ANNO TERTIO

VICTORIÆ REGINÆ.

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Cap. XXXV.

An Act for more effectually repairing and improving certain Roads near *Torquay*, *Paignton*, *Brixham*, *Kingswear*, *Newton Abbot*, and *Shaldon*, and for making certain new Roads connected therewith, all in the County of *Devon*. [19th *May* 1840.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually making and repairing the Roads between* Newton Abbot, *and* Brixham, Kingswear *and* Dartmouth, Shaldon, *and* Torquay, *and also between* Torquay *and* Saint Mary Church *and the Bridge to be built over the River* Teign *at* Shaldon, *and for making and repairing several other Roads communicating therewith, all in the County of* Devon: And whereas considerable Sums of Money have been borrowed for the Purposes of the said Act on the Credit of the Tolls thereby granted, Part of which Money still remains due and owing, and the same cannot be paid off, nor can the said Roads, nor the new Roads herein-after mentioned, be effectually amended, widened, diverted, made, improved, and kept in repair, unless the Term and Powers granted by the said recited Act be further continued and extended: And whereas it would be of great Public Advantage to improve the Means of Communication 6 G. 4. c. 88.

between the said Towns by making certain new Roads, whereby several very inconvenient Hills, and narrow, dangerous, and circuitous Roads, will be avoided and become unnecessary, and the Distance greatly diminished: And whereas it is expedient that the said recited Act should be repealed, and further and more effectual Powers and Provisions granted in lieu thereof, as well for repairing, amending, widening, diverting, and otherwise improving the said present Roads, as also for making and maintaining the new Roads herein-after mentioned, and also that the Tolls granted by the said Act should be varied and altered; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed; but nothing in this Act contained shall extend or be construed to extend to revive any Act repealed by the said recited Act.

Recited Act repealed.

This Act to take effect.

Description of the old Roads.

II. And be it further enacted, That this Act shall take effect and be put in execution for the Purpose of repairing, improving, and maintaining the Roads comprised in the said recited Act, and herein-after mentioned and described; (that is to say,) the Road from the Town of *Newton Abbot* to the Bridge over the River *Teign* at *Shaldon;* also the Roads from the said Town of *Newton Abbot* to the Royal Hotel at *Torquay*, and to *Brixham Quay* and *Kingswear* respectively, including the Road through the Village of *Tor* by *Torhill*, and the Road from *Monksbridge* Turnpike Gate to the present Turnpike Road at or near the *Waterman's Arms* Inn at *Brixham*, but exclusive of the old Roads at *Kingskerswell* and *Paignton*, in lieu of which new Roads have been recently made by the said Trustees; also the Road from *Newton Abbot* aforesaid to *Aller Lane* on the South Side of *Langford Bridge;* also the Roads between the said Bridge at *Shaldon* and *Torquay*, including the Roads through *Saint Mary Church*, by *Babbicombe*, to *Torquay*, and from *Saint Mary Church* to the *Castle* Inn at *Torquay*, and through the Village of *Tor* to the South-west Side thereof; also the Road from *Torquay* by *Tor* Church to *Tor Abbey* Western Avenue Gate; also the Road from a Field called *Brimhill* over or through *Goodrington Marshes*, the Village of *Goodrington* and *Goodrington Parks*, to *Galmpton;* and also the Road from *Brixham Quay* to *Kingswear;* and also for the Purpose of making and maintaining the several intended new Roads herein-after mentioned; (that is to say,) a new Road from *Torquay* to *Livermead*, by *Waldon Hill* and *Tor Abbey Sands*, and another new Road to commence in the Village of *Saint Mary Church*, and passing near to *Peritoe Common* to terminate at or near *Whatcombe*, in the Road from *Shaldon* to *Torquay;* and another new Road to commence in the present Turnpike Road at or near the *Gerstons* at *Paignton*, and passing over or along the Highway leading to *Paignton* Pier, and a Field called *Pathpark*, and thence along and including the Highway between the Town of *Paignton* and *Goodrington Sands*, to terminate at the said Field called *Brimhill;* all which said Roads and intended Roads are situate in the Parishes of *Woolborough*,

Description of the new Roads.

Abbotskerswell, Kingskerswell, Haccombe, Coombeinteignhead, Stokeinteignhead, Saint Nicholas, Saint Mary Church, Tormoham, Cockington, Paignton, Stokegabriel, Churston-Ferrers, Brixham, and *Kingswear,* in the County of *Devon,* or some of them.

Trustees.

III. And be it further enacted, That *George Baker, George Baker* the younger, *Nicholas Baker, William Bartlett, William Bartlett* the younger, *Finney Belfield, Finney Belfield* the younger, *John Finney Belfield, Henry Browse, Nicholas Brooking, Robert Butland, John Bradford, Henry Langford Brown, John Bentall,* Sir *Walter Palk Carew* Baronet, *William Creed, William Creed* the younger, *Daniel Codner, George May Coleridge, Samuel Clark, Frank Cutler, George Drake* the younger, *William Farwell, William Flamank, Nicholas Gillard, William Gillard, John Jackson Goodridge, Robert Gee, Arthur Bastard Eastabrook Holdsworth, William Lamb Hockin, William Hole, Arthur Hunt, Thomas Hunt, Nicholas Hunt, Charles Hayne Seale Hayne, Arthur Johnson, Thomas Kitson, Edward Kitson, Robert Charles Kitson,* Sir *John Louis* Baronet, *George Ley, John Fownes Luttrell, Robert Leach, Roger Mallock, Charles Herbert Mallock, Sydenham Malthus,* Sir *Robert William Newman* Baronet, *Aaron Neck, Thomas Newman, John Narracott, John Netherton, Lawrence Palk, Robert John Palk, Richard Tapper Parsons, Henry Pierpont, Edward Pollard, William Pollard, Thomas Rendell, John Brown Smith, John Shepherd, John Tracey, John Northey Thompson, Ayshford Wise, William Wilking, Thomas Rowe Westcott, Nicholas Harvey Wilking, Richard Walter Wolston,* and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England,* shall be and are hereby appointed the Trustees for putting this Act and the several Acts now in force for regulating Turnpike Roads in *England* into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting from Time to Time to be held in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Three in the whole, being duly qualified, to be Trustees for the Purposes of this Act, in addition to the Trustees herein-before named.

Trustees Meetings.

V. And be it further enacted, That the said Trustees shall from Time to Time hold their Meetings at some convenient Place near to the said Roads; and that they shall hold their First Meeting at the *Royal* Hotel, *Torquay,* on the Third *Thursday* next after the passing of this Act, at Twelve of the Clock at Noon; and if there shall not be Three Trustees present at any of such Meetings it shall be lawful for the Trustee or Trustees then present at such Meetings, and if no Trustee shall be present then for their Clerk, to adjourn such Meeting to some other Day not being more distant than Five Weeks from and after the Day appointed for such former Meeting, in the same Manner and with the same Power as if there had been Three Trustees present at such former Meeting.

Committees of Trustees.

VI. And be it further enacted, That the said Trustees may appoint Committees out of their Number to superintend and direct the Execution, Repair, and Management of any Parts of the said Roads, and

and to execute the other particular Purposes of this Act, according to such Rules, Regulations, and Instructions as shall be made and given at any Meeting of the said Trustees, but such Committees shall at all Times be accountable to and under the Control and Direction of the said Trustees.

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

VII. And whereas a Map or Plan and Section describing the said several intended new Roads, and a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands, Tenements, and Hereditaments through or over which the same are intended to be made, have been deposited with the Clerk of the Peace for the said County of *Devon;* be it further enacted, That the said Map or Plan and Section, and Book of Reference, shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the Clerk of the Peace One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Section, and Book of Reference, and true Copies thereof, shall be and they are hereby declared to be good Evidence in all Courts of Law or elsewhere: Provided always, that the said Trustees in making the said intended new Roads, or any Part or Parts thereof, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be proposed to be made.

Not to deviate more than One hundred Yards without Consent.

Power to make the new Roads.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to set out, make, and complete the said new Roads intended to be made under the Authority of this Act as aforesaid, through, over, and across the Lands, Tenements, and Hereditaments through, over, or across which such new Roads are respectively set out and described in the said Map or Plan and Section, and Book of Reference, and that such new Roads may be so made although such Lands, Tenements, or Hereditaments, or the Name or Names of the Owners, Lessees, or Occupiers thereof, may be erroneously described, omitted, or mis-stated in the said Map or Plan, Section, or Book of Reference; and that the said Trustees shall and may take under their Care and Management all or any of the Roads or Highways passing or lying in the Line or Direction of the said Roads and intended Roads herein-before described or mentioned.

Houses, &c. not to be taken, except those in the Schedule.

IX. And be it further enacted, That the said Trustees shall not for the Purposes of this Act take or pull down any Dwelling House or other Building, or take in or make use of any Garden, Yard, Paddock, Park, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such Dwelling Houses or other Buildings, Gardens,

Gardens, Yards, Paddocks, Parks, planted Walks, Avenues, and Nurseries for Trees as are described in the Schedule to this Act annexed.

Power of purchasing to cease in Three Years.

X. And be it further enacted, That in case the said Trustees shall not purchase and pay for the said last-mentioned Hereditaments and Premises within the Space of Three Years from the passing of this Act, all the Powers hereby granted for purchasing the same shall thenceforth cease and determine and be utterly void, except with the Consent of the Owners or Proprietors thereof.

Power to purchase Land, &c.

XI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons for them or on their Behalf, to treat, contract, and agree with any Person or Persons, or any Body or Bodies Politic, Corporate, or Collegiate, Spiritual or Lay, respectively, as shall be or be deemed to be the Owner or Owners of or otherwise interested in any Houses, Buildings, Lands, Tenements, or Hereditaments which may be necessary for the Purposes of this Act, for the Purchase thereof respectively, or for any Loss or Damage such Owner or Owners, or any other Person or Persons, shall or may sustain by reason of the Execution of any of the Powers of this Act.

No Money to be laid out on any Road, unless Tolls be taken thereon.

XII. And be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Road authorized to be repaired by virtue of this Act, unless some Turnpike, Toll Gate, or Bar shall be erected or placed and continued upon such Road or on the Side thereof, nor unless the Tolls hereby granted shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Road than shall be collected thereat, or borrowed on the Credit of the Tolls collected thereon.

Power to take Tolls.

XIII. And be it further enacted, That whether the said intended new Roads shall be made or not, it shall be lawful for the said Trustees to continue the several Toll Houses, Toll Gates, Toll Bars, and Turnpikes at present erected or standing, and from Time to Time to erect any other Toll Houses, Toll Gates, Toll Bars, or Turnpikes upon or by the Side of the said Roads and intended new Roads, and such other Roads as by this Act shall become Turnpike or be under the Care and Management of the said Trustees; and it shall be lawful for the said Trustees, or their Lessees, or any Person or Persons authorized or empowered by them respectively, to demand and take, at each such Toll Gate, Toll Bar, or Turnpike, on every Day, any Sum not exceeding the Sums herein-after mentioned; (that is to say,)

Tolls

For every Horse or other Beast drawing any Waggon, Wain, Cart, Sledge, Dray, or other such Carriage, the Sum of One Shilling:

For every Horse or other Beast drawing any Waggon or other Carriage whatsoever laden with Timber or Planks unconverted, the Sum of Two Shillings:

For every Horse or other Beast drawing any Coach, Chariot, Chaise, Car, Caravan, Hearse, Chair, Gig, or other such like Carriage, the Sum of One Shilling:

For every Carriage of whatsoever Description, with Four Wheels, affixed to any other Carriage, the Sum of One Shilling:

For every such Carriage with Two or Three Wheels, affixed to any other Carriage, the Sum of Sixpence:

For every single Horse or other Beast drawing any Three or Four-wheeled Carriage alone, the Sum of One Shilling:

For every Horse, Mule, or Ass, not drawing, and laden or unladen, the Sum of Two-pence:

For every Ox, Cow, or Neat Cattle, the Sum of One Penny:

For every Calf, Hog, Sheep or Lamb, the Sum of One Halfpenny:

For every Wheel of every Carriage propelled, worked, or used by Steam, or by mechanical, or any other than animal Power, the Sum of Four Shillings:

And for every Dog, Goat, or other such like Animal drawing or working any Cart, Truck, Barrow, or other Carriage or Thing, the Sum of Three-pence.

Tolls to be paid but once a Day.

XIV. And be it further enacted, That no more than One such Toll shall be demanded at any One Toll Gate, Toll Bar, or Turnpike, or at any Two or more Toll Gates, Toll Bars, or Turnpikes freeing each other, for the same Horse, Beast, Animal, or Carriage passing or repassing on the same Day, provided that a Ticket be produced denoting the Payment of Toll at either of such Gates at any Time previously on such Day: Provided always, that the said Tolls shall be paid for and in respect of every Horse, Beast, or other Animal so often as such Horse, Beast, or Animal shall be under a new or fresh Hiring, and also so often as such Horse, Beast, or Animal shall be employed in drawing or working another or different Carriage in the same Day; and also for and in respect of every Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Stage Carriage used for the Conveyance of Passengers or Goods for Pay, Hire, or Reward, or for or in respect of the Horses or other Beasts or Animals drawing or working the same, every Time of passing and repassing; but no further or additional Toll shall be payable in respect of Horses or other Beasts drawing any Stage Carriage on account only of the Horses or other Beasts drawing the same having been changed between any Gates freeing each other by Tickets.

Stage Coaches to pay every Time of passing.

Limiting the Number of Tolls to be taken on the whole Line.

XV. And be it further enacted, That no more than Five full Tolls shall be demanded and taken for the same Horse, Beast, Animal, or Carriage on the same Day throughout the whole Line of the said Roads, except and subject as herein-before provided.

Lime to be liable to the Payment of Toll.

XVI. And be it further enacted, That, notwithstanding any thing in any Act to the contrary, the said Tolls shall be payable for all Horses or other Beasts drawing, carrying, or conveying Lime for the Improvement of Land.

XVII. Pro-

Tolls not to be laid out in the Repair of Streets.

XVII. Provided always, and be it further enacted, That none of the Tolls authorized by this Act to be collected on the said Roads, nor any of the Monies received by virtue of the said Act hereby repealed, or to be received by virtue of this Act, shall be laid out or expended in the Repair, Lighting, or Improvement of any Part of the said Roads in any Town the Streets whereof are directed to be repaired or lighted under the Authority of any Local Act of Parliament.

Trustees authorized to sell Toll Houses.

XVIII. And be it further enacted, That, notwithstanding any thing herein or in any other Act to the contrary, it shall be lawful for the said Trustees from Time to Time to sell and dispose of any of the Toll Houses on or by the Sides of the said Roads comprised in this Act, with the Gardens and Appurtenances thereto belonging, which the said Trustees shall be absolutely seised or possessed of or entitled to, by Purchase or Exchange, or any other legal Means, and which they shall consider unnecessary or useless, in the same Manner and under the same Regulations as by Law any Land not wanted or becoming useless or unnecessary for the Purposes of the said Roads may be or heretofore might have been sold: Provided also, that no such Toll House which shall have become useless or unnecessary shall be allowed to remain, but the said Trustees shall be and are hereby authorized and directed to sell the same from Time to Time as they may so become useless and deemed unnecessary for the Purposes of this Act.

Power to purchase or redeem Mortgages.

XIX. And be it further enacted, That, notwithstanding any thing in any Act to the contrary, it shall be lawful for the said Trustees from Time to Time, if they shall think fit, by and with any Monies which shall come to their Hands, to purchase and redeem any of the Mortgages or Securities on the Tolls hereby granted at and for a less Sum or Sums than is or are secured to be paid by such Mortgages or Securities respectively, and also to pay off any Debts or Sums of Money owing or secured on Mortgage of the said Tolls on which a higher Rate of Interest shall be payable than on any other such Debts or Sums, in preference to any such Debts or Sums on which a lower Rate of Interest shall be payable.

Power to Jury to assess Value of making and repairing Fences, if required.

XX. And be it further enacted, That when and as often as any Lands or Grounds shall be purchased for the Purposes of this Act, and the Recompence to be made for such Lands or Grounds shall be inquired of by a Jury under or by virtue of this Act, or any Act in force for regulating Turnpike Roads in *England*, and the said Trustees shall be liable to fence off any such Lands or Grounds, and keep such Fences in repair for any Term or Time, it shall be lawful for such Jury as aforesaid, and they are hereby authorized and directed, if it shall by the said Trustees be so required, to assess the reasonable Charges of making such Fences and keeping the same in repair, or of keeping the same in repair only for the said Term or Time; and after the Assessment hereby directed shall have been made the said Trustees shall thereupon order the Sum of Money so assessed by the Jury to be paid to the Owner or Occupier of such Lands or Grounds, according to the Verdict or Inquisition; and after the Payment or Tender

Tender of the Sum of Money so assessed to such Owner or Occupier, his Executors or Administrators, the said Trustees shall thenceforth be discharged from the Burden of making or repairing such Fences, any thing in any Act to the contrary notwithstanding.

Owners and Occupiers of Lands adjoining not compelled to maintain or keep up Fences.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, construed, or taken, to compel or require any Owner or Owners, Occupier or Occupiers of Lands or Grounds adjoining to the Sea, to maintain, support, or keep up his, her, or their Fences or Embankments against or contiguous to the Sea.

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

XXII. And be it further enacted, That in case any Lands shall, in pursuance of this Act or the Acts for regulating the Turnpike Roads in *England*, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, or in case the same shall be of any other Tenure the Estate and Interest in the same, shall not (notwithstanding any Provisions in the said Acts or any of them to the contrary) by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands so purchased in case the same shall be of Freehold Tenure or in case such Lands shall be of any other Tenure the Estate or Interest in the same, shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall by means of such Purchase and Conveyance, or either of them, be entitled to a perpetual Right of Way in, over, or upon the Lands purchased by them in pursuance of this Act and the said Acts, or any of them.

Right of Way to cease when Lands are not wanted.

XXIII. Provided also, and be it further enacted, That if at any Time any Land purchased by the said Trustees on which any Road shall have been made in pursuance of this Act shall not be wanted for the same, then and in such Case the Right of Way in or upon the Land vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of such Land in case the same shall be of Freehold Tenure, and the Estate and Interest in such Land in case the same shall be of any other Tenure, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Trustees to have the same Powers of using the Lands taken by them as if they had purchased the Fee Simple.

XXIV. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and of building any Toll House or any Bridge or any other Erections thereon, as fully and effectually, to all Intents and Purposes, as the said Trustees would have had in case they had purchased the Fee Simple of or other Estate and Interest in the said Lands and Hereditaments under and by virtue of the Powers contained in any of the Acts now in force for regulating Turnpike Roads in *England*.

Certain Roads at Tor Abbey to be stopped up on new Road being made.

XXV. And whereas so soon as the said intended new Road between *Torquay* and *Livermead* by *Tor Abbey Sands* shall have been made the several ancient Roads or Highways herein-after mentioned; (namely,) a certain Highway or Road leading through *Tor Abbey Long Avenue*, by *Tor Abbey House*, to *Tor Abbey Sands*, and a certain Highway or Footpath leading from *Chelstone* across the present Turnpike Road to the Lower or South-eastern End of the said Long Avenue, and branching from thence in Two Directions, the one as far as the Village of *Tor*, and the other as far as a certain Field or Close of Land called *Croft Meadow*, and a certain Highway or Footpath leading from *Tor Abbey* Lodge Gate (in a Field called *Lower Rowdens*), through and over certain Fields called *Lower Croft* and *Higher Croft*, over *Waldon Hill*, to *Torquay*, all in the Parishes of *Tormoham* and *Cockington*, or one of them, will become unnecessary, and may without Inconvenience to the Public be stopped up and discontinued; be it therefore enacted, That after the said intended new Road between *Torquay* and *Livermead* shall be completed and open to the Public it shall be lawful for the said Trustees, at any Meeting or Meetings to be held in exercise of the Powers to them given by this Act, by Order under their Hands and Seals, and which they are hereby empowered to make, with the Consent in Writing of any Two of Her Majesty's Justices of the Peace for the said County of *Devon* acting in and for the District or Division in which the said ancient Highways are situate, to order and direct that the said ancient Highways or Footpaths, or either of them, or any Part thereof, shall be stopped up and discontinued at the End of Three Calendar Months next after the making of such Order or Orders respectively; and from and after the Expiration of such Three Calendar Months it shall not be lawful for any Person to use such ancient Highways or Footpaths, or such Part of them, or either of them, as shall be so ordered to be stopped up and discontinued, but the same shall cease to be common Highways to all Intents and Purposes, unless such Order shall be quashed or set aside upon Appeal to be made as herein-after mentioned: Provided always, that Notice in Writing of every Order for stopping up any ancient Highway or Footpath to be made as aforesaid shall be affixed in some conspicuous Place on the Side of the said Highway or Footpath so ordered to be stopped up and discontinued, and inserted once in some Newspaper usually circulated in the County of *Devon*, and affixed on the Door of the Church of the Parish in which such Highway or Footpath shall be situated, within Twenty-one Days after the making such Order, for the Purpose of enabling any Person who may be aggrieved by the said Order to appeal against the same as herein-after provided; and that any such Highway or Footpath shall not be stopped up or discontinued, in case any Person shall so appeal within Three Calendar Months after the making of such Order, until after the Determination of such Appeal.

Power of Appeal.

XXVI. And be it further enacted, That it shall be lawful for any Person who may be aggrieved by the making any such Order as aforesaid to appeal against the same to the Justices of the Peace at any General or Quarter Sessions of the Peace for the said County of *Devon*, which shall be held within the Space of Four Calendar Months

Months next after the making thereof, upon giving Notice in Writing of such Appeal, duly signed by him, to or leaving the same at the usual Place of Residence of the Clerk to the said Trustees at least Twenty clear Days before such General or Quarter Sessions, and the Justices at such Sessions shall, on due Proof thereof, hear and determine the said Appeal, and confirm or quash or set aside the said Order, and thereupon award and adjudge the Party against whom the said Appeal shall be determined to pay such Costs as the said Justices shall appoint; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only; and in case no such Appeal shall be made within the Time aforesaid the said Order shall be final and conclusive upon all Persons whomsoever.

Application of the Money.

XXVII. And be it further enacted, That all the Money now in the Hands of the said Trustees, or which shall arise or be produced or come to their Hands by virtue of this Act, shall be applied in the Manner following; (that is to say,) firstly, in the paying all the Costs and Expences of applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto; secondly, in paying all the Interest now or hereafter to become due on any Mortgage or Securities on the Tolls hereby granted; thirdly, in defraying the Expences of executing the general Purposes of this Act; and lastly, subject as herein-before is provided, in redeeming, paying off, and discharging the several Principal Sums of Money already or hereafter to be borrowed or secured by virtue of the said Act hereby repealed or this Act, and all other Debts and Sums of Money, not herein-before mentioned, now due and which may hereafter become due by or on account of the said Act hereby repealed or this Act.

Assignment of Mortgages not necessary to be endorsed.

XXVIII. And be it further enacted, That, notwithstanding any thing contained in any Act to the contrary, it shall not be necessary that any Assignment of any such Mortgage or Security shall be endorsed upon or annexed to such Mortgage or Security.

Security to the Commissioners of Exchequer Bills to have Priority.

3 G. 4. c. 86.

XXIX. And whereas the Commissioners acting in the Execution of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First 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 Third Day of *March* One thousand eight hundred and twenty-four, advance to the Trustees acting under the first herein-before recited Act Six thousand Pounds in Exchequer Bills, upon the Security of a certain Indenture of Mortgage bearing Date the said Third Day of *March* One thousand eight hundred and twenty-four, 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 then Secretary of the said Commis-

Commissioners for the Issue of Exchequer Bills, but now deceased, 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 Six thousand Pounds, with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, as therein is expressed; be it therefore 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 Third Day of *March* One thousand eight hundred and twenty-four, so given by the said Trustees to the said *William Holden*, as such Secretary as aforesaid; and that the said Mortgages 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 Act and this Act, or either 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 Act 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 hereafter to become due and owing, under the said Indenture of Mortgage for securing the Sum of Six thousand Pounds and Interest in the Manner aforesaid, any thing in the said recited Act or this Act contained to the contrary thereof in anywise notwithstanding.

Provisions of any general Act to apply to this Act.

XXX. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the said Roads from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Public Act.

XXXI. 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.

Term and Continuance.

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

The

The SCHEDULE to which the foregoing Act refers.

County of Devon.

Description of Premises.	Parish.	Owner.	Lessee.	Occupier.
Garden -	Tormoham -	HenryGeorgeCary	Anne Pleydell and Mary Pleydell.	Anne Pleydell and Mary Pleydell.
Garden -	Tormoham -	HenryGeorgeCary	Anne Pleydell and Mary Pleydell.	Anne Pleydell and Mary Pleydell.
Garden -	Tormoham -	HenryGeorgeCary	John Cowell -	John Cowell.
Pasture -	Tormoham -	HenryGeorgeCary	- - -	Robert Stark, Arthur Walters Field, Jacob Harvey, and George Syms.
House or Building	Tormoham -	Sir Lawrence Vaughan Palk.	- - -	William Prowse.
Court - -	Tormoham -	Sir Lawrence Vaughan Palk.	- - -	Sir Lawrence Vaughan Palk.
Yard - -	Tormoham -	HenryGeorgeCary	William Prowse	William Prowse.
Garden -	Tormoham -	HenryGeorgeCary	William Prowse	William Prowse.
House - -	Brixham -	William Scarden	- - -	Samuel Goodman.
House - -	Brixham -	William Bassett Bennett.	- - -	John Treby.
Orchard and Garden.	Saint MaryChurch	HenryGeorgeCary	Samuel Henley Taylor, Richard Henley Taylor, and William Taylor.	Samuel Taylor.
Orchard and Garden.	Saint MaryChurch	John Lear -	- - -	John Lear.
Orchard and Garden.	Saint MaryChurch	James Lear -	- - -	James Lear.
Garden -	Saint MaryChurch	John Lear -	- - -	George Stabb, George Pearce, John Eales, and James Lane.
Garden -	Saint MaryChurch	John Lear -	- - -	Charles Moxhay.
Garden - -	Saint MaryChurch	HenryGeorgeCary	Samuel Henley Taylor, William Taylor, and Richard Henley Taylor.	John Cune, Samuel Waymouth, Joseph Vanstone, Mary Tamlin, John Bennet, and Samuel Taylor.
Pathway - -	Saint MaryChurch	John Lear.		

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