ANNO SEXTO

GEORGII IV. REGIS.

Cap. xcix.

An Act for more effectually maintaining and improving the Road from *Teignmouth* to *Dawlish*, and for making and maintaining Roads from *Dawlish* to the *Exeter* Turnpike Roads, together with a Road from *Southtown* to *Chudleigh*, and certain Branches communicating with the same, all in the County of *Devon*. [20th *May* 1825.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Turnpike Road from* East Teignmouth, *through* Dawlish, Starcross, *and* Kenton, *to communicate with the* Exeter *Road in the Parish of* Exminster, *all in the County of* Devon: And whereas the Trustees appointed in and by virtue of the said Act have proceeded to put the same into Execution, and have made considerable Progress therein: And whereas the Communication between *Dawlish* and the City of *Exeter* by *Starcross* and *Kenton* is circuitous and liable to Interruption, in consequence of High Tides and Floods, and the making of a more direct Road to the said City, together with certain Branches of Road connected therewith, would be very beneficial to the Public, and to the Owners and Occupiers of Land in the Neighbourhood of such Roads; that is to say, a Road from *Dawlish*, by *Gatehouse* and *Gulliford*, to the Road commonly called *The Middle Dawlish Road*, by *Baples* Bridge, and thence over 4 G. 4. c. 44.

over the Hill to join the *Exeter* Turnpike Road at *Red Cross*, together with a Road by *Kenn Church*, to join the *Exeter* Road at *Red Cross* aforesaid, and also to join the said *Exeter* Road at *Kennford*; also a Road from *Dawlish* to *Mount Pleasant*, and by the Side of the River *Exe* to *Starcross*; also a Road from *Southtown*, by *Mamhead* and *Oxton*, over *Haldon* to *Chudleigh*; also a Road from *Kenton* to the said Middle *Dawlish* Road, to join the same at or near a Plantation called *The Oaks*: And whereas it would facilitate the Purpose aforesaid, if the said recited Act was repealed, and all the Powers and Provisions, as well for making and maintaining certain Parts of the Roads by the said Act authorized to be made and maintained, as the Roads before mentioned and described, were comprised in the same Act: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth,
3 G. 4. c. 126. 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 an Act was passed in the Fourth Year of the Reign of His said present
4 G. 4. c. 95. Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign 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 an Act was passed in the Fifth Year of the Reign
5 G. 4. c. 69. of 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*: But the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Third *Wednesday* next after the passing of this Act, the said first-recited Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Turnpike Road from* East Teignmouth, *through* Dawlish, Starcross, *and* Kenton, *to communicate with the* Exeter *Turnpike Road in the Parish of* Exminster, *all in the County of* Devon, shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and on the same Day this Act shall commence and take effect instead thereof, and shall, together with the said last-recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, be put in execution for and during the Term herein-after mentioned, as well for the Purpose of effectually maintaining and keeping in repair the new Road lately made from the Old Market House at *East Teignmouth* to *Dawlish*, as for making, maintaining, and keeping in repair a Road from *Dawlish*, by the Road along the Sea Coast, to certain Lime Kilns, and from near the said Lime Kilns by a new Line to the Village of *Wick*, to join and fall into the Road from *Dawlish* to *Cookwood*, at or near a certain Bridge called *Shutterton Bridge*, and from the said Bridge by the said Road to *Cofton Common*, lately inclosed, and thence by a new Line of Road across a certain Marsh called *Corford Marsh*, and down on the North Side of the said Marsh to *Southbrooke*, and by the Road at the Back of *Starcross* to the *Courtenay Arms* at *Starcross*, and thence by the present Road through *Kenton*, and over *Kenton* Bridge, and through Part of the Parish of *Powderham*, to the *Exeter* Turnpike Road in the Parish of *Exminster*; also a Road from the Lime Kiln aforesaid to *Mount Pleasant*, and by the Side of the River

4 G. 4. c. 44. repealed, and this Act put in force.

Exe to *Southbrooke*; also a Road from *Dawlish* by *Gatehouse* and *Gulliford*, to the Middle *Dawlish* Road, and by the said Road to *Baples* Bridge, and thence over the Hill to join the *Exeter* Turnpike Road at *Red Cross*, together with a Road by *Kenn Church* to join the *Exeter* Road at *Red Cross* aforesaid, and also to join the said *Exeter* Road at *Kennford*; also a Road from *Southtown*, by the Road which passes between *Mamhead* and *Oxton* over *Haldon* to *Chudleigh*; also a Road from *Kenton* to the said Middle *Dawlish* Road, to join the same at or near a Plantation called *The Oaks*.

Powers of the recited Acts of 3, 4, & 5 G. 4. extended to this Act.

II. And be it further enacted, That the said last-recited Act passed in the Third 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 expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, or varied, altered, or otherwise provided for by this Act), and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

4 G. 4. c. 95.

New Term and Tolls liable to Debts, &c.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said Act hereby repealed, and also of such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the said Act and of this Act, or either of them, 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 or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said Act hereby repealed and this Act, or to any other Person or Persons, for the Benefit of the said Roads, shall be liable to the Payment of all such Sum or Sums of Money to the Trustees for executing this Act, in such and the same Manner as if this Act had not passed.

Bonds, &c. under former Acts to be good under this Act.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities, made or entered into by any Person or Persons to or with any of the Trustees for executing the said Act hereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are or shall be fully satisfied and performed on account of or for the Benefit of the Roads included in this Act; and all

Contracts,

Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Act hereby repealed, to or with any Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and be observed and kept by them, according to the Terms, Stipulations, and Tenor thereof respectively.

Persons employed under former Acts to account to Trustees under this Act.

V. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Road leading from the said Town of *Teignmouth* to *Dawlish*, or who have or shall have in their Custody or Possession any Money, Books, Papers, Writings, or other Things relating to the said Road, shall account for and pay and deliver over the same and every Part thereof to the Trustees for executing this Act, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of the said last-recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act, are required to pay or account for the same.

Books used under former Acts to be Evidence.

VI. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Act hereby repealed, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Devon*, together with *Stephen Oakelay Attlay*, Sir *John Palmer Acland*, *Thomas Bremridge*, *William Comyns*, *William Courtenay*, *William Collyns*, *Isaac Cox*, *George Thomas Chamberlain* Clerk, *Joseph Drury* Doctor of Divinity, *Hugh Elliott*, *Richard Eales*, *Charles Thomas Eales*, *Richard Egerton*, *John Foulkes*, *Daniel Garratt*, *James Goss*, *William Baring Gould*, *Charles Hoare*, *Charles Hubbard*, *Jones*, *Robert Jordan*, *Robert Kean*, *Robert Long*, *Edmund Pusey Lyon*, *John Henry Ley*, *Henry Ley* Clerk, *William Ley*, *William Langmead*, Honourable *George Lysaght*, *William Berggreen Matthews* Doctor of Medicine, *Thomas Michelmore* senior, *Thomas Michelmore* junior, Sir *James Nugent* Baronet, *Robert William Newman*, *Thomas Newman*, *Codrington Parr*, *John Moore Pidgley*, *Charles Phillott* Clerk, *James Powell Wilmot Palk* Clerk, *John David Perkins* Doctor of Divinity, *John Quantock*, *John Strahan* junior, *Richard Arthur Saint Leger*, *Francis Baring Short*, *John Richards* Doctor of Divinity, *Augustus Stowey*, *John Beaumont Swete*, *Edward Smedley* Clerk, *Richard Cornish Stone*, *John Templer* Clerk, *William Tayleur*, *John Tuke*, *Edward Upham*, *John Wight*, and their Successors, being duly qualified according to the Directions of the said last-recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty King *George* the Fourth, shall be and they are hereby appointed the Trustees for putting the said last-recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, and this Act, in Execution.

VIII. And

Power to appoint additional Trustees.

VIII. And be it further enacted, That it shall be lawful for the said Trustees to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act and of the said last-recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, in addition to the Trustees hereby nominated and appointed; and such Trustees, when so elected and appointed, and being qualified according to the Directions of the said Acts, shall be and they are hereby invested with the same Powers and Authorities for executing the said Acts and this Act, as if they had been named and appointed in and by this Act.

First Meeting of Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the *York Hotel*, or some other convenient House or Place at *Dawlish* aforesaid, on the *Wednesday* Three Weeks next after the passing of this Act, and proceed to put this Act and the said last-recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty into Execution.

Road to be divided into Districts

X. And be it further enacted, That for the Purpose of ascertaining where and in what Manner the Tolls granted and made payable by this Act shall be collected and received, the said several Roads shall be and are hereby divided into the several Districts following; that is to say, the Road from *Teignmouth* to *Dawlish* to be called *The Teignmouth District*; the Road from *Dawlish* by *Gatehouse* and *Gulliford* and the Middle *Dawlish* Road to *Baples* Bridge, and over the Hill to the *Exeter* Road at *Red Cross*, together with the Road by *Kenn Church* to *Red Cross*, and also to *Kennford*, to be called *The Dawlish and Kenn District*; the Road from *Dawlish* by *Mount Pleasant*, by the Side of the River *Exe*, to *Southbrooke*, together with the Road by *Shutterton* Bridge to *Southbrooke*, to be called *The Dawlish and Southbrooke District*; the Road from *Southbrooke*, by the Back of *Starcross*, to the *Courtenay Arms* in *Starcross*, through and by *Kenton*, over *Kenton* Bridge, to the *Exeter* Road, in the Parish of *Exminster*, together with the Road from *Kenton* to the Plantation in the Middle *Dawlish* Road called *The Oaks*, to be called *The Kenton District*; and the Road from *Southtown*, by *Mamhead* and *Oxton*, and over *Haldon* to *Chudleigh*, to be called *The Southtown and Chudleigh District*.

Former Officers to continue.

XI. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers who have been appointed under and employed in the Execution of the said recited Act hereby repealed, shall, if the said Trustees think right and proper, respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced, or be removed by the said Trustees, or be incapable of executing their respective Offices, and shall be subject to the like Rules and Regulations, and the like Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Treasurer and Clerk not to be the same Person.

XII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk and Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the

the Purposes of this Act; or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act, or if any Person, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

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

XIII. And for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it further enacted, That the said Trustees may and they are hereby authorized, to continue, remove, take away, or alter the Situation of all or any of the Toll Gates, Bars, Chains, and Toll Houses, which have been erected in, upon, or across any Part of the said Road leading from the said Town of *Teignmouth* to the said Town of *Dawlish*, and shall and may erect or cause to be erected such and so many other Toll Gate or Gates, Bar or Bars, Chain or Chains, Toll House or Toll Houses, and Weighing Machine or Weighing Machines, in, upon, or across any Part or Parts of the said Road, and also in, upon, and across any Part of the Line of Road by this Act authorized to be made, and upon the Side or Sides thereof respectively; and also shall or may erect or provide a Toll House, with suitable Outbuildings, and a Garden, not exceeding One-eighth Part of a Statute Acre of Land, at or near each of the said Toll Gates.

Power to take Tolls.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors as aforesaid, or for any Person or Persons acting for and under the Authority of such Collector or Collectors, and they are hereby authorized and empowered, from and after the passing of this Act, to demand and take at each and every Gate, Bar, or Chain as aforesaid (subject however to the Restrictions and Exemptions in this and the said recited Acts contained), the Tolls hereafter mentioned, from the Person or Persons using, leading, driving, or attending any Horse or Horses, or other Beast or Beasts hereby made subject to the Payment of Toll, before such Horse or Horses, Beast or Beasts, shall be permitted to pass through any such Gate, Bar, or Chain; (that is to say),

Tolls.

For each and every Horse or Beast of Draught, drawing any Coach, Chariot, Chaise, Curricle, Gig, Car, Hearse, Van, or any other such Carriage,

Carriage, if drawn by One Horse or other Beast of Draught, the Sum of Sixpence; by Two or Three Horses or other Beasts of Draught, the Sum of Sixpence; by Four Horses or other Beasts of Draught, the Sum of Four-pence Halfpenny; and by more than Four Horses or other Beasts of Draught, the Sum of Sixpence:

For each and every Horse or other Beast of Draught, drawing any Waggon or Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, the Sum of Four-pence; Four Inches and a Half, and under Six Inches, the Sum of Four-pence Halfpenny; under Four Inches and a Half, the Sum of Sixpence:

For each and every Timber Carriage, so constructed as that the Distance between the Axle-trees thereof shall be more than Nine Feet, the Sum of Two Shillings over and above the Toll payable for the Horses drawing the same:

For each and every Horse, Ass, or Mule, laden or unladen, One Penny:

For each and every Drove of Oxen, Cows, and 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.

Which said respective Sums of Money shall be demanded and taken in the Name of or as Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed.

Not more than One Toll to be taken in each of the Districts.

XV. Provided always, That not more than One full Toll shall be demanded or taken of or from any Person or Persons within either of the said Districts respectively, for or in respect of the same Horse or Horses, or other Beast or Beasts, for passing through all or any Number of Gates, Bars, or Chains within such District in any One Day, to be computed from Twelve o'Clock in One Night to Twelve o'Clock in the next following Night.

Toll to be taken but Once for passing and repassing.

XVI. And be it further enacted, That in case Toll shall have been paid for or in respect of any Horse, Beast, or Cattle for passing through any or either of the Turnpikes, Toll Gates, or Side Gates erected upon, across, or on the Sides of the said Roads, no Toll shall be demanded or taken for or in respect of such Horse, Beast, or Cattle, for returning, passing or repassing through the same Turnpike, Toll Gate, or Side Gate the same Day, such Day to be computed as aforesaid (except as herein-after is mentioned).

Stage Coaches, &c. to pay every Time of passing, and Post Chaises on every new Hiring.

XVII. Provided always, and be it further enacted, That the said Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any licensed Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing; and for or 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 Road on the same Day, as often as a fresh Hiring shall take place.

XVIII. Pro-

Waggons to pay each Time of passing with a new Load.

XVIII. Provided always, and be it further enacted, That the Tolls hereby made payable for or in respect of any Horse or Horses, or other Beast or Beasts of Draught, drawing any Waggon, Cart, Slide, or other such Carriage, shall be paid for every Time of passing along the said Road with a new Load.

Application of Tolls and Money to be borrowed.

XIX. And be it further enacted, That it shall be lawful for the Trustees acting under and by virtue of this Act to borrow or take up at Interest, on the Credit of the Tolls by this Act and the said recited Acts granted and made payable, such Sums of Money as they shall from Time to Time deem necessary for carrying this Act and the said recited Acts into Execution, and to demise and mortgage the said Tolls in manner directed by the said recited Acts; and that all the Money so to be borrowed shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes following; (that is to say), in the Payment of the Costs and Expences which have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto, and in the Payment of any outstanding Demands for and in respect of the new Road between *Dawlish* and *Teignmouth*, and in defraying the Expence of erecting and providing Toll Gates, Bars, Weighing Machines, Houses, and other Buildings, and of making, altering, raising, widening, repairing, and improving the Roads hereby authorized to be made, and of purchasing Lands and Hereditaments for that Purpose, and of erecting and making necessary and convenient Bridges, and otherwise executing the Purposes of this Act; and all the Money which shall arise from the Tolls granted and made payable by this Act and the said recited Acts shall in the first Place be applied from Time to Time in paying the Interest of the Monies already borrowed for making the Road from *Teignmouth* to *Dawlish*, and to be borrowed as aforesaid; and when such Interest shall have been paid, the Remainder of such Money shall be applied for the Purpose of keeping the Roads, Toll Houses, Gates, and Bars in repair, and in otherwise putting this Act into Execution; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been or may be borrowed and secured by virtue of this Act and the said recited Act as aforesaid: Provided always, that the Money which shall arise from the Tolls on the new Road between *Teignmouth* and *Dawlish* shall in the first Place be applied to the Payment of the Interest of the Sums already borrowed, and now due and owing for and in respect of the said new Road; and in case the Tolls as aforesaid shall not produce a sufficient Sum to pay off the Capital of the Debt due from the Trustees to the Commissioners for the Issue of Exchequer Bills, in the Payment of Interest, not exceeding Four Pounds *per Centum per Annum*, of any Sum of Money which the said Trustees may be obliged to borrow to discharge the Capital of such Debt.

New Pieces of Road may be made.

XX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to make the said new Cuts or Pieces of Road upon, in, over, or through any Lands, Grounds, or Hereditaments, of such Width as they shall think proper, not exceeding Thirty Feet, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences, as they think necessary or expedient, making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain

sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Road, Footpaths, Causeways, Arches, Culverts, Ditches, Drains, and Fences are or is 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 a Trespasser or 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 Five Pounds.

Road to be made according to Plan.

XXI. And whereas a Map or Plan of the Road which the Trustees acting in and by virtue of the said recited Act hereby repealed were empowered to make, and also a Map or Plan of the Road mentioned in the Preamble to this Act, respectively describing the Lines of the said several Pieces of Road, and the Lands through which the same are to be carried, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Devon*; be it therefore enacted, That the said Maps or Plans, and Books of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and take Copies and Extracts therefrom at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts.

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

XXII. And be it further enacted, That it shall be lawful for the said Trustees to make the said Pieces of new Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be the Owner or Owners, or Occupier or Occupiers of Lands or Premises over which the same or any Part thereof is or are set forth and described in the said Maps or Plans or Books as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons may happen to be erroneously described, omitted, or mis-stated in the said Maps or Plans or Books, in case it shall appear to any Two or more Justices of the Peace for the said County of *Devon*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County: Provided always, that the said Trustees, in making such respective new Roads, 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, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees not to deviate more than 100 Yards, without Consent of Owner.

Trustees restrained from pulling down Dwell-

XXIII. Provided also, and be it enacted, That the Power and Authority hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House

ing Houses, &c. without Consent of Owners, except those described in Plan.

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 inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietors thereof first had and obtained; other than and except so much and such Part of such Dwelling Houses or other Buildings, Gardens, Yards, Parks, Paddocks, planted Walks, Avenues, and Nurseries for Trees, as are described in the said Maps or Plans and Books of Reference as aforesaid.

Power to purchase and take down Houses, &c. to cease after Five Years.

XXIV. Provided always, and be it enacted, That if the said Trustees shall not, within the Space of Five Years from the Day of the passing of this Act, agree for or cause to be valued and paid for, as by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty is mentioned and directed, the several Houses, Lands, Tenements, and Hereditaments, which they are empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted to them for purchasing the same, or such Parts thereof as aforesaid, shall cease and determine, and be utterly void, save and except that the same may be afterwards executed with the Consent of the Owners or Proprietors thereof respectively.

Application of Compensation Money, when exceeding 200*l.*

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said present Majesty is particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled
1 G. 4. c. 35. *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster, *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction or Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and

settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* but not less than 20*l.*

XXVI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application where the Money is less than 20*l.*

XXVII. And be it further enacted, That where such Money so agreed or awarded to be paid as before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXVIII. And

In case of not making out Titles, or if Persons entitled cannot be found, Purchase Money to be paid into the Bank.

XXVIII. 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 the said Acts and this Act, 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 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 be lawful for the said Trustees 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 Exchequer, to be placed to his Account to the Credit of the Persons interested in the said Lands, Tenements, and Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and 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 the Distribution thereof, on Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, 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 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

XXIX. 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 General of the Court of Exchequer, in pursuance of the said Acts and this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and 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, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the said 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, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Exchequer may order

XXX. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporations entitled to

to any Lands, Tenements, Hereditaments, and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expence of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

reasonable Expences of Purchases to be paid by Trustees.

XXXI. And whereas the Commissioners acting in the Execution of an Act of Parliament passed in the Third Year of the Reign of His said present Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of the Reign of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and the other Acts therein recited, mentioned, or referred to, did, under the Powers and Provisions of the said Acts, on or about the Twelfth Day of *November* One thousand eight hundred and twenty-three, advance to the Trustees acting under the several first herein-before recited Acts, or some or one of them, Two thousand Pounds in Exchequer Bills, upon the Security of a certain Indenture of Mortgage, bearing Date the said Twelfth Day of *November* One thousand eight hundred and twenty-three, and made between the several Persons therein named and described as being Two-thirds in Number of the Trustees present at a Meeting called for the Purpose of executing the said Indenture, of the One Part, and *William Holden*, the Secretary of the said Commissioners, of the other Part; whereby the said Trustees did, as therein mentioned, assign to the said *William Holden* all and every the Rates, Tolls, and Receipts therein particularly mentioned, to hold the same subject to the Repayment of the said Sum of Two thousand Pounds, with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, as therein mentioned; be it therefore further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any manner incumber or affect the said Indenture of Mortgage of the Twelfth Day of *November* One thousand eight hundred and twenty-three, so given by the said Trustees to the said *William Holden*, as Secretary of the said Commissioners as aforesaid; and that the said Mortgage shall be entitled to the like Priority of Security which the same may now possess over any other Mortgages or Securities already granted and executed, or which shall or may hereafter be granted and executed by the Trustees acting under the said recited Acts and this Act or any of them, upon the Credit of the Tolls and Duties collected, or which shall or may hereafter arise and be collected under the Authority of the said first herein-before recited Acts or this Act; and that the said Loan and Interest shall be repaid in the Manner provided by the said Indenture of Mortgage to all Intents and Purposes, and in such and the like Manner as if this Act had not been passed; and that the Tolls and additional Term hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or

3 G. 4. c. 86.

Indenture of Mortgage to the Exchequer Bill Commissioners not to be invalidated, but to have the same Priority of Security as if this Act had not passed.

hereafter to become due and owing under the said Indenture of Mortgage, for securing the said Sum of Two thousand Pounds and Interest in manner aforesaid; any thing in the said recited Acts or this Act contained to the contrary thereof in anywise notwithstanding.

Public Act.

XXXII. 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.

Term and Continuance of this Act.

XXXIII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be in force 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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