ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

Cap. lx.

An Act to continue the *Honiton and Sidmouth* Turnpike Trust, and for other Purposes.

[14th *July* 1856.]

WHEREAS an Act was passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing and improving the Road from the* 56 G. 3.
Lyme *Turnpike Road in the Parish of* Gittisham *to* Sidmouth *in the* c. xxxii.
County of Devon: And whereas the Term granted by the said recited Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-six unless the same be in the meantime further continued by Parliament: And whereas considerable Sums of Money have been advanced on the Credit of the Tolls arising on the said Road, which Sums of Money, with an Arrear of Interest thereon, still remain due and owing, and no Part of such Money can be discharged, nor can the Road by the said Act directed or intended to be amended and repaired be effectually amended and kept in repair, unless the Term and Powers granted by the said Act, and so continued as aforesaid, be

further continued and further Powers be granted: And whereas it is expedient that the said firstly-recited Act be repealed, and that further and more effectual Powers be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May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, as follows; (that is to say,)

Recited Act repealed.

I. Upon the Second *Wednesday* next after the passing of this Act the recited Act of the Fifty-sixth Year of His Majesty King *George* the Third shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Interpretation of Terms.

II. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall include Corporation:

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in execution of this Act:

The Expression "the Road" or "the said Road" shall mean the Road by this Act authorized to be maintained:

The Expression "Toll Gate" or "Toll Gates" shall include any Turnpikes, Bars, Chains, or Side Gates:

The Word "Lands" shall include Messuages, Tenements, and Hereditaments.

Short Title.

III. In citing this Act for any Purpose, it shall be sufficient to use the Expression "The *Honiton and Sidmouth* Turnpike Road Act, 1856."

Monies and Property to vest in Trustees.

IV. All Rents and Arrears of Rents, Monies due to, and all Property, Books, Accounts, Papers, Writings, and other Things, and all Choses in Action and Rights vested in or belonging to the Trustees under the Act hereby repealed, shall, immediately on the Commencement of this Act, be vested in and belong to 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 and belonged to them under the said repealed Act; and they shall be liable to all the Debts and Engagements to which the

the Trustees under the said recited Act may be liable at the Repeal thereof, except in so far as those Debts and Engagements are hereby reduced, varied, or extinguished.

Appointment of new Trustees.

V. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Devon*, together with *Thomas Avery*, *Charles Edward Band* Clerk, *James Basleigh*, *William Hawker Bernard*, *Henry Joseph Carslake*, *Robert Kestle Cornish* Clerk, *William John Coney* Clerk, *John Cutler*, *Samuel Devenish*, Sir *Henry Floyd* Baronet, *Heneage Gibbes* Clerk, *John Guppy*, *William Hewitson*, *Benjamin Terry Hodge*, *Joseph Hooke*, *Charles Anthony Hunt* Clerk, *Robert Houldsworth Carew Hunt*, *Peter Orlando Hutchinson*, *John Churchill Langdon*, *John Baruh Lousada*, *Edward Luke*, *Thomas Lyde*, *John Fielder Mackarness* Clerk, *George Manning*, *Charles Millar*, *Theodore Hans Mogridge*, *John Anderson Morshead*, *George Mortimer*, *Horace Vibart Mules*, *William Kenward Newberry*, *Arthur Pardoe* Clerk, *James Brookes Lee Pike*, *John Skinner*, *Henry Slessor* Clerk, *Charles Webb Smith*, *Frederick Abraham Smith*, *Thomas Sneyd*, *William Till*, *John Benjamin Prince Webber*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for putting this Act into execution.

Power to appoint additional Trustees.

VI. It shall be lawful for the Trustees from Time to Time, at any Meeting under this Act, to elect, nominate, and appoint 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.

Meetings of Trustees.

VII. The Trustees shall hold their First Meeting at the *London* Inn in the Parish of *Sidmouth*, or at some other convenient Place in the Neighbourhood of the said Road, on the Second *Wednesday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, 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.

Roads to which this Act is applicable.

VIII. This Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the Turnpike Road leading from the *Lyme* Turnpike Road at or near a Place called *Brandy*

Brandy Corner on *Gittisham Hill* in the Parish of *Gittisham* in the County of *Devon*, through the several Parishes of *Sidbury*, *Salcombe Regis*, and *Sidmouth* to the Town of *Sidmouth* in the County of *Devon*, including both the Branches of the said Road from *Stephen's Cross* and *Sidford* to the Town of *Sidmouth* aforesaid.

Present Tolls continued for a Term.

IX. Notwithstanding the Repeal of the said recited Act the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Road, until the Sixteenth Day of *August* One thousand eight hundred and fifty-six.

Power to take Tolls.

X. Upon and after the Sixteenth Day of *August* One thousand eight hundred and fifty-six, it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates which shall be upon or on the Sides of the said Road, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Chariot, Barouche, Chaise, Phaeton, Curricle, Chair, Taxed Cart, Landau, Berlin, Calash, Hearse, Omnibus, Caravan, Gig, Dog Cart, or other such Carriage, the Sum of Fourpence Halfpenny:

For every Horse or other Beast drawing singly or alone any Waggon, Wain, Cart, Van, Timber Carriage, Sledge, or Dray, or other such Carriage, the Sum of Fourpence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Van, Timber Carriage, Sledge, or Dray, or other such Carriage (drawn by Two or more Horses or Beasts of Draught), the Sum of Threepence:

For every Goat drawing any Cart, Truck, or other Carriage, the Sum of One Penny:

For every Carriage or Vehicle moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of One Shilling for each Wheel thereof:

For every Horse or other Beast of Burden, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Hogs, Sheep, or Lambs, the Sum of Fivepence *per* Score, and so in proportion for any greater or less Number:

And between the First Day of *November* and the last Day of *February* in each and every Year there shall be paid for every Carriage employed in carrying or conveying any Timber, or any Timber Tree or Trees, and drawn by Two or more Horses or other Beasts, such further Toll or Sum as shall be equal to One Half of the original Toll charged thereon:

Which said respective Tolls shall be taken before any Horse or other Beast, Cattle, Carriage, or Thing liable thereto shall be permitted to pass through any Toll Gate which shall by virtue of this Act be continued or erected upon or on the Sides of the said Road.

As to the Fraction of a Halfpenny in Tolls.

XI. In all Cases where there shall be a fractional Part of a Halfpenny on the Amount of the Tolls by this Act anthorized to be collected, the Sum of One Halfpenny shall be payable and paid in lieu of such fractional Part.

Limiting Number of Tolls.

XII. For passing and repassing any Number of Times on the same Day with the same Horses, Beasts, Cattle or Carriage, or Animal or Thing liable to Toll along the said Road, no more than One full Toll shall (except as in this Act otherwise provided) be taken.

Persons having paid Toll to return Toll-free.

XIII. All Horses, Cattle, and Carriages, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on the said Road or on the Sides thereof, shall (except as herein-after otherwise provided), upon a Ticket denoting such Payment being produced, be permitted to pass and repass Toll-free at all Times on the same Day, through the same Toll Gate and through all other Toll Gates on or on the Sides of the said Road.

Postchaises to pay every fresh Hiring.

XIV. The Tolls hereby made payable shall be paid for all Horses travelling for Hire, and for all Horses and other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads on the same Day after a fresh Hiring thereof shall have taken place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day.

Regulations as to Stage Coaches.

XV. All Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers for Payment, Hire, or Reward, in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted once on the same Day to return Toll-free through

the same Gate, and once on the same Day to pass and return Toll-free through any other Toll Gate 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 on account only of its conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Tolls on Horses, &c. drawing different Waggons.

XVI. Provided always, That the said Tolls shall be payable in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage for every Time during the same Day that any such Horse or other Beast of Draught shall pass through any Toll Gate drawing any laden Waggon, Wain, Cart, Van, Caravan, or such like Carriage, other than that which such Horse or other Beast of Draught was employed in drawing at any former Time during the same Day when Tolls shall have been paid in respect of such Horse or other Beast.

Continuance, Erection, and Removal of Toll Gates, &c.

XVII. Subject to the Provisions of this Act, the several Toll Gates, Toll Houses, and Weighing Machines now standing or being upon or on the Sides of the said Roads shall be continued until removed by an Order of the Trustees; and it shall be lawful for the Trustees to order and cause to be erected, built, and constructed upon, on, or across the said Road, or on or upon the Sides thereof, any Toll Gates, Toll Houses, and Weighing Machines, and from Time to Time to remove the present or any future Toll Gates, Toll Houses, or Weighing Machines as they shall think proper: Provided always, that no Toll Gate or Toll House shall be removed or set up upon or across the said Road, or on the Sides thereof, except by Order of a Special Meeting of the Trustees holden for that Purpose, in conformity with and after such Notices as are required to be given by the Public General Act Ninth *George* the Fourth, Chapter Seventy-seven.

Extinguishing Arrears of Interest.

XVIII. And whereas there is due and owing on the Credit of the Tolls granted by the said recited Act the Principal Sum of Three thousand nine hundred and fifty Pounds, together with an Arrear of Interest thereon, and it is expedient that the said Arrear of Interest be extinguished: Therefore all Arrears of Interest due and owing on the said Sum of Three thousand nine hundred and fifty Pounds at the Commencement of this Act shall be and the same are hereby extinguished.

XIX. All

Application of Monies.

XIX. All Monies which shall come to the Hands of the said Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, In paying and discharging the Costs and Expenses attending the applying for, obtaining, and passing this Act, or in any Manner incidental thereto:

Secondly, In repairing the Toll Gates and Toll Houses now being upon or on the Sides of the said Road, not exceeding the Sum of Twenty Pounds:

Thirdly, In defraying the necessary Expenses of Management, including the Erection of Toll Gates and Toll Houses, and the Alteration and Repairs of the present and future Toll Gates and Toll Houses, Salaries of Officers, and incidental Expenses; but the Amount applied in defraying such Expenses (exclusive of the Salaries of Toll Collectors, and the Costs of Conveyancing and Proceedings at Law or in Equity, and before Justices of the Peace) shall not exceed Forty Pounds *per Annum*:

Fourthly, In paying Interest after the Rate of Two Pounds Ten Shillings *per Centum per Annum* on the Principal Debt for the Time being due and owing on the Credit of the Tolls arising on the said Road:

Fifthly, In maintaining and repairing the said Road, but so that the Amount expended thereon shall not exceed Forty Pounds *per Annum*:

Sixthly, In reducing, paying off, and discharging, in manner hereinafter provided, the Principal Debt for the Time being due and owing on the Credit of the Tolls arising on the said Road:

Lastly, In further maintaining and repairing the said Road, and in improving the same:

Provided always, that no Interest shall accrue due in respect of the Principal Debt so due as aforesaid, or any Part thereof, until the Trustees shall have received sufficient Monies to satisfy and discharge the Expenses of and incident to the obtaining and passing of this Act.

New Mortgages may be given in lieu of those granted for Sums now due.

XX. The Trustees shall, when thereunto required by any of the Persons to whom the said Principal Sum of Three thousand nine hundred and fifty Pounds, or any Part thereof, is now due and owing, or by the Executors, Administrators, or Assigns of any such Persons respectively, and at the Expense of such Persons or of such Executors, Administrators, or Assigns respectively, make and execute Mortgages of the Tolls by this Act granted or authorized to be collected, and of the Toll Gates and Toll Houses for collecting the same, as a Security for

for the Principal Monies owing to such Persons respectively, with Interest thereon after the Rate herein-before specified, in lieu of and in exchange for the Mortgages subsisting at the Time of the passing of this Act; and such Mortgages so to be made as aforesaid shall be as near as may be in the Manner and Form directed by any Act for the Time being in force relating to Turnpike Roads in *England*.

Mortgagees to take possession for Payment of Interest only.

XXI. Whenever and so long as the Interest upon the Debt for the Time being due according to the Provisions of this Act shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the Tolls arising on the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rents, shall pay the Interest from Time to Time becoming due upon all the existing Mortgages, without any Priority or Preference between the Mortgagees, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after the Day whereon the Interest on such existing Mortgages shall be payable, render to the Clerk for the Time being to the said Trustees a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on such Mortgages up to the last of such Days, and all Costs as aforesaid, have been fully paid and satisfied or provided for, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the said Trustees or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

As to Mode of discharging Debt.

XXII. The Trustees shall, at any General Annual or other Meeting, when and so often as any Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, apply such Sum in the Payment of a proportionate Part of the said Principal Monies

Monies to the Persons entitled thereto, and shall, Fourteen Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting and of the Object or Purposes thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *Devon*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County, or by Letter sent by Post addressed to each Creditor at his usual Place of Abode; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing on the Security of the said Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum or a Portion thereof (as the Case may require) in or towards the Payment and Discharge of other Monies owing on the Security of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments or the Surplus thereof (as the Case may be) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit: Provided always, that the Trustees may, if they think fit, from Time to Time apply in manner aforesaid any Sum less than One hundred Pounds applicable as aforesaid, or with the Consent of One of Her Majesty's Principal Secretaries of State in Writing under his Hand, postpone the Application of any Sum so applicable until the same amounts to any Sum exceeding One hundred Pounds, which they, with such Consent, may determine.

No Money to be taken or laid out in Towns.

XXIII. No Money shall be laid out, nor any Tolls collected by the Trustees on the Roads within the Limits of any Act of Parliament passed for the Improvement of any Town.

Road not exempted from General Acts.

XXIV. Nothing herein contained shall be deemed or construed to exempt the Road 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.

Commencement and Term of Act.

XXV. This Act shall commence and take effect on the Second *Wednesday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.