

ANNO QUINTO

GULIELMI IV. REGIS.

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ford's Park Gate in the Parish of *Ideford* to *Biddaford* in the Parish of *Ugborough*; from the East End of *Chudleigh Bridge* in the Parish of *Chudleigh* to a Place called *New Cross*, in the Parish of *Kingsteignton*; from the Borough of *Bridgetown Pomeroy* to the Village of *Berry Pomeroy*, and from the said Borough of *Bridgetown Pomeroy* to a Place called *Batterways Bridge*, in the Parish of *Paington*; from the said Borough of *Bridgetown Pomeroy* to a Place called *Wrinkle Horn*, in the said Parish of *Berry Pomeroy*; from the Village of *Collaton* in the Parish of *Paington* to the Turnpike Road leading from *Brixham Quay* to *Exeter*, and from the Town and Borough of *Totnes* to a Place about Four hundred and seventy Yards South of a Farm House called *Farmstone*, in the Parish of *Halwell*, all in the said County of *Devon*; and also the said Bridge called *Totnes Bridge*: And whereas in consequence of the new Roads made by virtue of the said recited Act a certain Part of the old Road comprised in the said Act, that is to say, the Road leading from the Hollow Way, on the West Side of Lord *Clifford*'s Park Gate in the Parish of *Ideford*, to or near the Entrance of a certain Lane called *Strap Lane*, in the Parish of *Kingsteignton*, may be discontinued as Part of the Roads to be repaired by virtue of this Act, and the said Trustees discharged from the Repairs thereof, without Inconvenience to the Public: And whereas it would be a great Accommodation to the Inhabitants of the Towns of *Chudleigh*, *Newton Bushell*, *Newton Abbot*, *Bridgetown Pomeroy*, and *Totnes*, and their Vicinity, and would otherwise be of public Utility, if Provision was made for the making, improving, and keeping in repair the several other Roads hereinafter described, (that is to say,) a Road from the Termination of a new Line of Road now making by the Trustees of the *Exeter* Turnpike Road at or near a Place called *Strap Lane*, in the said Parish of *Kingsteignton*, to the Village of *Kingsteignton*, and from the said Village of *Kingsteignton* in, over, and through certain Lands and Grounds in the several Parishes or Townships of *Kingsteignton*, *Teingrace*, *Highwick*, and *Wolborough*, to the Townships of *Newton Bushell* and *Newton Abbot*, or one of them, in the several Parishes of *Highwick* and *Wolborough* in the said County; a Road from the said Village of *Kingsteignton* to a Place called *New Cross*, in the said Parish of *Kingsteignton*; a Road from the said Village of *Kingsteignton* to a certain Bridge called *Teign Bridge*, in the Parishes of *Kingsteignton* and *Teingrace*; a Road from a Bridge called *Gatcombe Bridge*, in the Parish of *Littlehempston*, to a certain other Bridge called *Littlehempston Bridge*, in or near the Village of *Littlehempston* in the said County; a Road from the Village of *True Street* in the Parish of *Berry Pomeroy* in the said County to a certain Road leading from the Village of *Weston* to *Weston House* in the said Parish of *Berry Pomeroy*; and also a Road from or near a certain Place called *Venn Cross*, in the Parish of *Ugborough* in the said County, to communicate with the present Turnpike Road leading from *Ashburton* to *Plymouth* at or near a certain Place called *Higher Cross*, leading to the Village of *Wrangaton*, in the said Parish of *Ugborough* in the said County: And whereas, from and after the making the new Roads lastly herein-before described, a certain other Part of the Roads comprised in the said recited Act, (that is to say,) the Road from at or near a Place called *Venn Cross*, in the Parish of *Ugborough*, to a Place called *Biddaford Bridge*, in the said Parish of *Ugborough*, all in the said County of *Devon*, may be discontinued, and the said Trustees be discharged

discharged from the Repairs thereof, without Inconvenience to the Public: And whereas some Part of the Roads comprised in this Act are very narrow and inconvenient for Passengers, Cattle, and Carriages, and for the Purpose of effectually widening and improving the same it will be necessary to purchase, take, and use (amongst others) the several Messuages, Buildings, Lands, Tenements, and Hereditaments particularly specified in the Schedule to this Act: And whereas the said Trustees by virtue of the said recited Act have at a great Expence rebuilt the Bridge over the River *Dart*, called *Totnes Bridge*; And whereas it will be expedient for the said Trustees, in making and completing the proposed new Roads, to erect and build Bridges over the *Stover* Canal, the Rivers *Teign* and *Lemon*, and the *Mill Leat*, in the several Parishes of *Kingsteignton*, *Teingrace*, *Highwick*, and *Wolborough* in the said County: And whereas it would be more convenient if the said recited Act was repealed, and further Tolls and better and more effectual Powers and Provisions granted 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 Fourth *Thursday* next after the passing of this Act the said recited Act of the Fifth Year of the Reign of His late Majesty King *George* the Fourth shall be and the same is hereby repealed.

Recited Act repealed.

II. And be it further enacted, That from and immediately after the Commencement of this Act the Road from the Hollow Way on the West Side of *Lord Clifford*'s Park Gate in the Parish of *Ideford* in the said County to or near the Entrance of a Lane called *Strap Lane*, in the Parish of *Kingsteignton* in the said County, shall cease to be repaired by virtue of this Act, and the said Trustees shall from thenceforth be absolutely discharged from the Repairs thereof.

Trustees discharged from Repairs of Road from West Side of Lord Clifford's Park Gate to Strap Lane.

III. And be it further enacted, That this Act shall commence and take effect and be put in execution, for and during the Term hereinafter mentioned, for the Purpose of more effectually amending, widening, altering, and from Time to Time repairing and otherwise improving, the several Roads following; (that is to say,) the Road from the East End of *Chudleigh Bridge* in the Parish of *Chudleigh* to *New Cross* in the Parish of *Kingsteignton*; from the Borough of *Bridgetown Pomeroy* to the Village of *Berry Pomeroy*; and from the said Borough of *Bridgetown Pomeroy* to a Place called *Batterways Bridge*, in the Parish of *Paington*; from the said Borough of *Bridgetown Pomeroy* to *Wrinkle Horn* in the said Parish of *Berry Pomeroy*; from the Village of *Collaton* in the Parish of *Paington* to the Turnpike Road leading from *Brixham Quay* to *Exeter*; and from the Town and Borough of *Totnes* to a Place about Four hundred and seventy Yards South of a Farm House called *Farmestone*, in the Parish of *Halwell*, all in the said County of *Devon*; and for maintaining and keeping in repair the said Bridge called *Totnes Bridge*; and also for making, amending, widening, altering, repairing, and improving the said several new Roads herein-before described, and next herein-after mentioned, (that is to say,) the Road from the Termination of the new Line of Road now making by the Trustees of the *Exeter* Turnpike Roads at or near a Place

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

a Place called *Strap Lane*, in the Parish of *Kingsteignton*, to the Village of *Kingsteignton*, and from thence to the Townships of *Newton Bushell* and *Newton Abbot*, or one of them, in the several Parishes of *Highwick* and *Wolborough*; the Road from the said Village of *Kingsteignton* to *New Cross* in the said Parish of *Kingsteignton*; the Road from the said Village of *Kingsteignton* to *Teign Bridge* in the Parishes of *Kingsteignton* and *Teingrace*, or one of them; the Road from the Bridge called *Gatcombe Bridge*, in the Parish of *Littlehempston*, to the Bridge called *Littlehempston Bridge*, in or near the Village of *Littlehempston*; the Road from the Village of *True Street* in the Parish of *Berry Pomeroy* to a certain Road leading from the Village of *Weston* to *Weston House* in the said Parish; and also the Road from *Venn Cross* in the Parish of *Ugborough* to communicate with the present Turnpike Road leading from *Ashburton* to *Plymouth* at or near a Place called *Higher Cross*, leading to the Village of *Wrangaton*, in the said Parish, all in the said County of *Devon*; and also for erecting and maintaining the several Bridges over the *Stover* Canal, the Rivers *Teign* and *Lemon*, and the *Mill Leat*, herein-before described or mentioned, and for carrying the other Powers and Purposes of this Act into execution.

Erection of Bridges not to injure the Navigation.

IV. Provided always, and be it enacted, That in making and erecting the several Bridges over the *Stover* Canal and the River *Teign*, or either of them, nothing shall be done to injure or prejudice the Navigation of the said Canal or River, and that the Soffit of the Arch of any Bridge which shall be so erected shall be Ten Feet at least above the Level of the High Water of Spring Tides at such Canal and River.

Certain Parts of the new Roads not to be made until after Notice to the Teignmouth and Dawlish Trustees. 1&2W.4.c.28.

V. And whereas certain Portions of the said Roads are intended to be made and formed out of and through certain Highways leading from the Village of *Kingsteignton* to a Place called *New Cross*, in the said Parish of *Kingsteignton*, and from the said Village of *Kingsteignton* to a certain Bridge called *Teign Bridge*, in the Parishes of *Kingsteignton* and *Teingrace*, which said Highways were by an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to amend an Act of His late Majesty King* George *the Fourth, for more effectually maintaining the Road from* Teignmouth *to* Dawlish, *and for making 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, *and to make and maintain other Roads communicating with the said Roads*, authorized to be taken by the Trustees of the *Teignmouth* and *Dawlish* Trust for the Purpose of making the same Turnpike Roads as therein mentioned: And whereas the said Highways have not as yet been taken possession of by the said Trustees of the *Teignmouth* and *Dawlish* Trust under and by virtue of the Powers vested in them by the said Act, but the said *Teignmouth* and *Dawlish* Trustees have made great Progress in the Formation of other Parts of the said Roads; and in order that the making of the said Highways Turnpike Roads by the said *Teignmouth* and *Dawlish* Trustees may not be interrupted or interfered with by the Formation of the said Roads authorized to be made and formed by virtue of this Act, be it enacted, That it shall not be lawful for the said Trustees acting under and by virtue of this Act to enter upon or make the aforesaid Highways in the said Parish of *Kingsteignton* as Turnpike Roads until

until the Expiration of Six Calendar Months after Notice in Writing of such their Intention, signed by their Clerk, shall have been given by the said Trustees acting under and by virtue of this Act to the said Trustees of the *Teignmouth* and *Dawlish* Roads, or their Clerk, unless the Consent in Writing of the said *Teignmouth* and *Dawlish* Trustees, signed by their Clerk, shall for that Purpose have been first had and obtained; and in case the said Trustees of the *Teignmouth* and *Dawlish* Roads shall not within Six Calendar Months next after the Expiration of the said Notice, or any future Notice for that Purpose to be given, take possession of the said Highways, and repair and put the same into good Repair as Turnpike Roads, it shall be lawful for the said Trustees acting under and by virtue of this Act to enter upon and take possession of the said Highways, and make the same Turnpike Roads, in the same Manner as they are by this Act authorized to make other Portions of the said Turnpike Roads, and proceed therein according to the general Powers in this Act contained, and as if no such Notice had been necessary or required.

As soon as new Roads completed Trustees to be discharged from Repairs of old Roads.

VI. And be it further enacted, That when and as soon as the proposed new Roads or Diversions shall be made safe and commodious for the Passage of Carriages, the old Roads in lieu of which such new ones are intended to be made shall cease and be discontinued, and the said Trustees shall be exonerated and discharged from the Repair thereof as fully and effectually as if the said Roads had not been comprised in or directed to be repaired by virtue of this Act.

Appointment of Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Devon*, together with the Right Honourable *Edward Adolphus Seymour* commonly called Lord *Seymour*, the Right Honourable *Henry Vane* commonly called Earl of *Darlington*, the Honourable *Charles Hugh Clifford*, Sir *John Lemon Rogers* Baronet, Sir *John Louis* Baronet, Sir *George Baker* Baronet, Sir *William Elford* Baronet, Sir *George William Millman* Baronet, *William Dacres Adams*, *William Pitt Adams*, *Elias Wright Angell*, *William Blount*, *John Bastard*, *Finney Belfield* Clerk, *Finney Belfield* the younger, Clerk, *Thomas Daniel Belfield*, *John Finney Belfield*, *John Buller*, *Edward Buller*, *John Bent*, *William Searle Bentall*, *William Bentall*, *Nicholas Baker*, *William Baker*, *John Rowe Bennett*, *William Bowdon* of *Gerston*, *Richard Browne*, *John Crocker Bulteel*, *Charles Barter* Clerk, *Edward Browne* Clerk, *William Bradford*, *John Bradford* Clerk, *William John Wakeham Bastard*, *William Bowdon* of *North Huish*, *Henry Langford Browne*, *John Browne* of *Harberton*, *John Browne* of *Dartington*, *William John Whiteway Bastard*, *Christopher Bidlake*, *Thomas Butland*, *Charles Bowden*, *Richard Beard*, *James Cornish*, *William Floyer Cornish* Clerk, *James*, *Cornish* the younger, *John Cole*, *George Stanley Cary*, *John Comyns* Clerk, *John Comyns* the younger, *John Clarke*, *Richard Cornish*, *George Henry Cutler*, *Henry Champernowne*, *George May Colderidge* Clerk, *Thomas Carew*, *Charles Collins* Doctor in Divinity, Colonel *Carlion*, *William Creed*, *William Calley*, *Joseph Coombe*, *Walter Preston Charter*, *John Chuchward*, *George Drake* junior, *Joseph Domett* Clerk, *Charles Edwards*, *Thomas Edmonds*, *Charles Edwards* the younger, *John Netherton Edwards* Clerk, *Stephen Endicott*, *Thomas Eales*, *Christopher Farwell*, *William*

Farwell Clerk, *Charles Farwell*, *Arthur Harry Farwell* Clerk, *Arthur Farwell* Clerk, *Robert Farwell*, *Frederick Cooper Farwell*, *Richard Hurrell Froude* Clerk, *Edmund Fortescue*, *William Flamank*, *Thomas Flamank*, *William Foale*, *John Fogwell*, *William Furneaux*, *Robert Wills Gill*, *Joseph Garrow*, *Francis Garratt*, *Nutcombe Gould*, *Robert Gee* Clerk, *William Gore* Clerk, *Henry Hare* Clerk, *William Hole*, *John Huxham*, *John Harris*, *William Huxham*, *Thomas Huxham*, *William Holberton*, *William Jackson* junior, *John Churchward Jackson*, Lord *Henry Kerr* Clerk, *Thomas Kitson* Clerk, *Robert Kitson* Clerk, *James Kitson* Clerk, *Thomas Veale Lane*, *Samuel Lane* Clerk, *Jacob Ley* Clerk, *George Ley*, *Henry Ley* Clerk, *William Ley*, *John Henry Ley* of *Trehill*, *John Ley* junior, *Thomas Louis*, *Jeffery Lang*, *Thomas May Luscombe*, *George Martin* Clerk, *William Martin* Clerk, *Roger Mallock* Clerk, *Charles Mallock*, *Philip Michelmore*, *Thomas Michelmore*, *John Wills Mapowder*, *Charles Michelmore*, *Philip Michelmore* the younger, *John Moysey*, *Nicholas Moysey*, *William Manning*, *Robert Michelmore*, *Robert William Newman*, *Thomas Newman*, *Robert Newman*, *James Charter Neyle*, *Parmenas Pearce*, *Henry Pierrepoint*, *John Parker*, *Thomas Pinsent* of *Pitt*, *Thomas Pinsent* of *Greenhill*, *John Pitman* Clerk, *John Friend Perring Phillips*, *William Rendall*, *John Reeves*, *John Reeves* junior, *John Shepherd*, *Richard Soper*, *Henry Studdy* the younger, *Francis Short* of *Bickham*, *William Skinner* the younger, *William Soper*, *Thomas William Taylor*, *Henry Taylor* Clerk, *Pearce Gilberts Edward Taylor*, *Charles Taylor*, *William Taylor*, *John Templer* Clerk, *John Line Templer*, *John Sunter Templer*, *James Templer* Clerk, *Gilbert Northey Tompson*, *William Doidge Taunton*, *Richard Milford Tozer*, *John Toms*, *Henry Carew Taylor*, *John Thewell*, *Robert Tucker*, *Moses Vicary*, *John Vicary*, *Thomas Whipham* Clerk, *Arthur Whipham*, *Thomas Henry Whipham*, *Ayshford Wise*, *John Ayshford Wise*, *George Furlong Wise*, *Christopher Wolston* Clerk, *Nicholas Watts* Clerk, *Nicholas Watts* junior, *William Watts*, *John Wrey* Clerk, *Jacob William Carey Whitbread*, *Samuel Whiteway*, *William Fabyan Windeatt*, *Thomas Whiteway*, *Richard Watson*, *Henry Weeks*, *John Windeatt*, and *William Wills*, and their Successors, being duly qualified to act as Trustees for repairing Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act and the several Acts in force for regulating Turnpike Roads in *England* into execution.

Power to appoint additional Trustees.

VIII. And be it further enacted, That it shall be lawful for the said Trustees at their First or Second Meeting to be holden in pursuance of this Act to elect, nominate, and appoint any Number of fit and proper Persons (not exceeding Three in the whole), being duly qualified, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby expressly named and appointed

Meetings of Trustees to be held alternately at Totnes and Newton Abbot.

IX. And be it further enacted, That the said Trustees shall hold their First Meeting at the *Commercial Inn* in *Totnes* in the said County of *Devon*, or at some other convenient Place in the Town of *Totnes*, on the Fourth *Friday* next after the passing of this Act, or as soon after as conveniently may be; and the said Trustees shall hold their Second Meeting at the *Globe* Inn in *Newton Abbot*, or at some other convenient Place

Place in the Town of *Newton Abbot* or the Town of *Newton Bushell*, for the Purpose of carrying this Act into execution; and that the subsequent Meetings of the said Trustees for the Purposes of this Act shall be alternately held in the Towns of *Totnes* and *Newton Abbot*; provided always, that the General Annual Meeting shall be held at *Totnes*.

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

X. And whereas a Map or Plan describing the Lines of the several new Roads intended to be made, diverted, and improved by virtue of this Act, and herein-before described, and the Lands and Hereditaments through which the same are intended to be made or carried, together with a Book of Reference containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands and Hereditaments respectively, hath been deposited at the Office of the Clerk of the Peace for the said County of *Devon*; be it therefore enacted, That the said Map or Plan 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 seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will or Pleasure, paying to the Clerk of the Peace for the said County for the Time being the Sum of One Shilling for every Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts of such Map or Plan or Book of Reference: Provided always, that the said Trustees, in making the said Roads, Diversions, Alterations, and Improvements, or any of them, shall not deviate more than One hundred Yards from the Lines described on such Map or Plan, without the Consent in Writing of the Person or Persons, Bodies Politic or Corporate or Collegiate, through whose Lands or Premises such Deviation shall be made.

Lands, &c. marked on the Plan may be used notwithstanding Errors in Description.

XI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the several Diversions, Alterations, and Improvements aforesaid through and over the Lands and Grounds, and to take the several Messuages, Houses, Shops, Buildings, and other Hereditaments and Premises described in the said Map or Plan or Book of Reference, or the Schedule hereunto annexed, although the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, may happen to be omitted or mis-stated, or the said Messuages, Houses, Shops, Buildings, and other Hereditaments and Premises, or any Part or Parts thereof, may happen to be inaccurately described in the said Map or Plan or Book of Reference, or in the Schedule to this Act annexed, in case it shall appear to any Two Justices of the Peace for the said County of *Devon* or the Borough and Parish of *Totnes*, in whose respective Jurisdictions the same may respectively be, (as the Case may be,) and be certified by Writing under their Hands, that such Omission or Error proceeded from Mistake only, or that the real Owners or Occupiers of such Messuages, Houses, Shops, Buildings, and other Hereditaments and Premises had Notice that the same would be required for the Purposes of this Act.

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

XII. Provided also, and be it further enacted, That the Powers and Authorities given by this Act for making, widening, diverting, improving, or altering the said Roads shall not extend or be construed to extend to empower or authorize the said Trustees to take down, injure, or damage

damage any Dwelling House or other Buildings, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, 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, (except such as are mentioned in the Schedule to this Act,) without the Consent in Writing of the Owner or Occupier thereof first had and obtained.

Empowering the Trustees to take certain Property for the Improvement of the Road.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to purchase, take down, and remove, or to alter or rebuild, all or any of the Messuages, Houses, Shops, or other Buildings, and to make use of and take into the said Roads the Sites of such Messuages, Houses, Shops, and other Buildings, and the several Gardens, Courts, and Yards belonging thereto, and to make and carry such Parts of the said Roads which they shall cause to be widened, diverted, altered, or improved in, to, through, over, and upon the several Lands and Grounds mentioned and described in the Schedule to this Act annexed, making Satisfaction to the Owners thereof or other Persons interested therein for the same, or for the Damage they may sustain by or in consequence of the Alterations or Improvements by this Act authorized to be made, and without making Compensation for any Commons or Waste Grounds; and for the several Purposes aforesaid it shall be lawful for the said Trustees, their Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time, subject to the Provisions of this Act and of the several Acts for repairing Turnpike Roads in *England*, to enter into and upon the said Messuages, Houses, Shops, and other Buildings, Gardens, Courts, Yards, Lands, Grounds, and Premises whereupon the said Diversion, Alteration, and Improvements are hereby authorized and intended to be made, and also any adjoining Lands or Grounds, and to mark or stake out the Road or Alterations, and to make Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, in such Manner as the said Trustees shall think necessary or proper, making Satisfaction to the Owners and Occupiers of such last-mentioned Lands and Grounds for the Damages that shall be thereby occasioned.

Land, &c. to be purchased in Three Years.

XIV. Provided, and be it further enacted, That if the said Trustees shall not, within the Space of Three Years, (to be computed from the passing of this Act,) agree for and cause to be valued and pay for the Buildings, Grounds, and Hereditaments to be purchased for the Purposes of this Act, it shall not thereafter be lawful for the said Trustees to take or use any such Buildings, Grounds, or Hereditaments, without the Consent in Writing of the Owners thereof first had and obtained.

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

XV. And be it further enacted, That in case any Lands or Hereditaments shall, in pursuance of this Act and of the Acts for regulating the Turnpike Roads in *England*, or any of them, be purchased by the Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands and Hereditaments so purchased shall not (notwithstanding any Provisions in the 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 that the Freehold and Inheritance of

and in the Lands or Hereditaments so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or 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 or upon the Lands and Hereditaments purchased by them in pursuance of this Act and the said Acts, or any of them.

The Right of Way to cease when Lands not wanted.

XVI. Provided always, and be it further enacted, That if at any Time any Land or Hereditaments purchased by the said Trustees for the Purposes of the Roads mentioned in this Act, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in or upon the said Lands and Hereditaments vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Land and Hereditaments 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 Power of cutting the Lands taken by them as if they had purchased the Fee Simple.

XVII. 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 using the Lands and Hereditaments taken by them for the Purposes of this Act, and of erecting Toll Houses and other Buildings 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 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*, any thing herein contained to the contrary in anywise notwithstanding.

Toll Gates may be continued and erected.

XVIII. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to continue all and every or any of the Toll Gates and Toll Houses now standing upon or across the said Roads, or on the Sides thereof, or upon the said Bridge called *Totnes Bridge*, and to erect, set up, or build, or cause to be erected, set up, or built, in, upon, or across the said Roads and Bridge, or any of them, or any Part thereof, or upon or across the several Bridges intended to be erected and built by virtue of this Act, or any of them, such and so many Toll Gates, Turnpikes, Side Bars, and Chains, and Weighing Machines, with Toll Houses, Outbuildings, Lamps, and other Conveniences thereto, and also to take in and inclose on the Sides of the said Roads or any Parts thereof convenient Garden Spots for each or any of the said Toll Houses, (not exceeding One Eighth Part of a Statute Acre to each Toll House, as the said Trustees shall direct or appoint,) and also shall and may from Time to Time remove, alter, or discontinue the same or any of them as they the said Trustees shall think expedient.

Power to take Tolls,

XIX. And be it further enacted, That from and after the Commencement of this Act, it shall be lawful for the said Trustees or any other Person authorized by them for that Purpose, to demand and take, or cause to be demanded and taken, at each and every of the Turnpikes, Toll Gates, and Side Gates to be continued or erected by virtue of this Act upon, across, or by the Sides of the said Roads, and also at or upon the said Bridge called *Totnes Bridge*, and the several other Bridges to

be erected by virtue of this Act, before any Horse, Mule, Ass, Beast, or other Cattle, or any Carriage, shall be permitted to pass through the same, the respective Tolls following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Chaise, Hearse, or other such Carriage with Four Wheels, any Sum not exceeding Nine-pence:

For every Horse or other Beast drawing any Chaise, Chair, Gig, or other such Carriage with Two Wheels, any Sum not exceeding Nine-pence:

For every Horse or other Beast drawing any Waggon, Wain, or other such Carriage with Four Wheels (except Carriages laden with converted or unconverted Timber), any Sum not exceeding Nine-pence:

For every Horse or other Beast drawing any Cart, Dray, or other such Carriage with Two Wheels, any Sum not exceeding Nine-pence:

For every Horse or other Beast drawing any Waggon, Wain, or other such Carriage with Four Wheels, and laden with Timber, any Sum not exceeding One Shilling and Three-pence:

For every Horse or other Beast, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Score of Oxen or Neat Cattle, any Sum not exceeding One Shilling and Eight-pence, and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, or Lambs, any Sum not exceeding Ten-pence, and so in proportion for any greater or less Number:

For every Coach, Waggon, Vehicle, or other Carriage of whatever Description propelled, drawn, or moved by Steam, Gas, or any other Means, any Sum not exceeding Five Shillings:

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

Power to take Toll from Foot Passengers on the Bridges.

XX. And whereas the erecting and maintaining the several Bridges by this Act authorized to be built over the Rivers *Teign* and *Lemon* and the *Mill Leat* will be attended with great Expence, but the said Bridges will be of great Benefit and Convenience to Foot Passengers; be it therefore enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be authorized by them for that Purpose, to demand and take of and from every Foot Passenger who shall cross the said Bridges or either of them the Toll or Sum of One Penny, which said Toll shall be and is hereby vested in the said Trustees, and the same shall be recovered by such Ways and Means, and subject to such Penalties for Evasion, as any other Tolls by this Act granted can or may be recovered, and shall be paid and applied by the said Trustees in such Manner as is by this Act directed concerning any other Tolls by this Act granted or made payable upon the said Roads.

Fractional Part of a Halfpenny in Tolls.

XXI. Provided always, and be it further enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls hereby authorized to be taken the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

XXII. And

Tolls to be paid but once a Day.

XXII. And be it further enacted, That in case the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or other Cattle or Carriage through any one of such Turnpikes, Toll Gates, or Side Gates by the Person or Persons attending the same, such Horse, Beast, or other Cattle or Carriage shall, upon a Ticket denoting the Payment of Toll on that Day being produced, and such Horse, Beast, or other Cattle or Carriage not having been sold or disposed of, and the same Person or Persons attending or having the Care of the same Horse, Beast, or other Cattle or Carriage to whom such Ticket was originally given, such Horse, Beast, or other Cattle or Carriage shall (except as herein-after provided or mentioned) be permitted to pass Toll-free during the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) through the same Turnpike, Toll Gate, or Side Gate, and also through such other Toll Gate, Turnpike, or Side Gate as the Ticket for such Payment shall denote to be free.

Limiting the Number of Tolls to be taken upon all the Roads.

XXIII. And be it further enacted, That no more than Four full Tolls shall be demanded or taken for or in respect of any Horse, Beast, Cattle, or Carriage for passing on the same Day (to be computed as aforesaid) through all the Turnpikes, Toll Gates, or Toll Bars, Side Gates or Chains, to be continued or erected by virtue of this Act upon all the Lines of Roads comprised in this Act, and no more than One full Toll upon the said Bridge called *Totnes Bridge*, except as herein-after provided.

No Toll to be paid for Horses, &c. drawing Lime for Manure.

XXIV. And be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for or in respect of any Horse or other Beast, drawing or not drawing, which shall be used or employed in the Carriage of any Lime used or to be used as a Manure for the Cultivation or Improvement of Land in any of the Parishes through or into which the said Roads, or any of them, shall pass.

Stage Coaches, &c. to be paid for every Time of passing or repassing.

XXV. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of the Horses or other Cattle drawing any Stage Coach or Caravan, or any Coach, Waggon, Vehicle, or other Carriage, and also for and in respect of any Coach, Waggon, Vehicle, or other Carriage propelled, drawn, or moved by Steam, Gas, or any other Means whatsoever, conveying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing through any Toll Gate or Turnpike to be continued or erected by virtue of this Act: Provided always, that no further or additional Toll shall be payable in respect of any Stage Coach or Caravan carrying Passengers for Hire or Reward on account only of the Horses drawing the same having been changed.

Post Chaises on every fresh Hiring.

XXVI. And be it further enacted, That the said Tolls hereby made payable shall be paid for or in respect of all Horses or Cattle let out to Hire, and drawing any Post Chaise or other Carriage, or not drawing, for every Time of passing along the said Roads and Bridges, whenever any new Hiring thereof shall have taken place.

No more Money to be laid out on Branch Roads

XXVII. And be it further enacted, That none of the Tolls authorized to be taken by virtue of this Act, or any of the Money to be borrowed on the Credit thereof, shall be laid out or expended in the making, main-

than is collected thereon.

maintaining, repairing, widening, or improving any of the Roads or new Branches or Lines of Road directed to be made, maintained, repaired, widened, or improved by virtue of this Act, if there shall be no Toll Gate erected thereupon respectively and Tolls taken thereat, nor shall any greater Sum of Money be expended in making, maintaining, repairing, widening, or improving any of the said respective Roads, or new Branches or Lines of Road, than shall be collected at the Turnpikes, Toll Gates, Side Bars, or Chains erected thereupon respectively, or borrowed on the Credit of the Tolls thereof respectively.

Application of Tolls and other Monies.

XXVIII. And be it further enacted, That out of the Monies already received by virtue of the said recited Act hereby repealed, or out of the first Monies which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall, in the first place, and in preference to all other Payments whatsoever, pay and discharge the Costs, Charges, and Expences which have been incurred in or about applying for, preparing, obtaining, and passing this Act; and the Remainder of all such Monies shall, after Payment of the necessary Expences of erecting and repairing Toll Gates, Toll Houses, and other Buildings, Milestones, Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act, be applied, in the next place, in keeping down the Interest of the Principal Monies advanced or borrowed on Mortgage of the Tolls arising on the said Roads by virtue of the said recited Act hereby repealed and this Act, and afterwards in amending, widening, diverting, improving, and repairing the said Roads and Bridges and otherwise in the Execution of this Act, and then in repaying the Principal Monies already borrowed or to be borrowed on the Credit of the Tolls arising on the said Roads and Bridges by virtue of this Act, and to and for no other Use or Purpose whatsoever.

Tolls not to be laid out in repairing Streets.

XXIX. Provided always, and be it further enacted, That none of the Tolls authorized by this Act to be taken upon the said Roads, nor any of the Monies raised by virtue of the said recited Act or to be raised by virtue of this Act, shall be paid, laid out, or expended in the Repair or Improvement of any of the Streets through which the said Roads shall pass, except in defraying the Expence of taking down and removing the several Buildings and Premises, and making the several Alterations and Improvements authorized to be made by virtue of this Act, nor shall any Turnpike or Toll Gate be erected or Tolls taken thereon by virtue of this Act.

Penalty for Nuisances.

XXX. And be it further enacted, That if any Person or Persons shall exercise Three Horses at the same Time upon any Parts of the said Road by riding one of them and leading the others abreast, or if any Person shall hang out any Linen Cloth or other Thing for drying, Sale, or otherwise, within Twenty Feet from the Centre of the said Roads or Bridges, or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Certain old Roads to remain stopped up.

XXXI. And whereas, to prevent the Tolls being evaded, the old Lane or Road which leads from *Totnes* up *Harper's Hill* to the old *Plymouth* Turnpike Road has been stopped up in pursuance of a Power vested in

the Trustees by a former Act, and it is expedient that the same Lane or Road should remain so stopped up; be it therefore enacted, That it shall be lawful for the Trustees of this Act to continue to shut or stop up the said Lane or Road, and that it shall not be lawful for any Person with Horses, Cattle, or Carriages to pass along the said old Lane or Road, any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that the said Lane or Road shall not be stopped up unless the Concurrence and Approbation in Writing of Two of His Majesty's Justices of the Peace for the Borough of *Totnes* (within which the said Lane or Road is situated) shall be first had and obtained, and their Determination in the Premises shall be subject to Appeal in the Manner and Form directed and prescribed by an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a Public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.* 55 G.3. c.68.

No Money to be borrowed until after Three Weeks Notice given of Intention so to do.

XXXII. Provided always, and be it further enacted, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted or authorized to be collected upon the said Roads unless Notice of such Intention, specifying the Term or Terms of borrowing such Money, shall have been previously affixed upon all the Turnpike Gates or Toll Houses then erected on the said Roads for Three Weeks, and published Three Times at least in some Newspaper printed and generally circulated in the County of *Devon*.

Old Creditors to have Priority.

XXXIII. Provided, and be it further enacted, That all Mortgages or Assignments of the Tolls which shall have been given or made by the Trustees of the said recited Act hereby repealed shall have Priority over and shall precede all Mortgages or Securities to be made or granted under or by virtue of this Act, any thing in this Act or in any Mortgage or Security which shall hereafter be made or granted to the contrary notwithstanding.

No Priority to be given to Persons advancing Money on Security of the Tolls.

XXXIV. And be it further enacted, That no Preference shall be given to any Person or Persons whomsoever who shall advance or lend any Money on the Credit or Security of the Tolls to be collected on the said Roads by virtue of this Act in respect to the Priority of advancing his, her, or their Part or Parts thereof, but all such Persons shall and they are hereby declared to be Creditors on the said Tolls in equal Degree one with another.

Tolls collected on the Roads not to be applied to the Repair of Totnes Bridge.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees to borrow or raise any Money on the Credit or Security of the Tolls arising or accruing on the said Roads, or any or either of them, for or towards the repairing, widening, or improving the said Bridge called *Totnes Bridge:* Provided also, that it shall not be lawful for the said Trustees to lay out or apply or lend any Part of the Monies to arise or accrue from the Tolls by this Act granted (except the Bridge Tolls) in, for, or towards the repairing or improving the said Bridge.

Application of Totnes Bridge Tolls and Rents.

XXXVI. And be it further enacted, That all the Monies which shall arise and be produced by or from the Tolls granted or made payable upon the said Bridge called *Totnes Bridge*, or which shall from Time to Time be received by the said Trustees by virtue of the Assignment made by the Mayor and Burgesses of the Borough of *Totnes*, by virtue of the said recited Act or this Act, for or towards the Repairs of the said Bridge, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in Payment of the Costs, Charges, and Expences attending the repairing the said Bridge, and the Turnpike and Toll Houses, Gates, and other Buildings upon the said Bridge; in the second place, in paying the Interest accruing upon the several Principal Sums of Money which are due and owing on Security of the Tolls by the said Act authorized to be collected upon the said Bridge; and, in the third place, in reducing, paying off, and discharging such Principal Sums respectively.

No Limekiln to be erected within 40 Feet of any Part of the Roads.

XXXVII. And be it further enacted, That from and after the Commencement of this Act if any Person or Persons shall erect or cause to be erected any Limekiln within Forty Feet from any Part of the Roads comprised in this Act, every Person so offending shall forfeit and pay the Sum of Five Pounds for every Day such Limekiln shall continue: Provided always, that nothing herein contained shall be construed to render legal the Re-erection or Continuance of any Limekiln in any Case where by the Common Law such Limekiln shall be a public or private Nuisance.

Public Act.

XXXVIII. 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 of Act.

XXXIX. And be it further enacted, That this Act shall commence and take effect on the Fourth *Friday* next after the passing thereof, and shall continue and be in force and be executed for and during 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.

No. on Plan.	Names of Owners or reputed Owners.	Occupiers.	Description of Property.
	UGBOROUGH.		
1.	Mr. Mitchell	T. Bradridge	Part of a Close of Arable Land.
2.	Mr. Mitchell	T. Bradridge	Part of a Close of Arable Land.
3.	Lady Carew	Lady Carew	Part of a Plantation.
4.	Feoffees of Brent	Mr. Full	Part of a Close of Arable Land.
5.	Mr. White	Mr. White	Part of a Close of Arable Land.
6.	Mr. White	Mr. White	Part of a Meadow.
7.	Rev. J. Ley	Mr. T. Newman	Part of a Close of Arable Land.
	LITTLEHEMPSTON.		
1.	Earl of Darlington	Mrs. Reap	Part of a Close of Arable Land.
2.	Earl of Darlington	Mr. Edward Browse	Part of a Close of Arable Land.
3.	Earl of Darlington	Mr. Edward Browse	Part of a Meadow.
	TOTNES.		
1.	Robert Wills Gill	John Browne Paige	A Dwelling House.
2.	Samuel Mudge	Samuel Mudge	Dwelling House and Garden.
3.	Samuel Mudge	Ann Skinner	Dwelling House.
4.	Mayor and Burgesses of Totnes	- - - - -	Waste Land.
5.	Mr. John Cole	Sarah Cole	Garden.
6.	Mr. Charles Taylor	Mr. Charles Taylor	Dwelling House Archway.
7.	Letitia Cuming	Letitia Cuming	Dwelling House.
8.	Letitia Cuming	John Oldrieve	Dwelling House.
9.	Nicholas Holberton	Richard Angel	Dwelling House.
	WOLBOROUGH.		
	Feoffees of the Chapel of St. Leonard.	Rev. John Bradford, Curate.	Chapel, Tower, and Fire Engine House.
1.	William Doke	Elizabeth Stidston	Houses and Garden.
2.	Andrew Bearne	Andrew Bearne	Timber Yard.
3.	G. Templer, Esquire	Parish of Wolborough	Parish Reservoir.
4.	Richard Hopkins	Henry Jacobs	Meadow and Linhay.
5.	Rev. R. Lane	S. Cull and others	Garden.
	HIGHWEEK.		
6.	Rev. R. Lane	S. Cull	Orchard.
7.	Nicholas Baker, Esq.	Rev. J. Templer	Meadow.
8.	Duke of Somerset	John Buckland	Part of a Pasture Close.
9.	Duke of Somerset	John Buckland	Part of a Pasture Close.
10.	Earl of Devon	J. Edwards	Part of a Pasture Close.
11.	Earl of Devon	J. Edwards	Part of a Pasture Close.
12.	Earl of Devon	J. Edwards	Part of a Pasture Close.

No. on Plan.	Names of Owners or reputed Owners,	Occupiers.	Description of Property.
		TEIGNGRACE.	
13.	Duke of Somerset -	Mr. Edwards - -	Part of a Meadow.
14.	Rev. N. Watts - -	J. Cornish - -	Part of a Meadow.
		KINGSTEIGNTON.	
15.	Lord Clifford - -	Mr. Adams - -	Part of a Meadow.
16.	Lord Clifford - -	Rev. N. Watts -	Part of Meadow.
17.	Lord Clifford - -	Mr. Edwards - -	Part of Meadow.
18.	Mr. Kenrick - -	Mr. Edwards - -	Part of Meadow.
19.	Rev. T. Whipham -	Mr. Edwards - -	Part of Meadow.
20.	Rev. T. Whipham -	Rev. T. Whipham -	Part of Orchard.
21.	Mr. Smalridge - -	Mr. Spry - - -	Inn Yard.
22.	Lord Clifford - -	Mr. Edwards - -	Part of a Garden.
23.	Lord Clifford - -	Mr. Kemp - -	Part of Pasture Close.
24.	Lord Clifford - -	Mrs. Tucker - -	Part of Pasture Close.
25.	Lord Clifford - -	Mrs. Kemp - -	Part of Pasture Close.
26.	Lord Clifford - -	Mrs. Kemp - -	Part of Pasture Close.
27.	Lord Clifford - -	Mrs. Sanders - -	Part of Pasture Close.
28.	Lord Clifford - -	Mr. W. Whiteway -	Part of Pasture Close.
29.	Lord Clifford - -	Mr. Bambury - -	Part of Pasture Close.
30.	Lord Clifford - -	Mr. Dicker - -	Part of Pasture Close.
31.	Lord Clifford - -	Mrs. Joseph Jewell -	Part of Pasture Close.
32.	Lord Clifford - -	Mr. Bambury - -	Part of Pasture Close.
33.	Mr. Vinsent - -	Mr. Beater - -	Tillage.
34.	Lord Clifford - -	Joseph Jewell - -	Tillage.

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