



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xx.

An Act for more effectually repairing and maintaining the Road from *Padbrooke Bridge* in the Parish of *Cullompton* to *Hazel-Stone* in the Parish of *Broadclist*, all in the County of *Devon*.

[4th June 1839.]

WHEREAS an Act was passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Carriage Road from Padbrooke Bridge in the Parish of Cullompton to Hazel Stone in the Parish of Broadclist in the County of Devon*: And whereas the Term and Powers of the said Act have been from Time to Time continued by several Acts passed for continuing Local Turnpike Acts in *England*, and particularly by an Act passed in the First and Second Year of the Reign of Her present Majesty, whereby the same is still further continued until the First Day of *June* One thousand eight hundred and forty, and until the End of the then next Session of Parliament: And whereas the Trustees appointed by the said first-recited Act have proceeded to put the same into execution, and divers Sums of Money have been borrowed and are

53 G. 3. c. 65.

[Local.]

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now

now due and owing on the Credit of the Tolls by the said first-recited Act granted, which Sums cannot be repaid, nor the said Road be effectually improved and kept in repair, unless the Term of the said first-recited Act be extended, and its several Powers and Provision altered, amended, and enlarged, and the Tolls thereby granted varied or increased: And whereas it is expedient that the said recited Act of the Fifty-third Year of the Reign of His late Majesty King *George* the Third should be repealed, and other Provisions made for the Maintenance and Repair of the Road herein-after mentioned: May it therefore please Your Majesty that it may be enacted; and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 from and after the Commencement of this Act the said recited Act passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby repealed.

Recited Act repealed.

This Act to be put in execution instead thereof.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect in lieu and instead thereof, and shall be put in execution, for and during the Term herein-after mentioned, for amending, widening, altering, improving, and keeping in repair the Road leading from the *Exeter* Turnpike Road at or near *Padbrooke Bridge* in the Parish of *Cullompton*, through the Parish of *Bradninch*, to the *Exeter* Turnpike Road aforesaid at or near *Hazel Stone* in the Parish of *Broadclist*, all in the County of *Devon*.

Appointment of Trustees.

III. And be it further enacted, That all Her Majesty's Justices of the Peace acting for the County of *Devon*, together with *Alexander Adair* of *Hatherton Park*, *John White Abbott*, *Arthur Abbott*, *Robert Baker*, *Malachi Blake* Doctor of Medicine, *Elias Baker*, *William Barker* Clerk, *Emanuel Boutcher*, *Henry Bowden*, *Henry Bowden* the younger, *James Brice* of *Taunton*, *Robert Pring Crosse*, *James Crosse*, *Henry Crosse*, *Edward Heathfield Crosse*, *Joseph Dornford* Clerk, *John Easton*, *Thomas Elworthy*, *Mark Farrant*, *Mark Farrant* the younger, *Edward Fox*, *Samuel Fox*, *Charles Fox*, *William Gabriel*, *Francis Huyshe* Clerk, *John Huish* Clerk, *Richard Hurley*, *Tristram Collins Hine*, *John Matthews*, *Henry Matthews*, *William Kinglake*, *Robert Leigh*, *Henry James Leigh*, *Edward Manley Leigh*, *Samuel Jordan Lott* Clerk, *Aaron Moore*, *John Bailey Moor*, *Philip Moor*, *Richard Mortimore*, *Richard John Marker*, *John New* Doctor of Medicine, *John New* the younger, *Francis Poole*, *George Pearse*, *Edward Pearse*, *John Pitt*, *Robert Pitt*, *Thomas Pitt*, *Charles Salter* of *Westcott*, *Daniel Bishop Selwood*, *George Townsend Smith* Clerk, *John Philip Sydenham* Clerk, *William Upton Tripp*, *Lovell Todd*, *William Upcott*, *William Upcott* the younger, *John Upcott*, *Thomas Tanner* Clerk, *Henry Walrond*, *John Rogers Whitter*, *Tristram Walrond Whitter*, *Walrond Whitter* Clerk, *Frederick White*, and *George Wood*, and their Successors, being duly qualified to act as Trustees for Turnpike Roads in *England*, are hereby appointed Trustees for putting this Act and the several General Public Acts relating to Turnpike Roads in *England* into Execution.

IV. And

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings to be held for that Purpose, (of which Meetings, and of the Purpose thereof, Twenty-one Days Notice at the least shall be given as is directed by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, for amending the General Laws for regulating Turnpike Roads, in *England*, respecting the Appointment of Trustees on Vacancies,) to elect, nominate, and appoint any Number of fit Persons not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed; and such Persons so elected and appointed, and being duly qualified, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

For electing
new Trus-
tees.

V. And be it further enacted, That the said Trustees shall meet at the *White Hart* Inn, or some other convenient Place in *Cullompton* aforesaid, on the Fourth *Tuesday* next after the passing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon, or as soon after as conveniently may be, and shall then and there proceed to put this Act into execution, and shall then and there afterwards adjourn to and meet at such Times and Places as the said Trustees or the major Part of them present at any such Meetings shall think proper and appoint.

First Meet-
ing of Trus-
tees.

VI. And be it further enacted, That from and after the Commencement of this Act it shall be lawful for the said Trustees (subject to the Provisions, Restrictions, and Exemptions contained in this Act and in the General Acts for regulating Turnpike Roads in *England*;) to demand and take, at each and every Turnpike, Toll Gate, and Side Gate now set up and continued or that shall hereafter be set up upon, across, and by the Sides of the said Road by this Act directed to be amended, improved, and kept in repair, by each and every Person and Persons as the said Trustees shall from Time to Time by virtue of this Act continue or appoint to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate, the Tolls not exceeding the following; (that is to say,)

Power to
take Tolls.

For every Horse or other Beast drawing any Gig or Chair or such like Carriage with a single Seat only, and with Two Wheels only, any Sum not exceeding the Sum of Eight-pence :

For every Horse or other Beast drawing any Car or Chair or other such like Carriage with double Seats, Phaeton, Caravan, or Taxed Cart, or any Four-wheel light Carriage, where the same shall be drawn by no more than One Horse, any Sum not exceeding the Sum of Nine-pence :

For every Horse or other Beast drawing any Coach, Barouche, Sociable, Berlin, Chariot, Car, Chair, Phaeton, Caravan, Taxed Cart, Hearse, Litter, or such like Carriage (except Stage Coaches), where drawn by Two or more Horses or other Beasts, any Sum not exceeding the Sum of Eight-pence :

For

For every Horse or other Beast drawing any Stage Coach, where there are Four such Horses or other Beasts, a Sum not exceeding the Sum of Eight-pence; where there are Two such Horses or other Beasts, a Sum not exceeding the Sum of Nine-pence:

For every Horse or other Beast drawing any Van, Caravan, or such like Carriage used for the Conveyance of Goods for Hire, Pay, or Reward, any Sum not exceeding the Sum of Nine-pence:

For every Horse or other Beast drawing any Waggon or such like Carriage upon Four Wheels, where the same shall be drawn by not more than One Horse or other Beast, any Sum not exceeding the Sum of Nine-pence; and where the same shall be drawn by Two or any greater Number of Horses, any Sum not exceeding the Sum of Sixpence for every such Horse:

For every Horse or other Beast drawing any Wain, Dray, Cart, or other such Carriage upon Two Wheels only, and where the same shall be drawn by not more than One Horse or other Beast, any Sum not exceeding the Sum of Eight-pence; and where the same shall be drawn by Two or any greater Number of Horses, any Sum not exceeding the Sum of Sixpence for every such Horse:

For every Horse or other Beast drawing any Carriage used for the Purpose of conveying Timber, where the same shall be drawn by not more than One Horse or other Beast, a Sum not exceeding the Sum of Eight-pence; where drawn by Two or Three Horses or other Beasts, having the Fellies of less Breadth than Six Inches, a Sum not exceeding the Sum of One Shilling and Eight-pence, and of the Breadth of Six Inches, a Sum not exceeding the Sum of Eight-pence; where drawn by Four or Five Horses or other Beasts, having the Fellies of less Breadth than Six Inches, a Sum not exceeding the Sum of Two Shillings and Five-pence, and of the Breadth of Six Inches, a Sum not exceeding the Sum of Eight-pence; where drawn by a greater Number than Five Horses or other Beasts, having the Fellies of less Breadth than Six Inches, a Sum not exceeding the Sum of Two Shillings, and of the Breadth of Six Inches, a Sum not exceeding the Sum of Eight-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, a Sum not exceeding the Sum of One Penny Halfpenny:

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 greater or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score, and so in proportion for a greater or less Number:

Which said respective Sums of Money shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

As to fractional Parts of a Halfpenny in Tolls.

VII. Provided always, and be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted or authorized to be collected,

collected, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

VIII. Provided always, and be it further enacted, That if any Person or Persons shall pay the respective Tolls by this Act granted and made payable in respect of any Horse, Beast, Cattle, or Carriage whatsoever at any Gate or Turnpike that shall by virtue of this Act be set up or erected or be continued upon, across, or on the Sides of the said Road, such Horse, Beast, Cattle, or Carriage shall be permitted to pass, return, and repass at any Time or Times during the same Day, to be computed and reckoned from Twelve of the Clock in one Night to Twelve of the Clock in the next Night, through the same Gate or Turnpike, or any other Gate or Turnpike upon the said Road, Toll-free, on a Note or Ticket of the Day denoting such Payment being produced; and such Notes or Tickets the said Collectors of the Tolls at the several Gates or Turnpikes erected or to be erected or set up by virtue of this Act are hereby directed to give *gratis*, on Receipt of Toll.

Tolls to be payable but once a Day.

IX. Provided also, and be it further enacted, That the said Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Carriage whatsoever conveying Passengers or Goods for Pay, Hire, or Reward every Time of passing or repassing along the said Road.

Stage Carriages, to pay every Time of passing.

X. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Post Chaise, Chair, Gig, Whiskey, Car, or other such like Carriage let out to Hire, for every Time of passing and for each Time of repassing along the said Road, whenever any new Hiring thereof shall be made.

Post Chaises to pay every Time of new hiring.

XI. Provided always, and be it further enacted, That no Person who shall have paid the additional Tolls in and by this Act imposed on Carriages with narrow Wheels used for the Purpose of drawing Timber shall be obliged to pay the additional Tolls imposed by the General Acts for regulating Turnpike Roads in *England*, but that every other Waggon, Wain, Cart, or other such Carriage having the Fellies of the Wheels of less Breadth than Six Inches or Four and a Half Inches, as the Case may be, at the Bottom or Soles thereof respectively, or for the Horse or Horses or Cattle drawing the same, One Half Toll more or One Fourth Toll more than the Tolls which are hereby imposed by this Act shall be demanded and taken before any such Waggon, Wain, Cart, or other such Carriage respectively shall be permitted to pass through any Turnpike Gate or Gates, Bar or Bars, where Tolls shall be payable by virtue of this Act, according to the Provisions contained for the above Cases in the said General Acts for regulating Turnpike Roads in *England*: Provided also, that it shall be lawful for all Waggons, Wains, and Carts to pass upon the said Roads with Double Shafts, and drawn by Horses abreast or in Pairs, although the Fellies of the Wheels of any such Waggon, Wain, or Cart shall be of a less Breadth or Gauge than Six Inches, any Law or Statute to the contrary notwithstanding.

Respecting Tolls on narrow Wheels.

Double Shafts may be used.

[Local.]

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XII. Pro.

Toll on
Steam Car-
riages.

XII. Provided always, and be it further enacted, That for every Carriage or Vehicle of any Description passing along the said *Col-lumpton* Turnpike Road drawn, impelled, or set or kept in motion by Steam, or by any other Power or Agency than being drawn by any Horse or Horses, or Beast or Beasts of Draught, the Sum of Sixpence for every Wheel on which the same shall run, if weighing with the Lading (if any) not exceeding One Ton, and if weighing more than One Ton the further Sum of Sixpence *per* Wheel, and the further Sum of Sixpence *per* Wheel for every Excess of any further Ton Weight.

Power to
make Foot-
paths.

XIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make Causeways or Footpaths for any Distance not exceeding Three Miles from *Padbrooke Bridge* afore-said by the Sides of the said Turnpike Road; and the same Causeways and Footpaths shall be kept in repair out of the Tolls hereby directed to be taken or collected, or Money to be received on the Credit thereof.

Application
of Monies.

XIV. And be it further enacted, That the Tolls and all other Monies to be received by virtue of the said recited Act of the Fifty-third Year of the Reign of His Majesty King *George* the Third and of this Act, as all the Monies which at the Time of the Commencement of this Act shall have been raised or produced under the said first-recited Act, and shall then be undisposed of, shall be applied and disposed of as herein-after mentioned; (that is to say,) in the first place, in paying and defraying all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for Money advanced by any Person or Persons for that Purpose; in the second place, in paying the Interest now due and which shall become due upon the several Principal Sums from Time to Time remaining due and owing on Mortgage or Security of the Tolls by the said last-mentioned Act or this Act granted; and in the third place, in defraying the Expences of amending, repairing, widening, altering, improving, and keeping in repair the said Road, and of executing the several other Powers, Intents, and Purposes of the said last-mentioned Act and of this Act; and lastly, in reducing, paying off, and discharging the said several Principal Sums due on such Mortgages or Securities as aforesaid.

For Redemp-
tion of
Money
borrowed.

XV. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, at any Meeting held in pursuance of this Act, to order and direct such Part or Proportion of the Tolls granted and made payable by this Act as such Trustees, or the major Part of them so present, shall think proper (not exceeding Ten Pounds *per Centum* upon the clear Produce of such Tolls) to be set aside and appropriated for and towards the Reduction of the Debt which shall or may arise or be incurred by virtue of the said recited Act of the Fifty-third Year of the Reign of His said Majesty King *George* the Third and of this Act, and from Time to Time to apply and dispose of the Money so set aside in the Redemption and Purchase of the said Securities in such Manner as the said Trustees shall at any Meeting think proper.

XVI. And

XVI. And whereas there is now due and owing to the several Persons, or some of them, who advanced the several Sums on the Credit of the Tolls authorized to be taken by the said recited Act of the Fifty-third Year of the Reign of His said Majesty King *George* the Third, large Sums of Money for Arrears of Interest thereon, amounting to the Sum of Three thousand one hundred and sixty Pounds Eleven Shillings and Three Farthings in the whole: And whereas it would be advantageous to such Persons if such Arrears were converted into Principal Money, and Mortgages were granted for the same; be it therefore enacted, That the said Trustees, at any Meeting to be holden for that Purpose, (whereof One Calendar Month's Notice shall be given by affixing the same upon every Toll Gate belonging to the said Turnpike Road, and also by inserting such Notice in some public Newspaper circulated in the Counties of *Devon* and *Somerset*;) may and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to demise or mortgage all or any Part of the Tolls granted by the said last-mentioned Act and this Act, and the Turnpikes or Toll Gates, Bars, Chains, Toll Houses, and Weighing Machines for collecting the same, and the Buildings and Appurtenances thereof, or any or either of them, (the Costs and Charges of such Mortgages to be paid out of such Tolls,) for any Term during the Continuance of this Act, as a Security or Securities to the Person or Persons, or his or her or their Trustee or Trustees, Executors, Administrators, or Assigns, to whom at the Time of the Commencement of this Act any Sum or Sums of Money shall be due and owing for Arrears of Interest upon any Mortgage or Mortgages, or Transfer or Transfers of Mortgage or Mortgages of the Tolls authorized to be taken by the said recited Act; which said Mortgage shall be in the Form or to the Effect following; (that is to say,)

For convert-
ing Arrears of
Interest into
Principal,
and granting
Mortgages
thereof.

‘ **BY** virtue of an Act passed in the Year of the Reign
‘ of Her Majesty Queen *Victoria*, intituled [*here set forth the* Form of
‘ *Title of this Act*], we of the Trustees for putting the Mortgage.
‘ said Act in execution, in consideration of the Sum of
‘ due and owing to [*A. B. of, &c.*] on the Day of
‘ [*here insert the Date of the passing of this Act*] for Arrears of
‘ Interest upon the Sum of [*One hundred Pounds, Fifty Pounds,*
‘ *or Twenty-five Pounds, as the Case may be,*] secured to him [*or if*
‘ *he be entitled as Transferee or Representative of an original Mort-*
‘ *gagee state the Name, &c. of the original Mortgagee*] by a certain
‘ Mortgage [*or Mortgages*] bearing Date on or about the
‘ Day of [*or if more than One Mortgage, “ bearing*
‘ *Date respectively,” here insert the Date of each Mortgage*] granted
‘ by the Trustees of the said Road under and by virtue of the
‘ Powers of an Act passed in the Fifty-third Year of the Reign of
‘ His late Majesty King *George* the Third, do hereby grant and
‘ assign unto the said [*A. B.*] his Executors, Administrators, and
‘ Assigns, such Proportion of the Tolls arising by virtue of the said
‘ Act of Her present Majesty, and of the Toll Gates, Bars, Chains,
‘ and Toll Houses for collecting the same, and the Buildings and
‘ Appurtenances thereto belonging, as the said Sum of
‘ doth or shall bear to the whole of the Monies now secured or
‘ hereafter

' hereafter to be secured on the Credit thereof, and to be had and
 ' holden from the Day of the Date hereof for and during the Con-
 ' tinuance of the said Act, unless the said Sum of with
 ' Interest at the Rate of *per Centum per Annum*, shall be
 ' sooner paid and satisfied. Given under our Hands and Seals
 ' the Day in the Year of our Lord One
 ' thousand eight hundred and .

Mortgages
to be entered
in a Book.

And Copies of all such Mortgages shall be entered in a Book or
 Books to be kept and provided for that Purpose by the Clerk or
 Treasurer; and all and every or any Person or Persons to whom any
 Mortgage or Mortgages, Assignment or Assignments of Tolls shall
 be made by virtue of this Act, or who shall be entitled to the
 Monies thereby respectively secured, may from Time to Time
 transfer his, her, or their Right, Title, Interest, or Benefit to the
 said Mortgage or Assignment, and the Principal and Interest thereby
 secured, to any Person or Persons whomsoever, by Endorsement on
 such Mortgage or Assignment in the following Words, or Words to
 the like Effect; (that is to say,)

Form of
Transfer of
Mortgage.

' I *A.B.* of [or I *C.D.* of
 ' Executor or Administrator of *A.B.*, late of
 ' or otherwise, as the Case may happen to be], in consideration of
 ' the Sum of Pounds to me paid by *E.F.* of
 ' do hereby assign and transfer unto the said *E.F.*, his Executors,
 ' Administrators, and Assigns, a certain Mortgage or Security
 ' bearing Date the Day of in the Year of our
 ' Lord under the Hands and Seals
 ' of of the Trustees for putting in execution an Act
 ' passed in the Year of the Reign of Her Majesty Queen
 ' *Victoria*, intituled [*here set forth the Title of this Act*], with all my
 ' Right and Title to the Principal Sum of Pounds
 ' thereby secured, and all Interest now due and to grow due thereon.
 ' Dated this Day of One thousand
 ' eight hundred and .
 ' Witness, .

Transfers to
be notified
and entered.

Which said Transfer shall be produced and notified to the Clerk or
 Treasurer for the Time being, who shall cause an Entry or Memorial
 to be made thereof in the said last-mentioned Book or Books,
 containing the Date, Names of the Parties, and Sum of Money
 therein transferred, for which the said Clerk or Treasurer shall be
 paid the Sum of Five Shillings and no more, and such Transfer
 shall then entitle such Assignee, his, her, or their Executors, Admi-
 nistrators, and Assigns, to the Benefit thereof and Payment thereon;
 and every such Assignee may in like Manner assign or transfer the
 same again, and so *toties quoties*; and it shall not be in the Power of
 any Person or Persons to whom the same shall have been previously
 transferred to make void, release, and discharge the original Security,
 or any Money thereby due, or any Part thereof; and all Persons to
 whom any Mortgage or Transfer shall be made as aforesaid shall, in
 proportion to the Sums of Money thereby secured, be Creditors on
 the Tolls by this Act granted, and on the said Toll Gates, Bars,
 Chains, and Toll Houses, and the Buildings and Appurtenances
 thereunto

thereunto belonging, in equal Degree one with another; and no Person shall have any Preference in respect of the Priority of advancing the Money for which the original Mortgage was granted, or the Date of his or her Security. No Priority of Mortgages.

XVII. And be it further enacted, That there shall be no Preference given to the Persons who shall have advanced any Part or Parts of the gross Sums which shall have been borrowed by virtue of the said recited Act in respect of the Priority of advancing his, her, or their Part or Parts thereof, but that all such Lenders and Proprietors of Mortgages or Deeds Poll under the said recited Act, so far as the said several gross Sums shall extend, shall be and are hereby declared Creditors on the said Tolls in equal Degree one with another. No Preference to Creditors.

XVIII. And whereas by an Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act of His late Majesty King George the Fourth, for repairing the several Roads leading to and from the City of Exeter, and for making certain new Lines of Road to communicate with the same, and for keeping in repair Exe Bridge and Countess Wear Bridge, and to make and maintain the Roads communicating with the said Bridge*, the Trustees of the said Roads were authorized and empowered to agree with the Trustees of the *Cullompton* Trust acting in the Execution of the said recited Act of the Fifty-third Year of the Reign of His Majesty King *George* the Third, for the repairing and keeping in repair the *Cullompton* Turnpike Road from *Padbrooke Bridge* to *Hazel Stone* aforesaid, in the same Manner as if the same had been originally a Part of the *Exeter* Turnpike Trust, upon the Terms and Conditions and in the Manner therein set forth: And whereas it would be advantageous to the Public if the Trustees for executing this Act were empowered to agree with the Trustees of the said recited Act of the Second Year of the Reign of His late Majesty King *William* the Fourth for the Transfer to them of the said Road for the repairing thereof; be it therefore enacted, That it shall be lawful for the Trustees for executing this Act to agree with the Trustees for the Time being acting in execution of the said recited Act of the Second Year of the Reign of His late Majesty King *William* the Fourth for repairing and keeping in repair the said Road from *Padbrooke Bridge* to *Hazel Stone* aforesaid, in such and the same Manner as if the same had originally been Part of the *Exeter* Turnpike Trust, but so as not to subject the Trustees of the *Exeter* Turnpike Trust to the Payment of any Principal Debt, Interest, or other Monies due from the Trustees of the *Cullompton* Turnpike Trust upon the Credit of the Tolls now collected on the said Road, nor to give to the said Trustees of the *Exeter* Turnpike Trust Power or Authority to interfere with any of the Provisoes, Remedies, Powers, or Authorities of any Act relating thereto, save only and except as to the Repairs of such Road as aforesaid: Provided always, that the Tolls and Rates now or hereafter to be collected on the said Road by the Trustees of the *Cullompton* Turnpike Trust shall in that Case still remain and be subject and liable to the Provisoes and Powers of the said recited Act passed in the Fifty-third Year

[Local.] 5 0 of

For Repair of the Cullompton Turnpike Road by the Exeter Trust. 1 & 2 W. 4. c. 62.

of the Reign of His said Majesty King *George* the Third, or this Act, and to the Payment of the Principal Debt and Monies from Time to Time due and secured thereon, and shall be let and managed, received, paid, and applied, by the Trustees of the *Cullompton* Turnpike Trust as heretofore.

Trustees of
Cullompton
Trust em-
powered to
transfer the
Road to the
Exeter Trust.

XIX. And whereas it might be more advantageous to the Creditors upon the Tolls of the said *Cullompton* Turnpike Trust, and to the Public at large, if the Trustees acting in the Execution of this Act were empowered to agree with the Trustees of the said *Exeter* Turnpike Trust for the Transfer to them of the said last-mentioned Road, so as to consolidate the said Two Trusts; be it therefore enacted, That it shall be lawful for the Trustees acting in execution of this Act to contract and agree with the Trustees for executing the said Act of the Second Year of the Reign of His late Majesty King *William* the Fourth, for the Transfer and Assignment to them of the said Road comprised in the said recited Act of the Fifty-third Year of the Reign of His late Majesty King *George* the Third and this Act, together with the Toll Gates, Weighing Machines, Toll Houses, and Appurtenances thereto belonging, upon such Terms and Conditions as may be mutually agreed upon by the Trustees of the said respective Turnpike Roads.

Trustees of
Exeter Trust
empowered
to receive the
same, and to
collect Tolls
thereon.

XX. And be it further enacted, That it shall be lawful for the said Trustees for the Time being acting in execution of the said recited Act, of the Second Year of the Reign of His late Majesty King *William* the Fourth to contract and agree with the Trustees for executing this Act, for the Transfer to the Trustees of the said *Exeter* Turnpike Trust of the said Road, together with all Toll Gates or Weighing Machines in, upon, or across the said *Cullompton* Turnpike Road, or any Part thereof, and also of all Toll Houses, with the Appurtenances thereto belonging, which now are or hereafter shall be erected, set up, or placed upon the said Road or on the Sides thereof, and also of the Tolls authorized by this Act to be demanded and taken at the said Toll Gates, upon such Terms, Stipulations, and Conditions as shall be mutually agreed upon between the said Trustees of the *Cullompton* Turnpike Trust and the said Trustees of the *Exeter* Turnpike Trust, such Terms, Conditions, and Stipulations to be with the view to the Benefit of the Creditors of the said *Cullompton* Turnpike Road; and from and immediately after such last-mentioned Agreement shall be made and concluded the said Road, together with the Toll Gates, Weighing Machines, and Toll Houses, with the Appurtenances, and also the said Tolls, shall, from the Day to be fixed as herein-after mentioned, become and be vested in the Trustees of the *Exeter* Turnpike Road, and be consolidated in and with the said *Exeter* Turnpike 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 said Trustees of the *Exeter* Turnpike Trust: Provided always, that previous to the Terms of such Agreement being finally settled a joint Meeting of the Trustees of both the said Turnpike Trusts shall be held at the *Globe* Inn, or some other convenient Place in the City of *Exeter*, Notice whereof in Writing, signed by the respective Clerks of the said Turnpike Trusts, shall be published

Trustees of
both Trusts
to make such
Conditions as
the Majority
of both Trusts
shall agree to.

in some Newspaper circulated in the said County of *Devon* at least Twenty-one Days before such Meeting, declaring the Purpose thereof; and at such Meeting the Terms, Stipulations, and Provisions of such Agreement of Transfer and Assignment, if approved by a Majority of the Trustees of each Trust present at such Meeting, shall be entered in the respective Order Books of the said Trustees, and signed by the major Part of the Trustees of each Trust present at such Meeting; and such Entries shall contain an Order for the Adoption of such Agreement, and such Order shall be final, binding, and conclusive upon all Persons whomsoever.

XXI. And be it further enacted, That no Trustee of either of the said Turnpike Trusts who shall concur in any Order or Orders to be made for any or either of the Purposes aforesaid, nor any Clerk or Clerks, Treasurer or Treasurers, shall be sued or prosecuted for or concerning any thing which shall be done by or in pursuance of the Provisions herein-before contained for making and executing any Agreement of Transfer, or for any Order or Orders for executing the same as aforesaid: Provided always, that in case any Action, Suit, or Proceeding shall be commenced or prosecuted against any Trustee or Trustees of the said Turnpike Trusts, or any Clerk, Treasurer, or other Officer of such Trusts, for or by reason of any Act, Matter, or Thing relating to such Agreement, Order or Orders, the Defendant or Defendants in such Action, Suit, or Proceeding shall be fully indemnified, reimbursed, and paid by the Treasurer for the Time being of the *Exeter* Turnpike Roads, out of any Monies then or thereafter to be in his Hands as such Treasurer as aforesaid.

For Protec-
tion of
Trustees and
Officers in
making
Transfers.

XXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

XXIII. And be it further enacted, That this Act shall commence from and after the Twenty-ninth Day of *September* One thousand eight hundred and thirty-nine, and shall from thence continue and be in full Force and be executed for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Term and
Continuance
of this Act.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1839.

