



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ

Cap. cii.

An Act for repairing the Turnpike Road from *Barnstaple* to *Braunton* in the County of *Devon*, and for making certain new Lines of Road to communicate with the same. [21st *June* 1841.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from Barnstaple to the Town or Village of Braunton in the County of Devon*: And whereas in pursuance of the said Act the Trustees acting by virtue thereof have made and completed the Road thereby authorized to be made from *Barnstaple* aforesaid to the Town or Village of *Braunton*: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, together with an Arrear of Interest thereon; and such Money cannot be paid off, or the Interest thereof discharged, nor can the said Road be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act further continued: And whereas it would be of public Utility if the Trustees for executing this Act were empowered to make and maintain the several new Lines or Branches of Road herein-after mentioned: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted, as well for repairing

10 G. 4. c. 17.

[*Local.*]

25 Q

and

Recited Act repealed, and this Act to be put in force.

and improving the said present Road, as also for making and maintaining the said several new Lines or Branches of Road; but the Purposes aforesaid cannot be effected without the 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 upon the Third *Friday* next after the passing of this Act the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

All Arrears of Tolls and Monies due under recited Act vested in the Trustees under this Act.

II. And be it enacted, That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Act hereby repealed shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof.

Rights of Mortgagees not to be prejudiced.

III. And be it enacted, That the Rights of any Mortgagees or Assignees, or Persons holding any Mortgages or Assignments made or granted before the passing of this Act of the Tolls arising on the Road by the said recited Act authorized to be amended and kept in repair, shall not be prejudiced or affected by the Repeal of the said recited Act, or by any thing in this Act contained.

Appointment of Trustees.

IV. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Devon*, together with *George Avery, William Avery, George Avery junior, William Avery, William Bale, Hugh Ballment, William Balsdon, John Banfield, Arthur Davie Bassett, Francis Davie Bassett Clerk, John Davie Bassett, Stephen Bencraft, John Bower, Richard Bremridge, Richard Bryan Clerk, Arthur Chichester, Charles Carter, John Mill Chanter Clerk, George Chugg, John Chugg, Thomas Chugg, John Knill Cotton, Gilbert Knill Cotton, Charles Cutcliffe, Charles Newell Cutcliffe, Zachary Hammett Drake junior, Henry Drake, Charles Cutcliffe Drake, Charles Drake, Charles Davie, Charles Dennis, Robert Dyer, William Dyer, Richard Dyer junior, Robert Dyer, William Fosse, John Gribble, William Gribble, William Hole, Francis Hole Clerk, Robert Hole Clerk, John Horden, Simon Hodge, Robert Heddon, William Hammond, Edward Harris, William Harris, William Howe, John Jones, William Law, John Whittington Ready Landon Clerk, George Ley, Anthony Loveband, William Langdon, George Langdon, William Langdon junior, William Langdon, John Langdon senior, Samuel Linnington, James Marsh, Edward Mock, Cadwallader Edwards Palmer, John Pyke, John Peard, George Peard, William Perryman, Thomas Parminter, John Parminter, John Parry, Robert Andrew Riddell, Robert Riddell, John R. Riddell, William Riddell, Edward Richards Roberts, Charles Roberts, William Vellacott Richards, John Rook, John Snow, Charles Snow, Zechariah*

Zechariah Carlton Stiff, George Symonds, Peter Tamlyn, Richard Thorne, Charles Trelawney, Thomas Tordiffe, William Blackmore Vye, William Vellacott, John Vellacott, Charles Webber, Henry Woolcombe, said *William Arundel Yeo*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

V. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Power to appoint additional Trustees.

VI. And be it enacted, That the said Trustees shall hold their First Meeting at the Town Hall in the Town of *Barnstaple*, or at some other convenient Place in the Neighbourhood of the said Road, upon the said Third *Friday* next after the passing of this Act, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Road as they shall think proper.

First Meeting of Trustees.

VII. And be it enacted, That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the Roads, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Power to appoint Committees.

VIII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Road from near the North End of *High Street* of the Town of *Barnstaple*, over and through the several Parishes of *Pilton, Ashford, Heanton Punchardon*, unto the Town or Village of *Braunton*, and for making and maintaining the new Lines or Branches of Road herein-after mentioned; (that is to say,) a new Line of Road to commence at or near the *Abbott's Inn* in the Parish of *Braunton*, and there to unite with the present Turnpike Road, and to terminate at the East End of the Bridge near *Parsonage Lane* in the Parish of *Ilfracombe*; and also a new Line of Road or Diversion from the said first-mentioned new Line of Road, to commence at or near *Stang Lane* in the Parish of *West Down*, and to terminate at *Cheglinch Lane End* in the Parish of *West Down*; and also another new Line of Road or Diversion from the said first-mentioned new Line of Road, to commence at or near *Mullacott Lane* in the Parish of *Ilfracombe*, and to terminate at the Blacksmith's Shop near *Woolingcott Cross* in the Parish of *West Down*.

Roads to which this Act is applicable.

IX. And whereas a Map or Plan describing the Line of the said new Lines or Branches of Road, and the Lands through which the

Map or Plan deposited at the Office of the Clerk of same

the Peace, to remain there, and be open to Inspection.

same are intended to be made, together with a Book of Reference thereto, containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the County of *Devon*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times inspect and peruse the same, and have Copies thereof or Extracts therefrom, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace or his Deputy for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

Power to make Deviations in Line of Road according to Plan.

X. And be it enacted, That it shall be lawful for the said Trustees to set out, make, and complete the several Deviations in the Line of the said Roads herein-before described, in the Line and through the Lands delineated in the Map or Plan, and described in the Book of Reference herein-before mentioned, of such Width as they may think proper, not exceeding Sixty Feet, together with such Foot-paths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto as they may think requisite, and for the Purposes aforesaid to take possession of the Lands and Premises described in the said Map or Plan and Book of Reference, making satisfaction for the same to the Owners thereof and other Persons interested therein for the Damage which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said several Lands, and to stake out the same for the Purposes of this Act, at such Times and in such Manner as the said Trustees or Surveyors shall think necessary or expedient.

Trustees empowered to deviate from Plan to an Extent not exceeding One hundred Yards.

XI. And be it enacted, That it shall be lawful for the said Trustees in making the said Deviations to deviate from the Line delineated upon the said Map or Plan: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the said Line, or into the Lands of any Person not described in the said Map or Plan or in the said Book of Reference, without the Consent in Writing of the Party in or through whose Lands any such Deviation shall be proposed to be made.

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

XII. And be it enacted, That it shall be lawful for the said Trustees to make the said Deviations in the Line in or through the Lands delineated upon the said Map or Plan, although such Lands, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in this Act or in the Schedule thereto, or in the said Map or Plan, or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Devon* in Petty Sessions assembled, and be certified by Writing under their Hands, that

that such Omission or Mis-statement proceeded from Mistake ; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

XIII. And be it enacted, That in case any Lands shall be here-
after purchased by the said Trustees for the Purpose of making or
improving any Road mentioned in this Act, the Freehold and In-
heritance in the Lands so purchased, in case the same shall be of
Freehold Tenure, and in case the same shall be of any other Tenure,
the Estate and Interest therein, shall not, (notwithstanding any Pro-
visions in any of the Acts in force for regulating Turnpike Roads
in *England*;) by means of any such Purchase, or any Conveyance or
Assurance made in pursuance thereof, be vested in the said Trustees,
but such Freehold and Inheritance, or the Estate and Interest in
such Lands, shall, notwithstanding such Purchase and Conveyance
or Assurance, 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 Assurance, be entitled to a perpetual Right of
Way in, over, or upon the Lands so purchased by them.

The Freehold
and Inheri-
tance of
Lands to
remain and
be vested in
the Persons
of whom they
are pur-
chased.

XIV. Provided always, and be it enacted, That if at any Time
any Land purchased by the said Trustees under the Authority of
this Act shall not be wanted for the Purposes thereof, and the Road
for which the same was purchased shall cease to be an Highway,
then the Right of Way in or over the said Lands shall cease and be
extinguished, and the Freehold and Inheritance in the said Lands
in case the same shall be of Freehold Tenure, and the Estate and
Interest in such Lands in case the same shall be of any other Tenure,
shall be and remain in the Persons then entitled to the same, freed
and discharged from such Right of Way.

The Right of
Way to cease
when Lands
are not
wanted.

XV. Provided also, and be it enacted, That the said Trustees shall
have the same Power and Authority of cutting, digging, and using
the Lands taken by them for the Purposes of this Act as the said
Trustees would have had in case they had purchased the Fee Simple
or the whole Estate and Interest in the said Lands.

Trustees to
have the
Power of
cutting and
digging.

XVI. Provided always, and be it enacted, That the Powers and
Authorities given by this Act shall not authorize the said Trustees
to take or pull down, or to use or injure, any Dwelling House or
other Building, or to take, use, or injure 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 annexed,) without
the previous Consent in Writing of the Owner or Proprietor thereof,
and all other Persons interested therein.

Trustees
restrained
from pulling
down Houses
not in Sche-
dule.

XVII. Provided also, and be it enacted, That in case the said
Trustees shall not, within the Space of Three Years from the Com-
mencement

Limiting the
Time for
purchasing
Property.

[*Local.*]

25 R

mencement of this Act, pay for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads shall, so far as relate to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively.

Power to
get Stone for
Fences.

XVIII. And be it enacted, That it shall be lawful for the said Trustees to dig for and take Stone for the Purpose of erecting the Fences on the Sides of the said Roads, in the same Manner as they are by Law authorized to dig for and take Stone for any other Purpose, and subject to the same Regulations.

Power to
take Tolls.

XIX. And be it enacted, That it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Roads, the following Tolls; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Chariot, Landau, Chaise, Chaise Marine, Car, Calash, Berlin, Barouche, Gig, Chair, Hearse, or other such light Carriage, having any Number of Wheels, and drawn by more than One Horse, Mule, or Beast, a Sum not exceeding Seven-pence Halfpenny :

If having more than Two Wheels, and drawn by One Horse, Mule, or Beast only, a Sum not exceeding Eight-pence :

If having only Two Wheels, and drawn by One Horse, Mule, or Beast only, a Sum not exceeding Sixpence :

For every Horse, Mule, or Beast drawing any Stage Coach, Stage Waggon, Stage Cart, Caravan, Van, Omnibus, or other such Carriage, having any Number of Wheels, and drawn by more than One Horse, Mule, or Beast, a Sum not exceeding Sixpence :

If having more than Two Wheels, and drawn by One Horse, Mule, or Beast only, a Sum not exceeding Eight-pence :

For every such Carriage as aforesaid, and every Waggon, Wain, Cart, or Carriage whatsoever, having more than Two Wheels, and being affixed to any other Carriage, a Sum not exceeding Sixpence :

And not having more than Two Wheels, and being affixed to any other Carriage, a Sum not exceeding Three-pence :

For every Ass or Dog drawing any Sort of Carriage, Cart, or Vehicle, a Sum not exceeding Four-pence :

For every Horse, Mule, or other Beast (except an Ass or a Dog) drawing any Waggon, Wain, Dray, Cart, Tumbrel, Drag, Sledge, or other such Carriage, having the Fellies of the Wheels of less Breadth than Four and a Half Inches, a Sum not exceeding Sixpence :

Or if of the Breadth of Four and a Half Inches and less than Six Inches, a Sum not exceeding Five-pence :

Or if of the Breadth of Six Inches or upwards, a Sum not exceeding Four-pence :

For every Carriage propelled or drawn by Steam, or other Power than Animal Power, the Sum of Two Shillings and Sixpence :

For every Horse or other Beast or Animal drawing any Waggon, Timber Tolls.

Wain, Cart, or other Carriage laden with Timber, when drawn by not more than One Horse, Beast, or Animal, if the Fellies of the Wheels are of less Breadth than Six Inches, the Sum of Sixpence :

And if of the Breadth of Six Inches or upwards, the Sum of Four-pence :

And when drawn by Two Horses, Beasts, or Animals, if the Fellies of the Wheels are of less Breadth than Six Inches, a Sum not exceeding One Shilling :

And if of the Breadth of Six Inches or upwards, a Sum not exceeding Sixpence :

And when drawn by Three Horses, Beasts, or Animals, and having Four Wheels, if the Fellies of the Wheels are of less Breadth than Six Inches, a Sum not exceeding One Shilling :

And if of the Breadth of Six Inches or upwards, a Sum not exceeding Sixpence :

And having but Two Wheels, if the Fellies of the Wheels are of a less Breadth than Six Inches, a Sum not exceeding Two Shillings :

And if of the Breadth of Six Inches or upwards, a Sum not exceeding One Shilling :

And when drawn by Four Horses, Beasts, or Animals, and having Four Wheels, if the Fellies of the Wheels are of less Breadth than Six Inches, a Sum not exceeding One Shilling :

And if of the Breadth of Six Inches or upwards, a Sum not exceeding Sixpence :

And having but Two Wheels, if the Fellies of the Wheels are of a less Breadth than Six Inches, a Sum not exceeding Two Shillings and Sixpence :

And if of the Breadth of Six Inches or upwards, a Sum not exceeding One Shilling and Three-pence :

And when drawn by Five Horses, Beasts, or Animals, if the Fellies of the Wheels are of a less Breadth than Six Inches, a Sum not exceeding One Shilling :

And if of the Breadth of Six Inches or upwards, a Sum not exceeding Sixpence :

And when drawn by more than Five Horses, Beasts, or Animals, if the Fellies of the Wheels are of a less Breadth than Six Inches, a Sum not exceeding One Shilling and Three-pence :

And if of the Breadth of Six Inches or upwards, a Sum not exceeding Sixpence :

For every Horse, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, a Sum not exceeding Two-pence :

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

For every Drove of Calves, Hogs, Swine, Goats, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in proportion for a less Number than a Score :

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle, or Carriage whatsoever, (except as aforesaid,) shall be permitted

permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof.

Fraction of a
Halfpenny in
Tolls.

XX. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Limitation
of Tolls.

XXI. Provided always, and be it enacted, That it shall not be lawful for the said Trustees or their Collector to demand or take more than the respective Number of Tolls herein-after mentioned for or in respect of the same Horses, Cattle, or Carriages (except as herein-after otherwise provided), for passing in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) over the whole Line or Lines of the said several Roads as after mentioned; (that is to say,)

On the Road from *Barnstaple* to *Braunton* not more than One full Toll :

On the Road from *Braunton* to *Ilfracombe* not more than One full Toll :

On the Road from *Stang Lane* to *Cheglinch Lane End* not more than One full Toll :

On the Road from *Mullacott Lane* to the Blacksmith's Shop near *Woolingcott Cross* not more than One full Toll :

On the Road from the Blacksmith's Shop near *Woolingcott Cross* to the Town of *Ilfracombe* not more than One full Toll :

Persons
having paid
Toll to return
Toll-free.

XXII. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned, and Dogs,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on any of the said Roads, or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Post Chaises
to pay every
Time of
passing with
fresh Hiring.

XXIII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire, as often as new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Regulations
as to Stage
Coaches, &c.

XXIV. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam, or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such

such Payment being produced, be permitted to pass Once Toll-free on the same Day through any other Gate or Bar which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate or Bar, the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

XXV. And be it enacted, That the Tolls hereby made payable in respect of Dogs drawing any Cart, Carriage, or other Vehicle shall be payable at every Toll Gate or Bar upon or on the Side of the said Roads, and every Time of passing.

Tolls on
Dogs draw-
ing payable
always.

XXVI. Provided also, and be it enacted, That the Tolls payable for Horses or other Beasts or Animals drawing Carriages laden with Timber shall be payable and paid for and in respect of such Horses or other Beasts or Animals every Time they shall be employed in drawing a fresh Load of Timber along the said Roads, or any of them, and that unconverted Plank, Beams, Joists, Rafters, and Spars shall be deemed and considered as Timber for the Purposes of this Act.

Each Load
of Timber to
pay.

XXVII. Provided also, and be it enacted, That the like Tolls shall be paid for and in respect of Horses or other Beasts or Animals drawing any Waggon, Wain, Cart, or Carriage usually employed or used for the Purpose of conveying Timber, when passing or repassing along the said Roads empty, or laden only with other Materials than Timber, as are payable for Horses or other Beasts or Animals drawing other Waggons, Wains, Carts, or Carriages not laden with Timber; which Tolls, when paid for any Horses or other Beasts or Animals drawing such empty Timber Waggon, Wain, Cart, or Carriage, shall, in case the same Horses or other Beasts or Animals drawing the same Waggon, Wain, Cart, or Carriage shall afterwards pass or repass on the same Day with any Loading of Timber, be deducted and allowed out of the Tolls payable in respect of the same being laden with Timber.

Empty Tim-
ber Carts to
pay only
same Toll
as other
Carriages.

XXVIII. And be it enacted, That One Half Toll, and no more, shall be demanded or taken for any Horses or other Beasts drawing Carts or other Carriages when employed only in carrying or conveying Lime, Salt, or Sea Sand to be used solely for Manure; and no Toll shall be taken for such Horses, Beasts, Carts, or Carriages when going empty to fetch, carry, or convey, nor when returning empty from carrying or conveying, such Lime, Salt, or Sea Sand, whether the same shall go and return the same Day or not; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, any Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds, and the Proof of the Exemption shall lie on the Person claiming the same.

One Half
Toll for Lime
or Salt for
Manure.

[*Local.*]

25 S

XXIX. And

Trustees
may reduce
the Tolls for
Lime or Salt
for Manure.

XXIX. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting to be specially called for the Purpose, to make an Order, from Time to Time, that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with Lime, Salt, or Sea Sand for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the said Trustees shall at any such Meeting agree or determine; and after the making of any such Order such reduced Tolls only shall, in respect of the Matters last mentioned, be payable.

Bridge across
the Yeo.

XXX. And be it enacted, That the Bridge across the River Yeo shall be kept as a Swing Bridge or Draw Bridge.

Trustees to
appoint a
Person to
open the
Bridge.

XXXI. And be it enacted, That the said Trustees shall appoint the Collector of the Tolls, or some other Person, to the opening the said Bridge at all seasonable Times for the Passage of Vessels on the said River Yeo, and for closing the same again immediately on the Passage of every such Vessel.

Penalty on
such Person
for Neglect
of Duty.

XXXII. And be it enacted, That every such Person shall be subject to the same Penalty for any Neglect of Duty, in refusing or neglecting on any reasonable Request to open the said Bridge, or in neglecting to close the same again immediately after the Passage of any Vessel, as any Collector or other Officer of the said Trustees is subject or liable to by Law; and the Collector or Person so appointed shall put up and affix, and keep up and affixed, in public View, a Board, with his Name painted thereon, at the Toll Gate or Toll House, or some other conspicuous Place at or near such Bridge.

Toll Gates.

XXXIII. And be it enacted, That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said present Turnpike Road, or on the Sides thereof, shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up, in or across the said present Turnpike Road, or on the Sides thereof, any Toll Gate or Bar, and to remove the present or any future Toll Gate or Bar, as they shall think proper.

No Second
Toll to be
collected
within Four
Miles.

XXXIV. Provided always, and be it enacted, That nothing herein contained shall extend to empower the said Trustees, or any Collector or Collectors of Tolls employed by them, to levy and collect a Second full Toll, or any Part thereof respectively, on any of the said Roads, within the Distance of Four Miles of any Gate or Bar upon the said Roads at which any Tolls shall have been paid.

Gates may
be put up,
and Tolls
taken when
Roads made
to the Extent
of Four
Miles.

XXXV. And be it enacted, That it shall be lawful for the said Trustees, when and as soon as any Part of the said Roads shall be made and completed fit for travelling with Horses and Carriages to the Extent of Four Miles, to erect and place a Toll Gate thereon, or on the Side thereof; and it shall be lawful for the said Trustees, or

the Collectors of Tolls under this Act, to demand and take One full Toll at any such Gate, notwithstanding the whole Length of any such Road shall not have been made and completed.

XXXVI. And be it enacted, That no more Money shall be expended in the Repairs of any Road comprised in this Act than shall be collected on such Road, or borrowed on the Credit of the Tolls collected thereon.

No more Money to be expended than taken on Road.

XXXVII. And be it enacted, That all Monies which shall be received by the said Trustees, by virtue of this Act, upon the Road included in the said recited Act hereby repealed, shall be applied, in the first place, in maintaining and keeping in repair such Part of the Road as lies in the Parish of *Pilton*; secondly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed; thirdly, in defraying the Expences of improving, maintaining, and keeping in repair such Road, and in putting this Act into execution, with reference thereto; fourthly, in reducing, paying off, and discharging the several Principal Sums which have been borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed.

Application of Tolls arising on the old Road.

XXXVIII. And be it enacted, That all Monies which shall be received by the said Trustees on or in respect of the several new Lines of Road authorized by this Act to be made shall be applied, in the first place, in discharging the Expences of obtaining and passing this Act, or otherwise incident thereto; secondly, in making, improving, maintaining, and keeping in repair the said new Lines of Road, and putting this Act into execution with reference to such new Lines of Road; thirdly, in paying and discharging any Interest which may from Time to Time become due and be owing in respect to any Money which may hereafter be borrowed on the Credit of the Tolls to be collected on the said new Lines of Road; and, lastly, in reducing, paying off, and discharging any Principal Sums of Money which may be due on the Credit of the Tolls to be taken on the said new Lines of Road by this Act authorized to be made.

Application of Tolls arising on new Roads.

XXXIX. And be it enacted, That no Money shall be laid out on any Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, except to the Extent of Forty Yards from the Centre of the River *Yeo* into *Barnstaple*, or shall any Tolls be collected therein, except as aforesaid.

No Tolls to be taken, or Money laid out in Towns.

XL. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason

Trustee or Clerk competent Witnesses in Actions.

reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Power to Trustees to agree with the Trustees of Barnstaple Roads for a Consolidation of the Two Trusts.

XLI. And whereas it would be advantageous to the Public if the Trustees acting in the Execution of this Act were empowered to agree with the Trustees for carrying into execution an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for more effectually improving and keeping in repair the several Roads leading to and from the Town of Barnstaple in the County of Devon, and for making certain new Lines of Road to communicate with the same*, or of any other Act relating to the *Barnstaple* Trust, for the Purpose of placing the Roads included in this Act under the Care and Management of the Trustees of the said *Barnstaple* Trust; be it therefore enacted, That it shall be lawful for the Trustees acting in the Execution of this Act, and they are hereby required, in pursuance of any Resolution of a Meeting to be specially held for the Purpose, to apply to the Trustees of the said *Barnstaple* Turnpike Trust to take under their Care and Management the Roads comprised in this Act, together with the Toll Gates, Toll Houses, and Appurtenances thereto belonging which now are or hereafter shall be upon the said Roads; and that in case the Trustees of the said *Barnstaple* Turnpike Roads shall, at a Meeting to be specially convened by them for the Purpose, agree to accept and take the said Roads under their Care and Management, the same Roads, together with the Toll Gates, Toll Houses, and Appurtenances, shall, from and after a Day to be specified by a Resolution of the said last-mentioned Trustees at such Meeting, become and be vested in the Trustees of the *Barnstaple* Turnpike Roads, and be consolidated with and form Part of the said *Barnstaple* Trust, in as full and ample a Manner to all Intents and Purposes as if the same respectively had originally been a Part of the Turnpike Roads under the Care and Management of the Trustees acting in the Execution of the said recited Act, and had been included therein.

The Roads in this Act not to be exempt from any general Act.

XLII. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this Act 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.

Term of Act.

XLIII. And be it enacted, That this Act shall commence on the Third *Friday* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Construction of certain Terms in this Act.

XLIV. And be it enacted, That in construing this Act Words importing the Singular Number shall be understood to include the Plural Number, and Words importing the Plural Number shall be understood to include the Singular Number; and the Word "Person" shall be understood to include Corporation; and Words importing the Masculine Gender shall be understood to include Females as well as Males;

Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments; unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction.

XLV. And be it enacted, That this Act shall be deemed to be a Public Act. Public Act, and shall be judicially taken notice of as such.

SCHEDULE to which the Act refers.

Numbers on Plan.	Description of Property.	Parish.	Owners.	Leaseholders.	Occupiers.
6	Garden -	Braunton	Joseph Davie Bassett.	William Keiff -	George Dummett.
7	Orchard -	Ditto	Susan Webber	- - -	Richard Heddon.
8	Stable and Yard	Ditto	Earl of Devon	Susan Lock -	Richard Tucker.
9	Abbots Inn -	Ditto	Ditto -	Ditto -	Ditto.
10	Garden -	Ditto	Charles Roberts	George Symons -	George Symons.
11	House, &c. -	Ditto	Edmund Evans	- - -	William Reed and Horwood.
12	Ditto -	Ditto	Robert Jones -	- - -	Robert Jones.
13	House and Garden.	Ditto	Samuel Reed -	- - -	Samuel Reed.
14	House and Court	Ditto	Ditto -	Robert Rice -	Thomas Hartnoll.
15	Houses, &c. -	Ditto	Richard Passmore jun.	- - -	Richard Passmore jun.
16	Ditto -	Ditto	Richard Passmore sen.	- - -	James Waring.
17	Ditto -	Ditto	George Cann -	- - -	George Cann.
18	Ditto -	Ditto	The Dean of Exeter.	Charles Trelawney and Mary Reed.	Mary Read and Richard Manly.
19	Ditto -	Ditto	Ditto -	Charles Trelawney -	Mrs. Bower.
20	Ditto -	Ditto	Ditto -	Charles Trelawney and Robert Gorven.	Robert Gorven.
21	Ditto -	Ditto	Ditto -	Ditto -	M. A. Chichester.
22	Ditto -	Ditto	Ditto -	Ditto -	Charles Labbett and Richard Adams.
23	Ditto -	Ditto	Ditto -	Charles Trelawney and William Reed.	Charles Mock.
24	Ditto -	Ditto	Ditto -	Charles Trelawney -	James Dummett.
25	Ditto -	Ditto	Ditto -	Charles Trelawney and George Carpenter.	Unoccupied.
26	Ditto -	Ditto	Ditto -	Charles Trelawney and Richard Avery.	Anne Mock.
27	Ditto -	Ditto	John Bower -	- - -	John Bower.
28	Ditto -	Ditto	Elizabeth Nickolls.	- - -	Elizabeth Nickolls.
29	Black Horse Inn	Ditto	Thomas Scott	- - -	Thomas Northam.
30	Malthouse -	Ditto	Ditto -	- - -	Thomas Scott.
31	Churchyard -	Ditto	Parish of Braunton.	- - -	Parishioners of Braunton.
32	New Inn -	Ditto	Mary Elliott jun.	- - -	Mary Elliott jun.
32 $\frac{1}{2}$	House -	Ditto	George Lerwill	- - -	George Lerwill.
34	Garden -	Ditto	Rev. J. W. R. Landon, as Vicar.	- - -	Rev. J. W. R. Landon.
35	Vicarage, Houses, &c.	Ditto	Ditto -	- - -	Ditto.
36	Houses, &c. -	Ditto	Mary Harris -	- - -	Peter Mock.
37	Ditto -	Ditto	Richard Passmore sen.	- - -	John Hopkins.

Numbers on Plan.	Description of Property.	Parish.	Owners.	Leaseholders.	Occupiers.
38	Houses, &c. -	Braunton	John Ley -	- - -	John Ley.
39	Orchard -	Ditto	The Dean of Exeter.	Charles Trelawney -	Robert Dyer.
40	Houses, &c. -	Ditto	Ditto -	Ditto - -	Ditto.
41	Orchard -	Ditto	Edward Mock	- - -	Richard Dyer.
42	Ditto -	Ditto	Ditto -	- - -	Ditto.
43	Ditto -	Ditto	John Hammond	- - -	John Hammond.
44	House and Garden.	Ditto	The Dean of Exeter.	Charles Trelawney and William Parkin.	William Parkin.
45	Ditto -	Ditto	Ditto -	Ditto - -	James Mock.
46	Ditto -	Ditto	Mary Langdon	- - -	Mary Langdon.
48	House and Garden.	Ditto	John Snow -	- - -	John Geen.
49	Houses, &c. -	Ditto	John Hammond	- - -	John Hammond.
50	Garden -	Ditto	Richard Peard	- - -	George Manly.
51	Orchard -	Ditto	The Dean of Exeter.	Charles Trelawney and Richard Passmore.	Richard Passmore sen.
53	Pasture and Linhay.	Ditto	Ditto -	Ditto - -	Ditto.
58	Wood - -	Ditto	Ditto -	Charles Trelawney -	Richard Passmore jun.
61	House and Waste	Ditto	Ditto -	Charles Trelawney and Richard Passmore.	William Thomas and Richard Passmore sen.
62	Ditto - -	Ditto	Ditto -	Charles Trelawney and George Davey.	George Davey.
63	House and Garden.	Ditto	Ditto -	Charles Trelawney and Richard Passmore sen.	William Jones and George Harris.
65	Orchard - -	Ditto	Ditto -	Charles Trelawney and George Heddon.	George Heddon sen.
67	Orchard - -	Ditto	Ditto -	Charles Trelawney, Mary Houlford, and Catherine Passmore.	Richard Beer.
68	Ditto - -	Ditto	Ditto -	Ditto - -	Mary Houlford and Catherine Passmore.
69	House and Court	Ditto	Ditto -	Ditto - -	Anne Holmes.
70	Ditto - -	Ditto	Ditto -	Ditto - -	Richard Tapp.
71	Ditto - -	Ditto	Ditto -	Ditto - -	John Dummett.
72	Ditto - -	Ditto	Ditto -	Ditto - -	Unoccupied.
76	Orchard - -	Ditto	Ditto -	Charles Trelawney and George Peard.	Thomas Harding.
77	Garden - -	Ditto	Ditto -	Charles Trelawney and George Davey.	George Davey and William Jones.
78	House and Yard	Ditto	Ditto -	Ditto - -	George Davey.
82	Garden, &c. -	Ditto	Ditto -	Charles Trelawney, Mary Houlford, and Catherine Passmore.	George Carter.
83	Ditto - -	Ditto	Ditto -	Charles Trelawney and George Heddon.	Thomas Hole.
84	House, Yard, &c.	Ditto	Ditto -	Ditto - -	Ditto.
86	Orchard - -	Ditto	Ditto -	Charles Trelawney, Mary Houlford, and Catherine Passmore	George Carter.

Numbers on Plan.	Description of Property.	Parish.	Owners.	Leaseholders.	Occupiers.
87	House, &c. -	Braunton	The Dean of Exeter.	Charles Trelawney, Mary Houlford, and Catherine Passmore.	George Carter.
88	Orchard - -	Ditto	Richard Avery	- - -	Richard Avery.
89	House, &c. -	Ditto	The Dean of Exeter.	Charles Trelawney and George Labbett.	George Labbett.
90	Garden - -	Ditto	Ditto -	Charles Trelawney and Thomas Fairchild.	George Bowen.
91	Houses, &c. -	Ditto	Ditto -	Ditto - -	Ditto.
92	Ditto - -	Ditto	Ditto -	Charles Trelawney and Berry Avery.	Berry Avery.
93	Ditto - -	Ditto	Ditto -	Charles Trelawney and William Challacombe.	William Challacombe.
94	House and Orchard.	Ditto	Berry Avery -	- - -	Berry Avery.
96	Orchard. - -	Ditto	The Dean of Exeter.	Charles Trelawney and James Day.	George Bowen.
98	House, &c. -	Ditto	Ditto -	Charles Trelawney and Thomas Rowe.	Thomas Rowe.
99	Houses, &c. -	Ditto	Ditto -	Charles Trelawney and Richard Matthews.	Robert Hunt.
100	Ditto - -	Ditto	Ditto -	Charles Trelawney and John Passmore.	Elizabeth Passmore.
101	Ditto - -	Ditto	Ditto -	Charles Trelawney -	Thomas Rowe.
104	House, &c. -	Ditto	Ditto -	Charles Trelawney and Berry Avery.	Berry Avery.
107	Garden, &c. -	Ditto	Ditto -	Charles Trelawney and James Rice.	William Edwards.
108	Garden - -	Ditto	Ditto -	Ditto - -	Ditto.
109	House and Garden.	Ditto	Ditto -	Charles Trelawney and William Hill.	William Hill.
111	Garden - -	Ditto	Ditto -	Charles Trelawney and Berry Avery.	Berry Avery.
114	Houses and Waste	Ditto	Ditto -	Charles Trelawney and Mary Cann.	George Keiff.
115	House and Gardens.	Ditto	Ditto -	Ditto - -	Mary Cann.
116	Wood - -	Ditto	Ditto -	Charles Trelawney, and Anne and Rebecca Peard.	James Hill.
152	Ditto - -	WestDown	William Arundell Yeo.	- - -	William Arundell Yeo.
154	Ditto - -	Ditto	Thomas Smith	- - -	Richard Tucker.
158	Orchard - -	Ditto	Ditto -	- - -	Ditto.
159	Houses, &c. -	Ditto	Ditto -	- - -	Ditto.
161	Arable and House	Ditto	Ditto -	- - -	Ditto.
203	Houses, &c. -	Ditto	John Coats -	- - -	John Coats.
211	Orchard - -	Ditto	Ditto -	- - -	Ditto.
239	Gardens and Houses.	Ditto	West Down Poor.	- - -	West Down Poor.
240	Wood - -	Ditto	John Chugg -	- - -	John Chugg.
261	Mowhay - -	Ilfracombe	Rev. John Pomeroy Gilbert.	- - -	Robert Coats.
264	Ditto - -	Ditto	Zachariah Carlton Stiff.	- - -	Robert and William Coats.
271	Orchard - -	Ditto	George Coats -	- - -	John Huxtable.

Numbers on Plan.	Description of Property.	Parish.	Owners.	Leaseholders.	Occupiers.
272	Arable and Cop-pice.	Ilfracombe	George Coats -	- - -	John Huxtable.
286	Arable and House	Ditto	Harriet Cut-cliffe.	- - -	Harriet Cutcliffe.
289	Vicarage Houses and Garden.	Ditto	Rev. John Mill Chanter.	- - -	John Mill Chanter.
291	House and Gar-den.	Ditto	Richard Bow-den.	- - -	John Rude.
293	Pig-stye - -	Ditto	Rev. William Fisher, as Prebend of Ilfracombe.	Thomas Carew -	John Tucker.
294	Houses, &c. -	Ditto	John Tucker -	- - -	John Tucker, John Carr, John Tucker.
296	Arable and Barn	Ditto	Rev. William Fisher, as Prebend of Ilfracombe.	Thomas Carew -	John Dinnacombe.
297	House and Court	Ditto	John Lewis -	- - -	John Lewis, John Griffiths, and William Elliott.
298	House and Gar-dens.	Ditto	Joanna Lewis	- - -	William Moore, Richard Moon, and Joanna Lewis.
299	Houses and Court	Ditto	Thomas Knight	- - -	Jane White.
300	House - -	Ditto	Rev. William Fisher, as Prebend of Ilfracombe.	Thomas Carew -	John Bowen.
301	Stable - -	Ditto	Ditto -	Ditto -	John Dinnacombe.
304	Garden - -	Ditto	Nicholas Fry and Sarah Comer.	- - -	Edward Lovering.
308	Churchyard and Waste.	Ditto	Parish of Ilfracombe.	- - -	Public.
309	Houses, &c. -	Ditto	Nathaniel Vye Lee.	- - -	Henry Marshall, John Richards, and John Parker.
310	Houses and Gar-den.	Ditto	Catherine Hux-table.	- - -	Catherine Huxtable.
311	Garden - -	Ditto	Anna Maria Balmond.	- - -	Anna Maria Balmond.
312	Houses, &c. -	Ditto	Ditto -	- - -	Anna Maria Balmond and William Boyles.
313	Ditto - -	Ditto	Nicholas Fry and Sarah Comer.	- - -	Edward Lovering.
314	House - -	Ditto	Tammy Brim-ley.	- - -	Tammy Brimley.
315	Ditto - -	Ditto	George Challa-combe.	- - -	John Lethaby, George Berry, James Payne, Thomas Whitefield.
316	Timber Yard -	Ditto	Cutcliffe Green-slade.	- - -	William Huxtable.
317	Houses, &c. -	Ditto	Ditto -	- - -	Ditto.

[Local.]

25 U-X

Numbers on Plan.	Description of Property.	Parish.	Owners.	Leaseholders.	Occupiers.
<i>Deviation by Buckland Wood.</i>					
318	Orchard and Pound.	Braunton	Robert Symons	- - -	Robert Symons.
319	Orchard and Houses.	Ditto	The Dean of Exeter.	Charles Trelawney -	Richard Passmore.
320	Orchard - -	Ditto	Anne Baker -	- - -	George Heddon junior.
325	Coppice - -	Ditto	Anne and Penelope Webber.	- - -	Henry Harris.
<i>Branch to West Down.</i>					
346	House - -	WestDown	Thomas Geen	- - -	Thomas Geen.
347	Ditto - -	Ditto	John Geen -	- - -	John Geen.
348	Houses, &c. -	Ditto	Rev. R. Bryan, as Vicar of West Down.	- - -	Rev. R. Bryan
350	Garden - -	Ditto	William Arundel Yeo.	Mrs. Phillips -	Mrs. Phillips.
351	Houses, &c. -	Ditto	Ditto -	Ditto -	Ditto.
379	House and Garden.	Morthoe	Hugh Earl Fortescue.	- - -	John Caull.
383	House and Two Gardens.	WestDown	George Butler	- - -	George Butler.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1841.