ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. XX.

An Act for maintaining in repair several Roads leading from and through the Town of *Wiveliscombe* in the County of *Somerset*, and the Roads adjoining thereto in the Counties of *Somerset* and *Devon*, [20th *May* 1851.]

WHEREAS an Act was passed in the Session of Parliament held in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing several Roads leading from and through the Town of* Wiveliscombe *in the County of* Somerset, *and the Roads adjoining thereto in the Counties of* Somerset *and* Devon, *and for making a new Line of Road to communicate therewith:* And whereas the Term granted by the said Act hath been from Time to Time continued by virtue of the several Acts of Parliament following; (that is to say,) an Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter 51; an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her said Majesty, Chapter 105; an Act passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her said Majesty, Chapter 96; an Act passed in the Session of Parliament held in the Twelfth and Thirteenth Years of the Reign of 6 G. 4. c. 93,

Her said Majesty, Chapter 87; and an Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her said Majesty, Chapter 79; and the same will expire on the First Day of *November* One thousand eight hundred and fifty-one, unless Parliament shall in the meantime continue the same: 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: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken on the said Roads by virtue of the said recited Act, and of other Acts relating to the said Roads thereby repealed, which Sums (except a Sum of Two thousand Pounds borrowed of the Exchequer Bill Loan Commissioners, which has since been paid off and discharged,) still remain owing, together with large Arrears of Interest, and such Monies cannot be paid off unless further Powers are granted, and the Term of the said Act be further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but such Purposes cannot be effected without the Authority of Parliament: May it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,

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

I. That from and after the Commencement of this Act the said recited Act of the Sixth Year of the Reign of King *George* the Fourth shall be repealed, and this Act shall thenceforth 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. 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 the Trustees for executing this Act shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof, save and except such of the same Debts and Engagements as are by this Act virtually extinguished.

Appointment of Trustees.

III. That all Her Majesty's Justices of the Peace for the Time being acting for the Counties of *Somerset* and *Devon* respectively, together with Sir *Thomas Dyke Acland* Baronet, *Thomas Dyke Acland* the younger, *Arthur Dyke Acland*, *Alexander Adair*, *Alexander William Adair*, *Langley Saint Albyn*, *Charles Pringle Beague*,

the Reverend *William Bernard*, *Henry Bellew*, *William Hawker Bernard*, *Francis George Bernard*, *Montague Baker Bere*, *Montague Baker Bere* the younger, *Charles Sandford Baker Bere*, *John Bere*, the Reverend *Richard Bere*, *Thomas Boucher*, *Charles Boucher*, *Edward Boucher*, *Thomas Broadmead*, *Philip Broadmead*, *Thomas Palfrey Broadmead*, *John Meddon Bruton*, *William Boucher*, *Benjamin Boucher*, *Frederic Napier Bower*, *Henry Ball*, *Henry Badcock*, *Robert Badcock*, *George Bucknell*, *Augustus Pulsford Browne*, *Arthur Capel*, *Thomas Edward Clarke*, *Joseph Bawden Clarke*, the Reverend *Thomas Merson Cornish*, *Jacob Jogget Champante*, *John Cridland*, *John Culverwell*, *Thomas George Warrington Carew*, *John Carew*, *Thomas Daniel*, *Alexander Day*, *John Day*, *Estcourt Day*, *Bickham Sweet Escott*, the Reverend *William Sweet Escott*, *John Harvey*, *Henry Daubney Harvey*, the Reverend *William Moore Harrison*, *Philip Hancock*, *William Hancock*, the Honourable *Alexander Nelson Hood*, the Reverend *John Hancock*, *Philip Karslake Hancock*, *Robert Iveson Hancock*, the Reverend *George Rogers Harding*, *John Donne Hancock*, the Honourable *Edward Charles Hugh Herbert*, *Edward Herbert* the younger, *John Jennings Hunt*, *John Nicholas Fischer*, the Honourable *Newton Fellowes*, *Newton Fellowes* the younger, *John Keats*, *John Smith Keats*, the Reverend *John Myers King*, the Reverend *William Heberden Karslake*, *William Wollaston Karslake*, Sir *John Hesketh Lethbridge* Baronet, *Ambrose Goddard Lethbridge*, the Reverend *Thomas Prowse Lethbridge*, *John Lethbridge*, *George Leekey*, *John Lean*, *John Stuckey Lean*, *John Lean* the younger, *James Upington Lean*, *Stucley Lucas*, *John Lutley*, the Reverend *John Llewellin*, *Henry Foote Ling*, *John Southcombe Ling*, *Henry Gorges Moysey*, *Robert North*, *Nicholas Pearse*, *John Follet Pugsley*, *John Lutley Pugsley*, *Ernest Augustus Perceval*, *Charles Rowcliffe*, *Charles Edward Rowcliffe*, *James Rogers*, *William North Row*, *Edward Ayshford Sanford*, *William Ayshford Sanford*, the Reverend *Thomas Hans Sotheby*, the Reverend *Charles Barter Sweet*, *John Spurway*, *John Purlewent Spurway*, *William Henry Spurway*, *Frederick Joseph Blake Spurway*, the Reverend *Edward Brian Combe Spurway*, Sir *Walter Calverly Trevelyan* Baronet, the Reverend *Edward Otto Trevelyan*, *William Pitt Trevelyan*, the Reverend *Thomas Tudball*, the Reverend *John Woodhouse*, *James Waldron*, *Clement Waldron*, *Thomas Waldron*, the Reverend *Thomas Wodehouse*, *Charles Winter*, *John Winter*, *Alexander Webber*, *John Webber*, *Edward Alexander Webber*, *Richard Young*, *John Young*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

IV. That it shall be lawful for the Trustees at any Meeting under this Act to elect any Number of Persons, duly qualified to act as Trustees Power to appoint additional Trustees.

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.

First Meeting of Trustees.

V. That the Trustees shall hold their First Meeting at the *Lion* Inn in *Wiveliscombe*, or at some other convenient Place within the said Town of *Wiveliscombe*, upon the Third *Tuesday* 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 Roads as they shall think proper.

Power to appoint Committees.

VI. That the Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting; and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be laid down.

Roads to which this Act is applicable.

VII. That this Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the several Roads herein-after mentioned; (that is to say,) the Road from the Town Hall in *Wiveliscombe* to a Place called *Coxburrow*, from thence to *Fitzhead*, and from *Fitzhead* to and through the Village of *Halse*, and by way of *Ash Common* to the Turnpike Road leading from *Taunton* to *Handy Cross* in the said County of *Somerset*, at a Place called or known by the Name of the *Lethbridge Arms* Inn, in the Parish of *Bishops Lydeard* in the said County of *Somerset*; the Road from the Town Hall of *Wiveliscombe* aforesaid, by way of *Ford*, to *Pitsford Hill* in the Parish of *Brompton Ralph*, and from thence to *Elworthy Cross* in the Parish of *Elworthy* in the said County of *Somerset*, and from thence, by way of *Combe Sydenham*, to the Turnpike Road leading from *Taunton* to *Minehead*, at or near the Village of *Monksilver* in the said County of *Somerset*; the Road from the Town Hall of *Wiveliscombe* aforesaid to and over *Milverton* and *Langford Heathfields*, and to the Turnpike Road leading from *Taunton* aforesaid, to *Whiteball* in the Parish of *Sampford Arundell* in the said County of *Somerset*, at a Place called *Homebames*; the Road from *Coxburrow* aforesaid to *Slapebridge*, and from thence to *Rock Corner* in the Town of *Milverton* in the said County of *Somerset*; the Road from the *Taunton* Turnpike in the said County of *Somerset*, near *Ford Bridge* in the Parish of *Milverton* aforesaid, by way of *Parish's Barn*, unto its Junction in the Village of *Halse* aforesaid with the before-described Road leading from *Wiveliscombe*, through *Fitzhead* and *Halse*, to the Turnpike Road leading from *Taunton* to *Handy*

Handy Cross; the Road from *Rock Corner* aforesaid to the before-described Road leading from *Wiveliscombe* to *Whiteball* aforesaid, at or near *Langford Heathfield*; the Road from *Parish's Barn* to its Junction at *Ockington Cross* with the aforesaid Road leading from the Town Hall of *Wiveliscombe*, by way of *Ford*, to *Pitsford Hill* aforesaid; the Road from the Town Hall of *Wiveliscombe* aforesaid to *Cruwy's Cross*, and from thence, by *Whitefield*, to *Holcombe Water* in the Parish of *Brompton Ralph* aforesaid; the Road from *Cruwy's Cross*, through the Village of *Huish Campflower* in the County of *Somerset* aforesaid, to the Turnpike Road leading from *Watchet* in the said County of *Somerset* to the Town of *Bampton* in the said County of *Devon*; the Road leading from *Langford* Turnpike Gate in the Parish of *Langford Budville* to *Sandy Lane* in the Parish of *Runnington* in the said County of *Somerset*, and from thence to *Tone Bridge* in the same Parish, and from *Sandy Lane* aforesaid to and over Part of *Langford Heathfield*, to join the Turnpike Road leading from *Wiveliscombe* to *Homebames* in the Parish of *Sampford Arundell*; the Road leading from the Foot of *Brendon Hill* in the said Parish of *Elworthy* to and beyond *Elworthy Cross*, to join the *Minehead* Turnpike Road opposite to *Hartrow Gate* in the Parish of *Stogumber* in the said County of *Somerset*; the Road from the Town Hall of *Wiveliscombe* aforesaid, by *Shillingford* in the Parish of *Bampton*, through the Town of *Bampton*, to the *Southmolton* and *Tiverton* Turnpike Road at or near *Bish Mills* in the Parish of *Bishops Nympton*; and the Road from the Market Cross in *Bampton* to *Batham Bridge* in *Bampton* aforesaid.

Present Tolls continued until 31st Dec. 1851.

VIII. That, 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 or Toll Bars to be continued or erected on or on the Sides of the said Roads until the Thirty-first Day of *December* One thousand eight hundred and fifty-one.

From and after 31st Dec. 1851, certain Tolls herein specified to be taken.

IX. That upon and after the said Thirty-first Day of *December* One thousand eight hundred and fifty-one it shall be lawful for the said Trustees to demand and take, at a certain Toll Gate on the said Roads called *West Gate*, and at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be continued or erected upon or on the Sides of the said Roads, commencing at the Town Hall of *Wiveliscombe* and ending at *Bish Mills* in the Parish of *Bishops Nympton*, such Tolls as the said Trustees shall at any of their Meetings direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Landau, Berlin, Hearse, Chariot, Chaise, Phaeton, Curricle, Chair, Gig, or other such Carriage, the Sum of Sevenpence:

For One Horse or Two Oxen drawing any Cart, the Sum of Fourpence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Putt, Dray, Cart, Litter, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Fourpence Halfpenny; having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Soles thereof, the Sum of Fivepence Halfpenny; and having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Sevenpence:

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

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

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

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

And at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be continued or erected upon or on the Sides of any other Part of the said Roads, it shall be lawful for the Trustees to demand and take such Tolls as at any of their Meetings they shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Landau, Berlin, Hearse, Chariot, Chaise, Phaeton, Curricle, Chair, Gig, or other such Carriage, the Sum of Fourpence Halfpenny:

For One Horse or Two Oxen drawing any Cart the Sum of Threepence:

For every Horse or other Beast drawing any Waggon, Wain, Putt, Dray, Cart, Litter, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Threepence; having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Soles thereof, the Sum of Fourpence; and having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches, the Sum of Fourpence Halfpenny:

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

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

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

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

Which said Tolls shall be taken before any Horse, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate or Bar which shall by virtue of this Act be continued or erected upon or across the said Roads or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

X. 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.

Limiting Number of Tolls to be payable on the Roads.

XI. That no more Tolls shall be taken for passing and repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty through all the Toll Gates erected or to be erected or continued on the said Roads than the respective Tolls herein-after mentioned; (that is to say,) Three full Tolls upon the Road from the Town Hall of *Wiveliscombe* aforesaid, by *Shillingford* and through or near *Bampton* aforesaid, to the said *Southmolton and Tiverton* Turnpike Road at or near *Bish Mills* near *Southmolton* aforesaid, and One full Toll upon the several other Roads comprised in this Act and herein mentioned.

Limiting Number of Tolls to be taken on certain Parts of the Road.

XII. That it shall not be lawful for the Trustees to demand or take more than One full Toll in the same Day (to be computed as aforesaid) in respect of the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty passing or repassing along such Part of the Roads comprised in this Act as lies between a Place called *Bish Mills* near *Southmolton* and the Junction of such Road with the *Tiverton* Road at or near the Eighteenth Mile Post.

No Gate to be erected on certain Parts of the Road.

XIII. That no Toll Gate, Side Gate, or Toll House shall be erected or built across or on the Side of so much of the said Roads as extends from the *Market Cross* in *Bampton* to the Point where the *Shillingford* and *Morebath* Roads unite, and from *Batham Bridge* in *Bampton* to or near *Luke's Park* Nursery, being in Length Six hundred and fifty Yards or thereabouts, and forming Part of the Roads comprised in this Act.

Persons having paid Toll to return Toll-free.

XIV. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned,)

mentioned,) 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.

Horses drawing Post-chaises to pay on every fresh Hiring.

XV. That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Postchaise 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.

XVI. That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward 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 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.

Respecting Toll Gates.

XVII. That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said Turnpike Roads or on the Sides thereof shall be continued until removed by any Order of the Trustees; and it shall be lawful for the Trustees to order and cause to be set up in or across the said Turnpike Roads 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: Provided always, that no Toll Gate shall be erected, removed, or set up upon or across the said Roads, or on the Sides thereof, except the same shall be ordered to be removed, erected, or set up at 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 Act of 9 Geo. IV. Cap. 77.

Applications of Money.

XVIII. That all Monies which shall be received by the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto;

Secondly, in paying and discharging the Expenses of erecting, altering, and repairing Toll Gates, Toll Bars, and Toll Houses,

and other Expenses of Management of the said Roads, except the Expenses of repairing the said Roads;

Thirdly, in paying Interest from the 31st of *December* 1851 at the Rate of Two Pounds *per Centum per Annum* upon the Principal Sum of £21,845 now due on the Credit of the Tolls authorized to be taken by the said repealed Act, or upon such Part of the said Principal Sum as shall for the Time being remain unsatisfied;

Fourthly, in reducing, paying off, and discharging as herein-after directed the Principal Sums for the Time being owing in respect of Money borrowed on the Credit of the Tolls authorized to be taken by any former Acts relating to the said Roads; and

Fifthly, in paying the Expenses of improving, maintaining, and keeping in repair the said Roads, and in putting this Act into execution with reference thereto.

As to Mode of discharging Debt.

XIX. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall, at any General, Annual, or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, in some Newspaper published in the County of *Somerset*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County; 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 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 Payment 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 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 any such Proposals 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 think fit.

Mortgagees to take possession for Payment of Interest only.

XX. That whenever and so long as the Interest at the Rate herein-before mentioned upon all existing Mortgages made under the Powers of the said recited Act and of the Acts thereby repealed shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into Possession of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Roads, 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, Bars, Chains, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rents, shall pay the Interest from Time to Time becoming due at the Rate herein-before mentioned upon all the said existing Mortgages, without any Priority or Preference, 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 each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the said Trustees for the Time being 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 at the Rate herein-before mentioned on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, 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, Bars, Chains, 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.

Limiting Money to be laid out on certain Roads.

XXI. That no more Money shall be expended in the Repair of any Road comprised in this Act than shall be collected on such Road.

No Money to be taken or laid out in certain Towns.

XXII. That no Money shall be laid out on the said Roads within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein.

XXIII. That

No more Money to be borrowed on the Tolls.

XXIII. That it shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken without the Consent in Writing of One of Her Majesty's Principal Secretaries of State being first obtained.

Trustee or Clerk competent Witnesses in Action.

XXIV. That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Roads not exempt from Provisions of future General Acts.

XXV. 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.

Watercourses not to be diverted or stopped to the Prejudice of Occupiers of certain Lands.

XXVI. That nothing in this Act contained shall authorize or justify the diverting or stopping of any Watercourse to the Prejudice of the Occupier or Occupiers for the Time being of *Comb Sydenham* Barton, or the Lands thereto adjoining and belonging, but that the Occupiers of the said Barton and Lands shall at all Times have and enjoy the same Privilege and full Benefit of all such Waters and Watercourses for watering, manuring, and improving their Lands in like Manner as they have usually enjoyed the same.

"Trustees."

XXVII. That in this Act the Word "Trustees" shall mean the Trustees acting under or by virtue of this Act, unless there be something in the Subject or Context repugnant to such Construction.

Short Title.

XXVIII. That in citing this Act in other Acts of Parliament, and in legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Wiveliscombe* Turnpike Roads Act, 1851."

Term of Act.

XXIX. That this Act shall commence and take effect from 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.

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