



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. clxiv.

An Act to repeal an Act for making, widening, repairing, and maintaining certain Roads leading to and from the Town of *Honiton* in the County of *Devon*; and to make other Provisions in lieu thereof. [23d July 1855.]

WHEREAS an Act was passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making, widening, repairing, and maintaining certain Roads leading to and from the Town of Honiton in the 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-five, 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

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the said Roads, which Money still remains due, and cannot be paid off, unless further Powers be granted: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof; but the Purposes aforesaid cannot be effected without the Authority of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repealed.

I. Upon the Commencement of this Act the recited Act of the Third Year of His Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Interpreta-
tion 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 be understood to 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 Roads" or "the said Roads" shall mean the Roads by this Act authorized to be maintained:

The Expression "Toll Gate" or "Toll Gates" shall mean any Toll Gate, Turnpike, Bar, or Chain set up and erected or to be set up and erected upon or across or by the Side of the Roads, or across any Highway or Lane communicating therewith:

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* Turnpike Roads Act, 1855."

Vesting Pro-
perty in new
Trustees.

IV. All Monies due to, and all Property and 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 said recited Act may be liable at the Time of the
Repeal

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Repeal thereof, except such of those Debts and Engagements as are by this Act extinguished.

V. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Devon*, the Mayor and other Justice or Justices of the Peace for the Borough of *Honiton*, together with *Robert Henry Aberdein*, *Thomas Avery*, *Charles Edward Band* Clerk, *James Basleigh*, *George Beavis*, *William Bernard* Clerk, *William Bernard* the younger, *Richard Bowerman*, *Henry Beaumont Burlton* Clerk, *Edwin Ellis Coleridge* Clerk, *John Gay Copleston* Clerk, *Francis James Coleridge*, *William Rennell Coleridge*, *Sidney William Cornish* Clerk, *Spencer Murch Cox*, *John Collin*, *David Connor*, *John Denning*, *Francis Edward Drewe*, *Henry Peter Daniell* Clerk, *Samuel Devenish*, *John William Elliott*, *George Percy Elliott*, *Henry Edwards* Clerk, *John Campbell Fisher* Clerk, *William Furze Lewis* Clerk, *John Guppy*, *Daniel Gould*, *William Heberden* Clerk, *George Robert Harding* Clerk, *Henry Erskine Head* Clerk, *Robert William James* Clerk, *John Clapcott Jerrard*, *John Hutchings Jerrard*, *John Henry Kennaway*, *George Lowe* Clerk, *John Ellis Lee*, *Richard Lewis* Clerk, *James Strachan Lang*, *William Michell* Clerk, *William Michell* the younger, *Jonah Pynsent Mathew*, *John Mathew*, *Richard John Marker* the younger, *John Hawkes Mules* the younger, Clerk, *Richard Mortimore*, *Richard Ord*, *Daniel Pidgeon*, *John Rolle Prideaux*, *John Robinson Rogers*, *James Henry Patteson*, *Joseph Player*, *Nathaniel Read*, *John Read*, *William Guppy Rogers*, *Edmund Stamp*, *John Bridgman Smith*, *Frederick Abraham Smith*, *William Sykes* Clerk, *Henry John Tooze* Clerk, *John Honeywood Townsend*, *Charles Tucker*, *John Venn*, *Bethell Walrond*, *Joseph Ware*, *Robert Warren*, *William Warren*, *William Woodward*, *Francis Thomas Bedford Willesford* Clerk, *Lawrence Palk Welland* Clerk, 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.

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.

VII. The Trustees shall hold their First Meeting at the *Angel Inn* in the Parish of *Honiton*, or at some other convenient Place in the Neighbourhood of the said Roads, on the Second *Thursday* after the Commencement

New
Trustees.

Election of
additional
Trustees.

Meetings of
Trustees.

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Commencement 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 Time, and at such Places in the Neighbourhood of the said Roads, as they shall think proper.

Trustees
may appoint
Committees.

VIII. The Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part or Parts of the said Roads, or to execute any of the Purposes of this Act, according to such Rules, Restrictions, and Regulations as shall be made or laid down by the said Trustees at any General or Special Meeting; and the said Committees and their Surveyor may proceed and act according to such Appointment, but shall always be accountable according to the Rules, Instructions, and Regulations so to be made or laid down.

Description
of Roads.

IX. This Act shall be put into execution for the Purpose of more effectually making, improving, maintaining, and keeping in repair the Turnpike Road leading from *Cowley Barn* in *Honiton* aforesaid to the *Fore Street* of the Town of *Cullompton*, through the Parishes of *Honiton*, *Awliscombe*, *Buckerell*, *Payhembury*, *Broadhembury*, *Kentisbeare*, and Part of the Parish of *Cullompton*, in the said County of *Devon*; and also the Turnpike Road leading from a Place called the *Hamlet* in *Buckerell* aforesaid over *Trafalgar Bridge*, to the *Cullompton Road* near *Awliscombe* aforesaid, through the said Parishes of *Buckerell* and *Awliscombe*; also the Turnpike Road leading from the *Potter's Kiln* Turnpike Gate in *Honiton* aforesaid to *Cheeseway Ash* on *Northcote Hill* in the said Parish of *Honiton*, and from thence to *Cuckoodown* on *Honiton Hill* in the same Parish; also the Turnpike Road leading from *Saint Michael's Church* in *Honiton* aforesaid, over *Farway Hill*, to the *Lyme Turnpike Road* near *Roncombe Gurt*, through the Parishes of *Honiton* and *Farway* in the said County; also the Turnpike Road leading from *Starcross Lane* in *Honiton* aforesaid, over *Gittisham Hill*, to the said *Lyme Turnpike Road*, through the Parishes of *Honiton* and *Gittisham* in the said County; also the Turnpike Road leading from the said *Potter's Kiln* Turnpike Gate to *Langford Bridge*, *Ewings Ash*, *Gully Lane*, and *Red Lane*, towards *Taunton*, to join the *Monkton and Upottery Road* near *Churchtaunton*, through the several Parishes of *Honiton*, *Combe Raleigh*, *Dunkeswell*, *Luppitt*, *Upottery*, *Clayhidon*, and *Churchtaunton* in the said County; also the Turnpike Road leading from *Stoney Bridge* in *Honiton* aforesaid, by *Tracey*, to *Saint Cyre's Hill*, through the Parish of *Awliscombe* aforesaid; also the Turnpike Road leading out of the Road to *Cheeseway Ash* aforesaid towards *Taunton*, through the several Parishes of *Honiton*, *Combe Raleigh*, *Monkton*, *Upottery*, and *Churchtaunton* in the said County of *Devon*, to join the

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the *Taunton* Road at or near *Whitewall Corner*; also the Turnpike Road from the Extent of the present Buildings in *Clapper Lane* in *Honiton* aforesaid, through *Combe Raleigh*, to join the before-mentioned Road leading towards *Taunton*; also the Turnpike Road leading from *Starcross Lane* aforesaid towards the City of *Exeter* to the Waypost at *Straightwayhead* in the Parish of *Whimble*, and from thence to meet the *Exeter* Turnpike Road near thereto, through the several Parishes of *Honiton*, *Gittisham*, *Awliscombe*, *Buckerell*, *Feniton*, *Ottery Saint Mary*, *Tallaton*, and *Whimble* in the said County of *Devon*; and also the Turnpike Road leading from *Brookhill* in the Town of *Honiton*, past *Littletown Cottage*, as far as the First Turning leading to *Round Ball* and *Higher Blamiscombe Farm* in the same Parish; and also the Turnpike Road called *Church Lane*, leading from *Churchenford Street* in the Parish of *Churchtaunton* aforesaid, to the *Smeath Harp* Turnpike Road; and also the said Turnpike Road called *Red Lane*, leading from *Churchenford Street* aforesaid into the said *Smeath Harp* Turnpike Road; and also the Turnpike Road called *Dowell's Lane*, leading from the Town of *Honiton* aforesaid to join the *Awliscombe* Branch of the said Roads; and also the Branch of Turnpike Road from at or near the *Higher Marl pits* Turnpike Gate in the said Parish of *Honiton*, through enclosed Lands, into the Highway called *Little Common Lane* in the same Parish.

X. 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 Roads until the Thirty-first Day of *December* One thousand eight hundred and fifty-five.

Present Tolls
to be con-
tinued for a
Time.

XI. On the Thirty-first Day of *December* One thousand eight hundred and fifty-five, and at all Times thereafter, it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, at the several and respective Toll Gates which shall be upon or on the Sides of the said Roads, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

New Tolls.

For every Horse, Mule, Ass, or other Beast drawing in any Coach, Chariot, Barouche, Chaise, Phaeton, Curricule, Chair, Taxed Cart, Landau, Berlin, Calash, Hearse, Omnibus, Caravan, Van, Wagon, Timber Carriage, Cart, Sledge, Dray, Wain, or other Carriage, of whatsoever Name or Description, the Sum of Three-pence:

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

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

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

For every Coach, Chariot, Chaise, Chair, Cart, or other Carriage attached to or fastened behind any common travelling Stage Cart or Waggon for Conveyance, the Sum of Sixpence ; and if the same shall be loaded with any Goods, Wares, or Merchandise, the Sum of One Shilling :

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

And for every Horse or other Beast of Draught drawing any Waggon, Timber Carriage, Cart, Sledge, Dray, Wain, or other like Carriage, where the Number of such Horses or other Beasts shall be greater than Three, which between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* in every Year shall pass through any Toll Gate as aforesaid, and shall be laden with One or more Block or Blocks of Stone, Piece or Pieces of Marble or Metal or Timber, double the Tolls herein-before particularly mentioned and made payable in respect of such Horse or other Beast :

Which said 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 Roads.

As to the
Fraction of
a Halfpenny
in Tolls.

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

Persons
having paid
Toll to re-
turn Toll-
free.

XIII. Except as in this Act is otherwise provided, all Horses, Beasts, and Cattle in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate on the said Roads or on the Sides thereof shall, upon a Ticket being produced denoting such Payment, be permitted, in returning through the same Toll Gate, and in going and returning through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free at all Times on the same Day.

Postchaises,
&c. to pay
every fresh
Hiring.

XIV. The Tolls hereby made payable shall be paid for all Horses travelling for Hire, and for all Horses or other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire, for every

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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.

XV. For and in respect of all Horses or other Beasts of Draught drawing any Stage Coach or other Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers for Payment, Hire, or Reward, the Tolls hereby made payable shall be paid for every Time of passing and repassing along the said Roads. Stage Coaches, &c. each Time of passing.

XVI. All Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, Van, Caravan, or other Stage Carriage conveying 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 to pass once Toll-free on the same Day 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 such other Toll Gate the Payment at which shall be freed by such Ticket as aforesaid on account only of its conveying other Passengers, or of the Horses or Cattle drawing the same having been changed. Regulations as to Stage Coaches.

XVII. The Tolls hereby made payable shall be paid for all Horses, Beasts, Animals, or Cattle drawing any Carriage as often as such Carriage shall be changed, in the same Manner as if no previous Payment of Tolls in respect of such Horses, Beasts, Animals, or Cattle had been made on the same Day. Further Tolls payable on Change of Carriage,

XVIII. For passing and repassing any Number of Times on the same Day with or driving the same Horses, Cattle, Sheep, Beasts, or Carriages liable to Toll through any of the Toll Gates to be continued or erected by virtue of this Act, upon any Road herein-after particularly mentioned, no more than the Number of Tolls herein-after limited with reference to such Road shall be taken; (that is to say,) Limiting the Number of Tolls.

One full Toll and no more upon the Road leading from *Honiton* towards the City of *Exeter*;

Two full Tolls and no more upon the Road leading from *Honiton* towards *Taunton*;

Two full Tolls and no more upon the Road leading from *Honiton* to *Cullompton*; and

One

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One full Toll and no more upon each of the other Roads comprised in this Act.

Certain
Gates to
clear each
other.

XIX. The Payment of a Toll at the *Trafalgar Bridge* Gate shall exempt from Payment of an additional Toll at the *Turk's Head* Gate; the Payment of a Toll at the *Turk's Head* Gate shall exempt from the Payment of a Toll at the *Trafalgar Bridge* Gate and the *Hayne Lane* Gates; the Payment of a Toll at the *Potter's Kiln* Gate shall exempt from the Payment of an additional Toll at the *Clapper Lane* Gate and the *Cheeseway Ash* Gate; the Payment of a Toll at the *Clapper Lane* Gate or at the *Cheeseway Ash* Gate shall exempt from the Payment of an additional Toll at the *Potter's Kiln* Gate; the Payment of a Toll at the *Gobsore Hill* Gate shall exempt from the Payment of an additional Toll at the *Marlpits* Gates and at the *Hayne Lane* Gate; the Payment of a Toll at the *Marlpits* Gates or either of them shall exempt from the Payment of an additional Toll at the *Gobsore Hill* Gate and at the *Hayne Lane* Gate; the Payment of a Toll at the *Hayne Lane* Gate shall exempt from the Payment of an additional Toll at the *Turk's Head* Gate, at the *Gobsore Hill* Gate, and at the *Marlpits* Gates; the Payment of Toll at any Toll Gate continued or to be erected by virtue of this Act in the several Parishes of *Upottery*, *Clayhidon*, and *Churchtaunton* in the said County of *Devon*, or either of them, shall exempt from the Payment of an additional Toll at any other of the said Toll Gates within the same Parishes or either of them.

Special Ex-
emptions
from Toll.

XX. No Toll shall be demanded or taken for any Horse, Beast, or other Cattle carrying or conveying, or going for or returning after having been only employed in carrying or conveying, on the same Day, any Lime to be used for Manure only, or for improving Lands, or Stones, Pipes, Tiles, or other Materials for the guttering, tunneling, or draining of Lands.

Continu-
ance, Erec-
tion, and
Removal of
Toll Gates.

XXI. 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, in, or across the said Roads, or in 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 Roads or any of them, or on the Sides thereof, except by Order of

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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, 9 *George IV.* Chapter 77.

XXII. All Mortgagees or other Creditors, of what Nature or Kind soever, who are or may be in possession of the Toll Gates, Buildings, or Toll Houses on or on the Sides of the Roads, or in receipt of the Tolls arising thereon; or any Part thereof, shall, within Fourteen Days after the Commencement of this Act, surrender and yield up the said Toll Gates, Buildings, and Toll Houses into the Hands of the Trustees or their Agent; and the Trustees shall be empowered to receive and deal with the said Tolls as if the said Creditors had not and never had had Possession of the said Toll Gates, Buildings, and Toll Houses.

Mortgagees,
&c. to deliver
possession of
Gates.

XXIII. The Mortgagees who may be in possession of all or any of the Toll Gates, Toll Houses, or Buildings upon the Roads or on the Sides thereof at the Time of the Commencement of this Act shall, on or before the first of the usual Quarter Days occurring next after the Commencement of this Act, deliver or cause to be delivered to *Horace Vibart Mules* of *Honiton* aforesaid, at his Dwelling House at *Honiton* aforesaid, or other the Clerk to the said Trustees for the Time being, at his Dwelling House, a full, true, and particular Account of all Monies received and expended or retained in hand by such Mortgagees from the Time of their entering into such Possession up to the said Quarter Day, and also of all Monies which shall have accrued due and be owing to them as such Mortgagees as aforesaid for Rent of Tolls or otherwise during the Time in which they shall have been in possession of the said Toll Gates, Toll Houses, or Buildings as aforesaid, and shall produce to the Trustees or their Clerk true and correct Vouchers and Receipts for all such Payments, Receipts, Debts, Contracts, and Engagements; and such Mortgagees shall, within One Calendar Month next after the Commencement of this Act, pay over to the said Trustees or their Treasurer the Balance of all Monies which shall have come to their Hands as such Mortgagees in possession as aforesaid, and which shall not have been duly expended by them according to Law.

Mortgagees
in possession
to account.

XXIV. Whenever and so long as the Interest on all existing Mortgages upon the Tolls of the said Roads made under the Provisions of the said recited Act shall be duly paid, at the Rate herein-after mentioned, within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the Tolls arising on the said Roads shall be entitled to enter into possession of the

Mortgagees
not to enter
into possession
unless
for Arrears
of Interest.

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Toll Gates, 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, 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-after 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 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 at the Rate herein-after mentioned on such Mortgages up to the last of such 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, 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.

Extinction of
Arrears of
Interest.

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

Application
of Funds.

XXVI. 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 Roads, not exceeding the Sum of One hundred and sixty Pounds:

Thirdly, in defraying the necessary Expenses of erecting Toll
Gates

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Gates and Toll Houses, and of altering and repairing the present and future Tolls Gates and Toll Houses, Salaries of Officers, and the necessary Expenses of and incidental to the Management of the said Roads; but the Amount applied in defraying such Expenses shall not exceed One hundred Pounds *per Annum*, exclusive of the Costs of prosecuting and defending Actions at Law, Suits, and Indictments:

Fourthly, in paying Interest after the Rate of Three Pounds Ten Shillings *per Centum per Annum* on the Principal Debt or Sum for the Time being due and owing on the Credit of the Tolls arising on the said Roads:

Fifthly, in maintaining and repairing the said Roads, but so that the Amount expended thereon shall not exceed Four hundred Pounds *per Annum*:

Sixthly, in reducing, paying off, and discharging, in manner herein-after provided, the Principal Debt for the Time being due and owing on the Credit of the Tolls arising on the said Roads:

Lastly, in further improving, maintaining, and repairing the said Roads:

Provided always, that no Interest shall accrue due in respect of the Principal Monies 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.

XXVII. The Trustees shall at any of their Meetings, when thereunto required by any of the Persons to whom the said Principal Sum of Seven thousand Pounds or any Part thereof is now due and owing, or by the Executors, Administrators, or Assigns of any such Persons respectively, 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 the Principal Monies owing to such Persons respectively, with Interest thereon after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, 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 now in force relating to Turnpike Roads in *England*.

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

XXVIII. When and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of

Mode of paying off Debt.

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of the said Tolls shall amount to the Sum of One 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 Sum of Seven thousand Pounds 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 Object or Purpose thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *Devon*, and by Circular addressed to each Creditor at his last known Place of Abode, and forwarded to him by Post; and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as 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.

Provision as
to Simple
Contract
Debts.

XXIX. And whereas there are now due and owing sundry Simple Contract Debts incurred for the Purposes of the said Roads: Therefore

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fore the Trustees shall forthwith cause a full, true, and particular Account of all such Simple Contract Debts to be made out; and, notwithstanding anything whatever to the contrary in this Act contained, the Trustees shall, out of the Monies which shall come to their Hands by virtue of this Act, and before any Part of those Monies shall be applied to either of the Purposes to which the same are herein-before directed to be secondly, thirdly, fourthly, fifthly, sixthly, and lastly applied, pay and apply such Sum as may be requisite, (but not exceeding in the whole Five hundred Pounds,) in the Discharge (without Interest) of all Simple Contract Debts incurred for the Purposes of the said Roads, and now remaining due, rateably and in proportion to the Amounts thereof respectively; and until the Trustees shall have received the said Sum of Five hundred Pounds, or such less Sum as shall suffice for the Discharge of the said Simple Contract Debts, no Interest shall be payable in respect of any Monies due on the Credit of the Tolls arising on the said Roads, although the same may accrue due after the Expenses of and incident to the obtaining and passing this Act shall have been satisfied and discharged; nor shall the Mortgagees be entitled to enter into possession of the Toll Gates, 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, for a Period of Twelve Calendar Months after the Discharge of such aforesaid Simple Contract Debts.

XXX. No Money shall be laid out by the Trustees, nor shall any Toll be collected by them, on any Part of the Roads comprised in this Act, within the Limits of any Act passed for the Improvement of any Town, except that the Trustees may lay out Money and collect Toll upon such Portions of the Roads as are not liable to be repaired by the Commissioners acting in execution of an Act of Parliament passed in the Thirtieth Year of the Reign of His late Majesty King George the Third, intituled *An Act for paving or otherwise improving the Town of Honiton in the County of Devon*. 30 G. 3. c. 25.

Money not to be laid out or collected in Towns.

XXXI. 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.

Road not exempt from Provisions of General Acts.

XXXII. This Act shall commence and take effect on the First Day of November One thousand eight hundred and fifty-five, and shall

Commence-ment and Term of Act.

[Local.]

29 L

continue

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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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