying or tendering Payment of ſuch Rates for the Damage done thereby, to the Owners or Occupiers of ſuch Lands and Grounds, as any Two Magiſtrates ſerving for the Limit or Diſtrict where ſuch Annoyance or Obſtruction ſhall be, ſhall adjudge reaſonable, in all Caſes in which the Occupiers of ſuch Lands are not by Law obliged to remove the ſame; and to turn any Ditches, Watercourſes, Sinks or Drains running into, along, or out of the ſaid Roads, to the Prejudice thereof; and open, ſcour, cleanſe, widen or make deeper any Ditches, Watercourſes or Drains running into or out of the ſaid Roads, to the Prejudice thereof,

thereof, and make the ſame as deep and large as he or they ſhall think neceſſary.

Regulations as to cutting Hedges, &c. and removing Annoyances.

XV. And whereas by an Act paſſed in the Thirteenth Year of His preſent Majeſty's Reign, intituled *An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being for the Amendment and Preſervation of the Public Highways, within that Part of* Great Britain *called* England, *and for other Purpoſes*, Power is given to the Surveyors to cauſe the Hedges, Buſhes, and Trees to be cut, pruned, plaſhed, and lopped, at any Time between the laſt Day of *September* and the laſt Day of *March*; and great Injury is ſuſtained by the ſaid Roads for want of a preciſe Time being fixed, as well for the Completion of the ſaid cutting, pruning, plaſhing, and lopping, as for the clearing, ſcouring, and cleanſing of the Ditches, Drains, and Watercourſes adjoining to the ſaid Roads, and for carrying off the Soil ariſing from the ſaid clearing, ſcouring, and cleanſing; be it therefore further enacted, That the cutting, pruning, plaſhing, and lopping of all Hedges, Buſhes, and Trees, as directed by the aforeſaid Act for the Amendment of the Highways, ſhall be perfected and completed on or before the Firſt Day of *November* in each and every Year; and the clearing, ſcouring, and cleanſing of all Drains, Ditches, and Watercourſes, and the Removal of the Soil ariſing from ſuch clearing, ſcouring, and cleanſing ſhall take place Twice in the Year at leaſt, once in the Month of *October* and *November*, to be completed before the Fifteenth of the latter Month; and once in the Month of *February*, to be completed before the Firſt Day of *March*, on general Notice: Provided always, that general Notice to be given by the Surveyor to the Occupiers of Land, and affixed ſome Time in the Months of *January* and *September*, or either of them, as the Caſe may be, on the Doors of the Church of each Pariſh through which ſuch Road ſhall paſs, ſhall be deemed ſufficient Notice to compel the Performance of ſuch periodical Duties to be completed in the Months of *February*, *October*, and *November* reſpectively; and the Penalties enacted by the before-recited Act for Non-performance of ſuch Duties, ſhall immediately attach on the Occupiers of Lands adjoining to the Road, if the ſaid Duties of cutting, pruning, and lopping, and of clearing, ſcouring, and cleanſing the Ditches, Drains, and Watercourſes, and of carrying off the Soil and other Matters ariſing therefrom, are not completed within the Periods hereby preſcribed; and if any Perſon or Perſons to whom any Hedge or Trees ſtanding, or that ſhall ſtand in or by the Side of any of the ſaid Roads to the Prejudice or Annoyance of the ſame ſhall belong, or who of right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe lying, or which ſhall lie in or lead into or out of the ſaid Road, or any Part or Parts thereof, or who ought to remove any other Annoyance or Obſtruction, or any Filth, Dung, Aſhes, Rubbiſh, Straw, or other Matter, ſhall not in a proper and effectual Manner cut or prune ſuch Hedges, and lop ſuch Trees, ſo that the Sun and Air may have Acceſs to the ſaid Road, and ſhall not ſufficiently ſcour and cleanſe ſuch Ditches, Drains, and Watercourſes, and carry off the Soil and other Matter ariſing from the ſame, and remove ſuch Annoyances and Obſtructions as aforeſaid, within the Space of Ten Days next after Notice ſhall for that Purpoſe be given unto him, her, or them reſpectively, or left at his, her, or their reſpective Places of Abode, or with the reſpective Tenant or Tenants, Occupier or Occupiers of the Land upon which ſuch Hedges or Trees ſhall grow, or to which ſuch Ditch, Drain,

Surveyor to give general Notice to the Occupiers of Lands by affixing the ſame on the Door of each Pariſh Church.

In case of Non-performance of Duty in the Owner, &c. Surveyor to cause the same to be done.

Drain, or Watercourse shall belong, or on which such Annoyances or Obstructions shall have been occasioned, (such Notice to be given either under a General or a Special Order of the said Trustees, or any Three or more of them), then and in either of such Cases, the said Surveyor or Surveyors may and he is hereby authorized and required to cause such Hedges and Trees to be properly and effectually cut and lopped, and such Ditches, Drains, and Watercourses to be scoured and cleansed, and such Annoyances and Obstructions to be removed, and to pay for the cutting, lopping, scouring, and cleansing the same, and carrying away the Soil, and other Matters arising therefrom, over and above all Penalties enacted by the afore-mentioned Act; and if the Tenant or Occupiers shall not repay the Money so paid, upon Demand thereof, to him, her, or them respectively made either in Person or in Writing, to be left at his, her, or their respective Place or Places of Abode, together with the Amount of the said Penalties, the same shall be levied and recovered in such Manner as all other the Penalties and Forfeitures are directed to be levied and recovered in and by the said recited Acts: Provided always, that the acting Surveyor or Surveyors who shall be charged with the Repair and Maintenance of any Part of the Road, shall and is hereby made liable to the Payment of any Sum not exceeding Five Pounds, if he shall wilfully neglect to enforce the Performance of the said Duties, or the Removal of the said Annoyances and Obstructions, after receiving due Notice either in Person or in Writing, to be left at his or their Place or Places of Abode, from any Person, of such Annoyance, Obstruction, Omission, or Neglect, within the District committed to his Care, for the Space of Ten Days, (the Number of Days required to be given as Notice in each and similar Cases to the Occupiers of Land or other Person liable to perform or remove the same) such Notice specifying in a particular Manner the Duty neglected, or the Annoyance or Obstruction requiring to be removed.

Surveyor made liable to the Payment of the Penalty of 5l. for Non-performance of his Duty.

Penalty on Gatekeepers for insulting Travellers, &c.

XVI. And be it further enacted, That if any Toll-gatherer or Person appointed to collect any of the Tolls payable by this Act, or any Person or Persons appointed by him or them to receive or collect the same, shall demand or take, or cause to be demanded or taken from any Person or Persons whomsoever, any greater or less Toll for passing through any of the Gates already erected or to be erected and continued by virtue of this Act, or shall insult or molest, or detain or keep any Person or Persons whomsoever, after due Tender hath been made of such Tolls as ought to be paid for passing through such Gate or Gates, every Person or Persons so offending shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds.

Trustees may appoint Committees.

XVII. Provided always, and be it further enacted, That the said Trustees, or any Seven or more of them, shall and they are hereby empowered, at any Meeting or Meetings to be held in pursuance of this Act, to nominate and appoint any Number of the said Trustees, not being less than Three, as a Committee or Committees, to examine into, inspect, regulate, or state any Matter or Business directed to be done by the said Trustees in Execution of this Act as the said Trustees, or any Seven or more of them, shall entrust them with, and they shall be accountable at any General Meeting for what they shall do therein; but no Money shall be expended or laid out by such Committee or Committees, without the Order or Direction of such General Meeting; and such Committee or

Committees ſhall report what they have done therein from Time to Time at the next or ſome other Meeting of the ſaid Truſtees, and ſhall meet at and adjourn themſelves from Time to Time to any Time or Place as they ſhall ſee Occaſion; and the Report of ſuch Committee or Committees ſhall be ſigned by them, and entered in the General Minute Book of Proceedings kept by the Clerk to the ſaid Truſtees, or in a ſeparate Book or Books, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit, and be referred to from the General Minute Book; and the Orders from Time to Time made in purſuance of ſuch Report or Reports, ſhall refer to the Report on which the ſame was grounded.

Entries and Orders in the Books of the Truſtees valid, when authenticated by the Chairman, &c.

XVIII. And be it further enacted, That all Entries of the Proceedings of the ſaid Truſtees duly aſſembled at Public Meetings, when entered in the Book or Books kept for that Purpoſe, ſhall be ſubſcribed by the Chairman of ſuch Meeting, and the Clerk of the ſaid Truſtees; and all Orders ſo entered and authenticated, ſhall be and be deemed to be as valid and effectual as if ſubſcribed by all the Truſtees then preſent.

In caſe of Refuſal to accept Purchaſe Money, the ſame to be paid into the Bank;

XIX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act and the ſaid recited Acts, or either of them, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Seven or more of them; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered; then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

ſubject to the Order of the Court of Chancery on Motion or Petition.

Where any Queſtion ſhall ariſe touching the Title to Money to be

XX. Provied always, and be it further enacted, That where any Queſtion ſhall ariſe, touching the Title of any Perſon to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant

paid, the Perſon in Poſſeſſion of the Lands, &c. ſhall be entitled thereto.

Accountant General of the Court of Chancery, in purſuance of this Act or the ſaid recited Acts, ſo far as relates to the ſaid Diſtrict, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands and Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhown to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly; unleſs it ſhall be made appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences of Purchaſes to be paid by the Truſtees.

XXI. Provided alſo, and be it further enacted, That when by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands or Hereditaments to be purchaſed under the Authority of the ſaid recited Acts and this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments, to be ſettled to the like Uſes, in purſuance of the ſaid recited Acts and this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts and this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by ſuch Truſtees, or any Seven or more of them, out of the Monies to be received by virtue of the ſaid recited Acts and this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Statute Labour.

XXII. And be it further enacted, That ſo much of the ſaid recited Acts as relate to the Performance of Statute Labour on the ſaid Road ſhall be, and the ſame is hereby repealed; and that all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be liable towards repairing and amending the ſaid Road or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and that it ſhall and may be lawful to and for Two or more Juſtices of the Peace for the ſaid County of *Devon*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or their Treaſurer or Treaſurers; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of

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

XXIII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, or any Collectors of Tolls not to be deemed

incompetent Witneſſes.

any of them, or to the Recovery of any of the Penalties by the ſaid recited Acts or this Act to be laid, or to the Execution of any of the Powers of the ſaid recited Acts or this Act, no Perſon or Perſons appointed to collect the ſaid Tolls, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be deemed to be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being appointed to collect the ſaid Tolls.

Offenders againſt the Act.

XXIV. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act; be it further enacted, That all and every Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect:

Form of Conviction.

'BE it remembered, That on the Day of in the Year of His Majeſty's Reign, *A. B.* is convicted before of His Majeſty's Juſtices of the Peace for the County of by virtue of an Act of the Fifty-fourth Year of the Reign of His preſent Majeſty King *George* the Third, intituled An Act [*here ſet forth the Title of this Act*] for [*ſpecifying the Time and Place when and where the ſame was committed, as the Caſe ſhall be.*] Given under our Hands and Seals [*or*, my Hand and Seal], the Day and Year aforeſaid.'

Expences of the Act, how to be paid.

XXV. And be it further enacted, That all the Coſts, Charges, and Expences incident to or attending the obtaining and paſſing of this Act, ſhall be paid out of the Monies already collected or to be collected or borrowed by virtue of the ſaid recited Acts or of this preſent Act.

Public Act.

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

Commencement and Continuance of the Act.

XXVII. And be it further enacted, That the Term granted by the ſaid recited Acts, or one of them, ſhall, from and after the Twenty-fourth Day of *July* One thouſand eight hundred and fourteen, ceaſe and determine; and that the ſaid recited Acts, (ſubject to the Alterations and Amendments herein contained) and this Act, ſhall from thenceforth commence and take Effect, and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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