Anno decimo

Georgii III. Regis.

An Act to continue and render more effectual an Act of the Thirty-first Year of His late Majesty, for repairing several Roads in the Counties of *Dorset* and *Devon*, leading to and through the Borough of *Lyme Regis*; and for repairing the Road from the Turnpike Road on *Uplyme Hill*, to the Turnpike Road at the *Three Ashes*, in the Parish of *Crewkerne*, in the County of *Somerset*, and other Roads therein mentioned.

WHEREAS by an Act of Parliament made in the Thirty-first Year of the Reign of His late Majesty, intituled, An Act for repairing and widening several Roads in the Counties of *Dorset* and *Devon*, leading to and through the Borough of *Lyme Regis*; several Tolls were granted, and Powers given to the Trustees therein named, or to be elected by virtue of the said Act, for the Term therein mentioned, for repairing the said Roads: Preamble, reciting 31 *Geo.* II.

Roads: And whereas the Truſtees have borrowed a conſiderable Sum of Money upon the Credit of the ſaid Act; which, together with the Tolls collected upon the ſaid Roads, have been applied in repairing thereof, and great Progreſs hath already been made therein; but the ſame cannot be completed, and the Roads kept in good Repair for the future, and the preſent Debt diſcharged, unleſs the Term granted by the ſaid Act be extended, and the Powers thereof enlarged: May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King'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 Firſt Day of March, One thouſand ſeven hundred and ſeventy, the ſaid recited Act, and all the Clauſes, Tolls, Powers, Authorities, Proviſions, Regulations, Penalties, Forfeitures, Puniſhments, Exemptions, Matters, and Things, therein contained (except ſuch Parts as are hereby altered or varied) and alſo this preſent Act, ſhall be in full Force, and have Continuance for and during the Reſidue and Remainder of the Term then to come and unexpired of the ſaid recited Act, and, from and after the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament: Which ſaid recited Act, and all the Tolls thereby granted, and which ſhall or may be collected or received by virtue thereof, or of this Act, upon the ſaid ſeveral Roads therein deſcribed, or on the Side or Sides thereof, or in, upon, or croſs, any Lane or Way leading out of or into the ſame, ſhall and are hereby reſpectively declared and enacted to be ſubject and liable to the Payment of all Sums of Money now due and owing on the Credit of the ſaid recited Act, or which ſhall or may hereafter be borrowed on the Credit of the Tolls thereby granted, for and during the Continuance of the reſpective Terms granted or continued by the ſaid recited Act and this preſent Act.

Recited Act further continued for 21 Years, &c.

ſubject to the Debts already contracted.

And whereas the Road leading from the Turnpike Road on Uplyme Hill, in the Pariſh of Uplyme, in the County of Devon aforeſaid, to join the Turnpike Road at the Three Aſhes, in the Pariſh of Crewkerne, in the County of Somerſet, by the Way of Bottle Inn, and alſo by the Way of Thornecombe, in the ſaid County

of

of Devon; and also the Road leading from the Turnpike Road between Colway Turnpike-gate, in the Parish of Lyme Regis, and Charmouth, in the said County of Dorset, to the Turnpike Road between Penn Inn, in the Parish of Whitechurch Canonicorum, in the said County of Dorset, and Charmouth aforesaid, near Hole Farm, in the said Parish of Lyme Regis; and also the Road leading from the Turnpike Road between Penn Inn aforesaid, and Axminster, in the said County of Devon, near the Direction-post at or near Greenway Head, in the Parish of Whitechurch Canonicorum aforesaid, to join the said Road leading from Uplyme Hill to the Three Ashes aforesaid, are incommodious and unsafe, and cannot be effectually amended and kept in good Repair by the ordinary Course of Law; be it therefore further enacted by the Authority aforesaid, That this present Act, and also the said recited Act, and the several Clauses, Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Punishments, Exemptions, Matters, and Things therein contained (except such Parts as are hereby altered or varied) shall respectively be put in Execution for amending and keeping in Repair the said last mentioned Roads, for and during the Residue of the Term granted by the said recited Act, and also for the additional Term hereby granted, as fully and effectually to all Intents and Purposes, as if the same were severally repeated and re-enacted in the Body of this present Act.

Recited and present Act, extended to the Roads here described.

And, in order that the said Trustees may be enabled to put the said last-mentioned Roads in good and sufficient Repair; be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, to erect or cause to be erected One or more Turnpike or Turnpikes, in, upon, or across, any Part or Parts of the said Roads leading from the Turnpike Road on Uplyme Hill aforesaid, to the Three Ashes aforesaid; and also upon any Part of the Road leading from the said Turnpike Road at or near Greenway Head aforesaid, as they, or any Five or more of them, shall think proper; and also a Toll-house at each Turnpike, with suitable Out-buildings thereto; and may also take in and inclose on the Side of the said Roads convenient Garden Spots to each Toll-house; and may likewise erect or cause to be erected, such and such Number of Side-gates across any

Trustees may erect Turnpikes and Toll-houses,

Street, Lane, or Way, leading into or out of the said Roads, or any Part or Parts thereof, as they the said Trustees, or any Five or more of them, shall, from Time to Time, order and direct; and shall or may take down and remove, from Time to Time, all such Turnpikes, Toll-houses, and Side-gates, as have been erected, or shall be erected by virtue of the said recited Act, or this present Act, as they shall see Occasion, and erect others at such Place or Places as they shall think proper.

and take down old ones.

Tolls granted by former Act extended to this;

And be it further enacted by the Authority aforesaid, That such and the like Tolls as are authorised to be taken, in and by virtue of the said recited Act, upon the Roads therein described, and no more, shall be demanded and taken at each and every Turnpike and Side-gate hereby respectively authorised to be erected upon the said new or additional Roads herein before described, and hereby intended to be repaired, by such Person or Persons as the said Trustees, or any Seven or more of them, shall, from Time to Time, appoint to collect and receive the same, before any Horse, Cattle, Beast, or Carriage whatsoever shall be permitted to pass through any of the said Turnpikes or Side-gates; and the said Tolls shall be levied and recovered, in case of Refusal to pay the same, or any Part or Parts thereof, by such Ways and Means, and in such and the like Manner, as any of the Tolls granted by the said recited Act can or may by virtue thereof be levied and recovered; and all and every Person and Persons evading or attempting to evade the Payment of the Tolls hereby granted, shall be subject and liable to the like Penalties and Forfeitures, to be levied and recovered by the like Ways and Means as any of the Penalties or Forfeitures incurred for evading or attempting to evade Payment of any of the Tolls granted by the said recited Act can or may, by virtue thereof, be levied and recovered; and the same, when recovered, shall be applied for the Purpose of repairing the said last-mentioned Roads, and to no other Use or Purpose whatsoever.

and to be recovered and applied in like Manner.

Tolls to be paid but Once a Day.

Provided always, and it is hereby enacted and declared, That no Person or Persons shall be subject or liable to the Payment of any of the Tolls hereby authorised to be taken as aforesaid more than Once in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for passing with the same Horse, Cattle, Beast, or Carriage, through all or any Turnpike or Turnpikes to be

erected upon any Part or Parts of the said last-mentioned Roads, or on the Side or Sides thereof; such Person or Persons producing a Ticket of the Day, denoting that such Toll hath been paid on that Day on the same Roads; all which Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of such Toll, if demanded.

Which Road shall be last repaired.

Provided also, That the Part of the Road leading from Uplyme Hill aforesaid, to the Three Ashes, by the Way of Thornecombe aforesaid, at and from the Place on Hawkchurch Hill, in the said County of Dorset, where the Road to the said Three Ashes, by the Way of Thornecombe and the Bottle Inn aforesaid divides, shall be the last repaired of the aforesaid last mentioned Roads.

Application of the Monies.

And be it further enacted, That all the Tolls which shall be collected upon the said Roads last-mentioned, and all the Money which shall and may, from Time to Time, be borrowed on the Credit thereof, shall (after paying the Proportion of the Expences of obtaining and passing this Act, as hereafter-mentioned) be applied in amending and keeping in Repair the said last-mentioned Roads, and other necessary Purposes relating thereto, and to no other Use or Purpose whatsoever; any Thing contained in the said recited Act or in this present Act to the contrary notwithstanding.

Trustees not to borrow more than 2000 *l.* unless Creditors consent thereto.

Provided always, and be it enacted, That the Sum of Money to be borrowed upon the Credit of the Tolls hereby granted, shall not at any One Time exceed Two thousand Pounds, unless the Person or Persons intitled to Three-fourths of the Monies which shall be so borrowed shall consent thereto, and signify the same by Writing under his or their Hand or Hands to the said Trustees, or any Seven or more of them; and that no Creditor or Creditors shall have any Preference on account of any Priority in lending any Money on the Credit of the same Tolls, but shall be all Creditors in equal Degree in respect of the Money so to be advanced by him, her, or them.

All Creditors deemed equal in Degree.

Expences of this Act how to be paid.

And be it further enacted, That the Expences of obtaining and passing this Act, shall be paid in the Proportions following; that is to say, One Moiety thereof out of the Tolls arising upon the said last-mentioned Roads, and the other Moiety out of the Tolls to be collected upon the Roads described in the said recited Act.

And whereas it frequently happens, that Persons making use of the Roads directed to be repaired by the said

said recited Act turn out of the same before they come to the Turnpikes, and afterwards come into the said Roads again, by which Means they avoid paying the Tolls which of Right they ought to pay; be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby authorised and impowered to erect, or cause to be erected, a Turnpike or Gate across a certain Lane or Way leading out of the Turnpike Road at Bucks Ash Turnpike, to a House or Place called Dunscombe, in the Parish of Salcombe Regis, in the said County of Devon, Westward of the said House or Place; and also such other Turnpikes or Gates across any other Lane or Way leading into or out of the said Turnpike Roads, directed to be repaired by the said recited Act and this present Act; and there to demand and take, from any Person or Persons, such and the like Tolls as are authorised to be taken at any Turnpike erected upon the Roads directed to be repaired by the said recited Act, or this present Act.

Trustees may erect Side-gates,

and take Tolls thereat;

Provided always, That no Toll shall be demanded and taken at the said Turnpike to be erected across the said Lane West of Dunscombe House, or across any other Lane or Way, for or in respect of any Horse, Beast, Cattle, or Carriage whatsoever, which shall not on that Day have travelled upon some Part of the said Turnpike Roads, or which shall not afterwards on the same Day travel upon some of the said Turnpike Roads directed to be repaired by the said recited Act, or this present Act, more than the Distance of One hundred Yards; any thing herein before contained to the contrary notwithstanding: And any Person who shall have paid any of the Tolls hereby granted at the said Turnpike or Side-gate, so to be erected as aforesaid, or at any other Turnpike or Side-gate to be erected upon or across any other Lane near or adjoining to any of the said Turnpike Roads, comprized in the said recited Act, or in this present Act, shall afterwards on the same Day (to be computed as aforesaid) be permitted to pass and return with the same Horse, Cattle, Beast, and Carriage, Toll-free, through all or any Turnpike or Turnpikes, within the Division of Roads where such Tolls shall have been so paid, such Person producing a Ticket denoting the Payment thereof on that Day; all which Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll, if demanded.

except for Carriages, &c. not passing more than 100 Yards.

Persons having paid at the Cross-gates, to return Toll-free through the Turnpikes in the same Division.

Provided

Provided always, and be it enacted, That no Turnpike shall at any Time or Times hereafter be erected, by virtue of the said recited or this present Act, on any Part of the Turnpike Road, or on the Sides thereof, between the Fountain Inn in Charmouth aforesaid, and a Publick-house called the Hunter's Lodge, in the said Parish of Uplyme. No Turnpike to be erected between the *Fountain Inn* in *Charmouth*, and the *Hunter's Lodge* in *Uplyme* Parish.

And whereas it is very difficult, at certain Times in the Year, to get such a Number of Trustees to meet, as in some Cases the said recited Act requires; be it therefore enacted by the Authority aforesaid, That in all Cases whatsoever, where by the said recited Act any Nine or more Trustees are required to meet for the Purposes of the said recited Act, it shall and may be lawful for any Seven or more Trustees to meet and to act; and all Acts and Proceedings whatsoever of any Seven or more of the said Trustees, in all Cases whatsoever where, by the said recited Act, Nine or more Trustees are required to be present, shall be as valid and effectual, to all Intents and Purposes, for putting the said recited Act and this present Act in Execution, as if any Nine or more Trustees were then present and concurred in such Acts and Proceedings; any Thing contained in the said recited Act to the contrary notwithstanding. Seven Trustees to act in particular Cases.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and they are hereby authorised and impowered, at any Time or Times during the Continuance of the Terms of the said recited Act and of this Act (on Ten Days Notice in Writing being affixed on all the Turnpike Gates which shall be then standing upon the said Roads) to lease or farm by the Year all the Tolls granted by the said recited Act or this present Act, or any Part or Parts thereof, and also all the Turnpikes and Toll-houses erected or to be erected by virtue thereof, with the Appurtenances, to any Person or Persons whomsoever, at or for the largest yearly Sum or Sums that can be gotten for the same, taking sufficient Security for the due Payment thereof: Provided that such Leases or Agreements be in Writing, and signed and sealed by any Seven of the said Trustees, and be not made for more than Three Years at any One Time; and that the Money which shall be so agreed to be paid for the said Tolls shall be made payable and shall be paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall by the said Leases or Agreements, or otherwise, authorise and impower to receive the same, by equal Quarterly Trustees may lease the Tolls, &c.

Payments; and that the Person or Persons to whom the same shall be let, shall duly execute such Leases or Agreements, or Counterparts thereof, and shall always pay down One Quarter's Rent in Advance: And in case any Agreement shall be made for letting or farming the said Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act, every such Agreement shall be void; or if any Default shall be made in paying the said Money agreed to be paid for the said Tolls, or any Part or Parts thereof, the said Trustees, or any Seven or more of them, are hereby impowered to declare such Agreement void; and the Person or Persons to whom the said Tolls, or any Part or Parts thereof, shall have been letten or farmed as aforesaid, shall be liable to account for the same to the said Trustees, or any Seven or more of them; and the Money arising thereby shall and may be levied and recovered upon and from him and them, by the same Ways and Means, and in such Manner, as any Money arising by the Tolls granted by the said recited Act can or may be levied and recovered, from the Collectors thereof, by virtue of the said Act.

And whereas the Road leading from the Lyme Regis Turnpike Road, at Kingsdon Tail, to Steward's Gate, and from thence across a Common in or near the Parish of Colyton, in the said County of Devon, to the Lyme Regis Turnpike Road, between Viney Lane and Rakeway Head, is in a ruinous Condition, and cannot be repaired by the ordinary Course of Law; be it therefore enacted, That the said Road shall be deemed and taken to be Part of the Division of Roads lying between Viney Lane and Rakeway Head aforesaid, and shall be repaired as such by the same Ways and Means, and in such Manner, as any Part of the Roads lying within that Division can or may be repaired.

Road added to *Viney Lane* District.

And be it further enacted, by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Publick Act.

FINIS.