ANNO NONO

GEORGII IV. REGIS.

****

Cap. xlviii.

An Act for more effectually repairing the Road from the *Honiton* Turnpike Road near *Yard Farm* in the Parish of *Upottery* in the County of *Devon,* towards *Ilminster,* to the Eastern Boundary of the Parish of *Buckland Saint Mary* in the County of *Somerset,* and other Roads communicating therewith. [13th *May* 1828.]

WHEREAS an Act was passed in the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and improving the Road from* 47 G. 3. c. 6.
the Honiton *Turnpike Road near* Yard Farm *in the Parish of* Upottery *in the County of* Devon *to the* Ilminster *Turnpike Road near the Village of* Horton *in the Parish of* Ilminster *in the County of* Somerset, which Act will shortly expire: And whereas considerable Sums of Money have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said Act, which cannot be repaid, nor can the said Road be sufficiently widened, altered, improved, and kept in repair, unless further Provisions be made for those Purposes: And whereas it would be for the Accommodation of the Public if the Trustees of the said recited Act were discharged from the Repairs of so much of the said Road as lies

between the Eastern Boundary of the Parish of *Buckland Saint Mary* and the Village of *Horton* in the Parish of *Ilminster*: And whereas it would also be for the Accommodation of the Public if Provision were made, in manner herein-after mentioned, for making and maintaining the following Three new Branches or Lines of Road; (that is to say,) a Road leading from the present Road opposite to *Sandy's Lane* in the Parish of *Upottery* aforesaid, across *Rawridge Hill*, to the Southern Boundary of the Parish of *Upottery*; another Road extending from the Stopgate at *Marwood's Causeway* in the Parish of *Yarcombe* aforesaid to the *Chard* Turnpike Road in the Village of *Yarcombe* aforesaid; and also another Road extending from the same Stopgate at *Marwood's Causeway* to the Turnpike Road leading from *Honiton* to *Taunton* on *Blagdon Hill* in the Parish of *Pitminster* in the said County of *Somerset*: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King
3 G. 4. c. 126. *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fourth
4 G. 4. c. 95. Year of the Reign of His said present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of
5 G. 4, c. 69. His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said present
7 & 8 G. 4. c. 24. Majesty, intituled *An Act to amend the Acts for regulating the Turnpike Roads in* England: And whereas it would be more convenient if the said first-recited Act of the Forty-seventh Year of the Reign of His late Majesty King *George* the Third were repealed, and more effectual Provisions granted and made instead thereof: 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 from and after the First Day of *July* next after the passing of this Act the said recited Act of the Forty-seventh Year of the Reign of His said late Majesty King *George* the Third shall be and the same is hereby repealed and made void.

Recited Act of 47 G. 3. repealed.

This Act to be put in execution for repairing the Roads herein mentioned.

II. And be it further enacted, That this Act shall be put in execution during the Term herein-after mentioned, for the Purpose of making, amending, altering, diverting, turning, widening, improving, and keeping in repair the several Roads herein-after mentioned; (that is to say,) the Road leading from the *Honiton* Turnpike Road near *Yard Farm* in the Parish of *Upottery* in the said County of *Devon*, towards *Ilminster*, through the several Parishes of *Upottery* and *Yarcombe* in the County of *Devon*, and *Whitestaunton*, *Coombe Saint Nicholas*, and *Buckland Saint Mary*, in the said County of *Somerset*, to the Eastern Boundary of the Parish of *Buckland Saint Mary* aforesaid, being Part of the Road comprised in the said first-recited Act; and also the several Branches of Road communicating therewith herein-

herein-after mentioned; (that is to say,) the Road opposite to *Sandy's Lane* in the Parish of *Upottery* aforesaid, across *Rawridge Hill* in the same Parish, to the Southern Boundary of that Parish; the Road from the Stopgate at *Marwood's Causeway* to the *Chard* Turnpike Road in the Village of *Yarcombe* aforesaid; and also the Road from the same Stopgate at *Marwood's Causeway*, into and through the several Parishes of *Yarcombe* aforesaid, and of *Otterford* and *Pitminster* in the said County of *Somerset*, to the Turnpike Road leading from *Honiton* to *Taunton* on *Blagdon Hill* aforesaid.

Trustees discharged from the Care of Part of the old Road.

III. And be it further enacted, That the Trustees for the Execution of this Act shall be and they are hereby discharged from the Care and Management of so much of the Road comprised in the said recited Act of the Forty-seventh Year of the Reign of His said late Majesty, as lies between the Eastern Boundary of the Parish of *Buckland Saint Mary* and the Village of *Horton* aforesaid.

Powers of General Turnpike Acts extended to this Act.

IV. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and also the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to former Debts.

V. And be it further enacted, That this Act, and the Term and Tolls hereby granted and made payable, shall be and they are hereby charged with and made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit or Security of the said recited Act of the Forty-seventh Year of the Reign of His said late Majesty, and of all Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act or of the Tolls hereby authorized to be collected.

Bonds, Contracts, &c. under former Acts to be in force.

VI. And be it further enacted, That all Bonds, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or entered into by any Person or Persons with or to the Trustees of the said recited Act hereby repealed, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, shall remain in full Force and Effect, and be and continue available in all

all Courts of Law and Equity, until the same are fully satisfied and performed on account of the Trustees under this Act; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the Trustees of the said recited Act hereby repealed, or by any of their Officers by their Order or Direction, with or to any Person or Persons, for any Purpose relating to the said Road, or to the Execution of the said Act, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms and Stipulations thereof, notwithstanding the Repeal of the said Act.

Books kept under former Acts to be Evidence.

VII. And be it further enacted, That all Books, Proceedings, and Accounts which have been kept by the Trustees of the said recited Act hereby repealed, or by their Treasurer or Clerk, according to the Provisions of such Act, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

New Mortgages may be substituted for old ones.

VIII. And be it further enacted, That it shall be lawful for the said Trustees to receive in and cancel all or any of the existing Mortgages, and instead thereof execute and deliver new Mortgages upon the Tolls by this Act authorized to be collected.

Trustees.

IX. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Devon* and *Somerset* respectively, together with the Honourable and Reverend *William Leonard Addington* Clerk, *Robert Henry Aberdein*, *Josiah Anstice*, *John Allen* Clerk, *Thomas Alford* Clerk, *John Baker*, *Edward Baker*, *James Basleigh*, *Thomas Basleigh*, *Philip Bustard*, *Richard Brown*, *Buckland Bluett* Clerk, *James Bernard Bernard*, *John Bacon*, *William Blackmore*, *Charles Edward Band* Clerk, *Blackburrow*, *William Brown*, *John Chaffey*, *Thomas Collins*, *John Clarke* Clerk, *Thomas Edward Clarke*, *Robert Pearse Clarke* Clerk, *John Cox* Clerk, *Robert Cook*, *James Clarke*, *Isaac Cox*, *John Colesworthy*, *Henry Colesworthy*, *Richard Colesworthy*, *John Collins*, *John Cooke*, *Henry Joseph Carslake*, Sir *Thomas Trayton Fuller Elliott Drake* Baronet, *Thomas Denner*, *John Denner*, *Thomas Denner* the younger, *David Dent*, *Isaac Elton*, *William Tierney Elton*, *Robert Farrant* of *Leman's Hill*, *Christopher Flood*, *Christopher Samuel Flood*, *John Frost*, *John Templeman Gervis*, *William Guppy*, *Courtenay Gidley*, *Lewis Gidley*, *Daniel Gould*, *Charles Gordon*, *Thomas Groube*, *Charles Harward* Clerk, *William Hanning*, *Henry Erskine Head* Clerk, *Henry Allwright Hughes* Clerk, *John Clapcott Jerrard*, *John Jennings*, Sir *John Kennaway* Baronet, *John Kennaway*, *Charles Edward Kennaway*, *Harry Baines Lott*, *Harry Buckland Lott*, *Edward Lott*, *Richard Lewis* Clerk, *Richard Lewis* the younger, Clerk, *William Michell* Clerk, *Thomas John Marker* Clerk, *Richard John Marker*, *Jonah Pynsent Mathew*, *John Mathew*, *Philip Mules*, *John Hawkes Mules* Clerk, *Charles Hawkes Marwood Mules*, *Thomas Maunder*, *Henry Michell*, *John Melhuish*, *John Murch* junior, *James Murch*, *William Murch*, *George Barons Northcote*, *James Cogan Northcote*, *Samuel Newbery* of *Farway*, *John Newbery*, *William Palmer* Clerk, Doctor in Divinity,

Divinity, *Henry Palmer* Clerk, *John Pidgeon*, *Daniel Pidgeon*, *William Pine*, *Thomas Putt* Clerk, *Daniel Pring*, *John Pomeroy*, *William Palmer*, *Richard Pople*, *Stephen Robinson* M.D., *John Rogers*, *William Rogers*, *Nathaniel Read*, *John Read*, *William Smark*, *Edmund Stamp*, *Villiers Henry Plantagenet Somerset* Clerk, *Hugh Speke* Clerk, *Richard Spencer*, *Robert Spiller*, *John Spragge* Clerk, *Henry Addington Simcoe* Clerk, *Benjamin Barker Smark*, *James Smith Townsend* Clerk, *John Randolph Tooze*, *John Honywood Townsend*, *James Vibart*, *William Walter*, *William Williams*, *John Lilly Williams*, *John White* of *Ford*, *John White*, *William Woodward*, *Henry Wright*, *William White*, and *Timothy Wallington*, and their Successors, being duly qualified according to the Provisions and Directions of the said several recited Acts passed in the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

Power to appoint additional Trustees.

X. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held by virtue of this Act, to elect and appoint any Number of fit and proper Persons, not exceeding Five in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed; and such Trustees when so elected and appointed, and being duly qualified according to the Directions of the said Acts, shall be Trustees for the Purposes of this Act, and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed Trustees in and by this Act.

Former Officers to continue.

XI. And be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and not contrary to the Provisions and Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said recited Act hereby repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if they had been appointed by virtue of this Act.

Meetings of Trustees.

XII. And be it further enacted, That the said Trustees shall meet at the *Heathfield Arms*, or at some other convenient Place in the Parish of *Yarcombe* in the County of *Devon*, on the Third Day of *July* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Morning and Two in the Afternoon, and shall then and there proceed to put this Act into Execution; and shall then and from Time to Time afterwards adjourn to and meet at such Times, and at such Places

Places upon or near to some Part of the said Roads, as they shall think proper.

Power to continue and erect Toll Gates, Toll Houses, &c.

XIII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered to continue or remove all or any of the Toll Gates, Toll Houses, Turnpikes, Bars, or Chains now standing in, upon, or across the said Roads, or on the Sides thereof, and also from Time to Time to erect and set up, or cause to be erected and set up, in, upon, or across the said Roads, or any Part thereof, or on the Sides thereof, when, where, and as the said Trustees shall judge necessary or expedient, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, or any Weighing Machine or Weighing Machines, and also to erect or provide a Toll House or Toll Houses, with suitable Outbuildings, Lands, and Conveniences thereto, and to take in and inclose from the Sides of the said Road convenient Garden Plots to the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre for each Toll House; and from Time to Time afterwards to remove, alter, or discontinue such Toll Gates, Turnpikes, Bars, Chains, Weighing Machines, and Toll Houses, or any of them, as the said Trustees shall think proper and expedient.

Power to take Tolls.

XIV. And be it further enacted, That upon and from and after the Second Day of *July* next after the passing of this Act, the respective Tolls following shall (subject nevertheless to any Order which shall be made respecting the same by the said Trustees, and subject thereafter to the Provisions, Restrictions, and Exemptions in this Act and in the said recited Acts of His present Majesty's Reign contained,) be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate, Bar or Chain, to be continued or erected upon, across, or on the Side or Sides of the said Roads or any of them, by such Person or Persons as the said Trustees shall from Time to Time appoint or authorize to receive the same, before any Horse, Beast, Cattle, Coach, Waggon, Cart, or other Carriage upon which Toll is imposed shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate, Bar or Chain; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Barouche, Chaise, Curricle, Chair, Landau, Berlin, Calash, Hearse, Waggon, Wain, Cart, or other Carriage of any Description, the Sum of Six-pence:

For every Horse or other Beast, laden or unladen, and not drawing, 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:

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

Tolls vested in Trustees.

Which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner herein-after mentioned.

XV. And

Toll to be paid but Once a Day at the same Gate.

XV. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any One of the Toll Gates to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage, shall (upon a Ticket being produced denoting such Payment for that Day, and which Ticket the Collector or Collectors of such Tolls is hereby required to deliver *gratis* to the Person paying the same, and whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates (if any) freed by the Payment of such Toll,) be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time during the same Day, except as herein-after provided.

Limiting the Number of Tolls to be taken.

XVI. Provided nevertheless, and be it further enacted, That no more than Two full Tolls shall be demanded or taken for or in respect of the same Horse, Cattle, Beast, or Carriage (except as herein-after mentioned,) for passing and repassing on the same Day throughout the whole Line of the said Road between the *Honiton* Turnpike Road, near *Yard Farm* aforesaid, to the Eastern Boundary of the said Parish of *Buckland Saint Mary*; nor more than One full Toll throughout the whole Line of the said Roads from the Village of *Yarcombe* to *Marwood's Causeway* aforesaid, and from thence to the Turnpike Road leading from *Honiton* to *Taunton* on *Blagdon Hill* aforesaid.

Stage Coaches, &c. to pay every Time of passing.

Post Chaises on every new Hiring.

XVII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the same Roads; and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads, whenever a new Hiring thereof shall have taken place.

New Road may be made.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make the new or extended Branches or Lines of Road herein-before described in, over, upon, or through any private Lands or Grounds, of such Width as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Bridges, Fences, Ditches, and Drains as they shall think necessary or expedient, and for such Purpose or Purposes to take and use any of the Lands or Hereditaments described or mentioned in the Plan and Book of Reference herein-after referred unto, making Satisfaction to the Owners thereof and Persons interested therein for the same, and for the Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds; and it shall also be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon such Roads, Footpaths, Causeways, Fences, Ditches, and

Drains

Drains are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Plan deposited with the Clerks of the Peace to remain there.

XIX. And whereas a Map or Plan describing the Lines of the said new Branches or Lines of Road, and the Lands through which the same are intended to be carried, together with a Book of Reference containing a List of the Names of and Owners or reputed Owners and Occupiers of such Lands, have been deposited in the several Offices of the respective Clerks of the Peace for the said several Counties of *Devon* and *Somerset*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said several Clerks of the Peace, to the end that all Persons may at any seasonable Time have liberty to inspect and peruse the same, and to take Copies or Extracts therefrom, paying to the 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 Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be made.

Trustees not to deviate from the Line marked in the Plan, without Consent.

Errors in Plan, &c. not to prevent the making the Roads.

XX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Branches or Lines of Road into, through, across, and over the Lands and other Hereditaments described in the said Maps or Plans, although the Name or Names of the Owners or Occupiers thereof may happen to be omitted or mis-stated in said Books of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the County, Division, or Place in which such Lands or other Hereditaments shall be situated, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees restrained from pulling down Houses, &c. without Consent.

XXI. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not in any Case be construed or 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, Park, Paddock, planted Walk, or Avenue to a House, or any enclosed Ground planted and 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.

If Lands not purchased in Five Years,

XXII. Provided always, and be it further enacted, That if the said Trustees shall not within the Space of Five Years, to be computed from