Anno ſeptimo

Georgii III. Regis.

An Act to continue the Term, and render more effectual an Act paſſed in the Thirty firſt Year of His late Majeſty, for amending ſeveral Roads leading from the Town of *Tiverton*, in the County of *Devon*; and for repairing and widening the Road from *Bickley Bridge Croſs*, over *Bickley Bridge*, to the Sign of the *Swan* in the Town of *Silverton*; and alſo the Road from *Bickley Wood Croſs*, to *Ford Village Water*, in the ſaid County.

WHEREAS by an Act made in the Thirty firſt Year of the Reign of His late Majeſty, for amending ſeveral Roads leading from the Town of Tiverton, in the County of Devon, ſeveral Tolls or Duties, and Powers, were granted to Truſtees, to commence and have Continuance from the paſſing thereof for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament: And whereas the ſaid Truſtees have proceeded in the Execution of the ſaid Act, and have borrowed a conſiderable Sum of Money upon the Credit of the Tolls thereby granted; but find the ſaid Roads cannot be effectually amended, and the Money borrowed repaid, unleſs the Term granted by the ſaid Act is further continued, Preamble.

and the Powers thereof are 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 the said Act, and all and every the Tolls or Duties, Powers and Clauses, therein contained (except such as are hereby varied, altered, or repealed) shall be and continue in full Force, and be executed, from and after the Expiration of the Term granted by the said Act, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, as fully as if the same were herein again repeated and re-enacted in the Body of this present Act; which said additional Term, and the Tolls or Duties, Powers and Clauses, hereby continued, are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said Act, and of such other Sum and Sums of Money as shall be borrowed for the Purposes of the said Act, or this Act, and the Interest due and to grow due for the same.

The recited Act continued for the further Term of 21 Years.

And whereas the Road leading from a certain Place called Bickley Bridge Cross, in the Road between Tiverton and Crediton Forches, over Bickley Bridge, through the Parishes of Tiverton, Bickley, and Silverton, to the Sign of the Swan in the Town of Silverton; and also the Road leading from a certain Place in the Road between Tiverton and Crediton Forches aforesaid, called Bickley Wood Cross, through the Parishes of Bickley and Thorverton, to Ford Village Water, in the Parish of Thorverton aforesaid, are, in many Parts, steep, narrow, and in a ruinous Condition; and the said Roads cannot, by the ordinary Course of Law, be effectually amended, widened, and kept in good Repair; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Trustees appointed in pursuance of the said Act, or any Nine or more of them, and they are hereby impowered, by and out of the Tolls collected, or to be collected, by virtue of this and the said Act, or the Money borrowed, or to be borrowed, upon the Credit thereof, in the First Place, to amend, repair, divert, turn, and widen, the said Road leading from Bickley Bridge Cross, to and over Bickley Bridge, through the Parishes of Tiverton, Bickley, and Silverton, to the Sign of the Swan, in the Town of Silverton aforesaid; and from and after the Time the said last-mentioned

Trustees to repair the Roads from *Bickley Bridge Cross* to the *Swan* at *Silverton*, and from *Bickley Wood Cross* to *Ford Village Water*;

Road ſhall be well and ſufficiently repaired and amended; then, and not before, to amend, widen, turn, or alter, the ſaid Road leading from Bickley Wood Croſs, through the Pariſhes of Bickley and Thorverton, to Ford Village Water, in the Pariſh of Thorverton aforeſaid; by carrying the ſame by or through certain Places called Bickley Court and Dandiland, as fully, completely, and effectually, as if the ſame had been inſerted, and directed to be amended, widened, turned, or altered, by the ſaid Act; and to ſet up and erect, or cauſe to be ſet up and erected, a Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, in, upon, or acroſs, any Part of the ſaid Roads, or on the Sides thereof, or upon, in, or acroſs, any Way or Lane leading into or out of the ſame, or into or out of the Roads directed to be repaired by the ſaid Act, to prevent Perſons evading the Payment of the Tolls; and to collect or levy, or cauſe to be collected or levied, ſuch Toll or Tolls at ſuch Gates or Turnpikes, and in ſuch Manner, as they are by the ſaid Act impowered to collect or levy at any Gate or Gates erected by virtue thereof.

and may erect Turnpikes thereon,

and take Tolls thereat.

And whereas the Road leading from the Way-poſt on the North Eaſt End of Lennard Moor, to the Town of Cullumpton, is by the ſaid Act directed to be repaired; but Doubts having ariſen to what Place the Road is to be repaired; be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Truſtees appointed in purſuance of the ſaid Act, or any Nine or more of them, by and out of the Tolls collected, or to be collected, by virtue of this and the ſaid Act, or the Money borrowed, or to be borrowed, on the Credit thereof, to amend and repair the ſaid Road from the Way-poſt or the North Eaſt End of Lennard Moor aforeſaid, to a certain Houſe known by the Sign of the White Hart, in Cullumpton aforeſaid, under and ſubject to ſuch Powers, Directions, and Reſtrictions, as are in and by the ſaid Act and this Act directed.

Truſtees to repair the Road from *Lennard Moor* to *Cullumpton*.

And whereas by the ſaid Act it is enacted, That the ſeveral Tolls and Duties ariſing on the ſeveral and reſpective Roads directed to be repaired by the ſaid Act, ſhall be deemed ſo many ſeparate Funds for the Repair of the reſpective Roads whereon the ſame ariſe, and for the Repayment of the Money borrowed thereon, and the Intereſt thereof: And whereas the ſaid Act, and this Act, would ſooner be carried into effectual Execution, if all the Tolls and Duties granted by the ſaid Act, and this Act, were made a joint Fund for the repairing all the Roads directed to be repaired by the ſaid

Act and this Act; and for paying the Money borrowed and to be borrowed upon the Credit thereof, with Interest for the same; be it therefore further enacted by the Authority aforesaid, That from and after the passing of this Act, all the Tolls or Duties granted by the said Act and this Act, shall be deemed One joint Fund for repairing all the said Roads, and shall be, and be deemed to be, a joint Security for, and subject and liable to the Payment of, all Sums of Money which have been or shall be borrowed upon the Credit of all or any of the Tolls and Duties collected or to be collected on all or any of the Roads directed by the said Act, and this Act, to be repaired, with Interest for the same; any thing in the said Act contained to the contrary thereof notwithstanding.

Tolls collected on the several Roads to be joint Funds.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to grant and let to farm, during any Term not exceeding Three Years, the Tolls of all or any of the Gates or Turnpikes erected, or to be erected, by virtue of the said Act or this Act, to any Person or Persons, subject to such Conditions as the said Trustees, or any Nine or more of them, shall think fit, and for the most and greatest Sum of Money that can be got for the same; Notice in Writing of the Time and Place of the Meeting for such granting and letting to farm being fixed on the Market-house within the said Town of Tiverton, and on all the Turnpike-gates erected, or to be erected, by virtue of the said Act, or this Act, within Three Miles of the said Town of Tiverton, at least Twenty Days before the Meeting for such granting and letting to farm the said Tolls.

Notice to be given of leasing, &c. the Tolls.

And whereas by the said Act the Trustees were required at a publick Meeting to declare what gross Sum of Money they should think requisite to be borrowed on the Security of the Tolls, and Doubts have arisen whether they were impowered, at any Time after such Meeting, to borrow any further Sum or Sums of Money: And whereas many Difficulties may arise in the Execution of the said Act and this Act, if the Trustees are confined and limited to the Restrictions and Regulations therein contained, with respect to the borrowing of Money; therefore be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered at any Meeting (Ten Days Notice of a Meeting for that Purpose being first affixed on the Market-house of Tiverton aforesaid, and being

Trustees may borrow Money upon the Credit of the Tolls.

alſo advertiſed in ſome publick News Paper) to borrow and to take up at Intereſt, not exceeding the Rate of Four Pounds by the Year for every One hundred Pounds borrowed, ſuch Sum or Sums of Money as they ſhall from time to time judge neceſſary for the Purpoſes of the ſaid Act or this Act; any Clauſe, Reſtriction, Matter, or Thing, in the ſaid Act contained to the contrary thereof notwithſtanding.

Truſtees may divert, &c. the Roads.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, at any Time during the Continuance of the ſaid Act and this Act, to divert, alter, or turn, the Roads leading from the Town of Tiverton aforeſaid to the ſaid ſeveral Places in the ſaid Act, or this Act, mentioned and directed to be repaired by the ſaid Act, or this Act, or any Part or Parts thereof, for the better Accommodation of Paſſengers, by avoiding the ſteep and hilly Parts of the ſaid Roads, as they ſhall think fit; and ſhall cauſe Ten Days Notice of the Meeting for ſuch Purpoſe to be affixed at and upon the Market Houſe of Tiverton aforeſaid; and they are hereby veſted with the ſame Powers and Authorities for purchaſing, or being poſſeſſed, of ſuch Lands as may be requiſite for ſuch Purpoſes, as they are by the ſaid Act veſted with for diverting, altering, or turning, any of the Roads thereby directed to be repaired and widened; and may apply ſuch Sum or Sums of Money for making and maintaining ſuch Improvements and Alterations out of the Tolls collected, or to be collected, by virtue of the ſaid Act and this Act, or out of the Money borrowed, or to be borrowed, on the Credit thereof.

Expences of the Jury how to be borne.

And be it further enacted by the Authority aforeſaid, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Authority of the ſaid Act, or this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Monies as a Recompence or Satisfaction for the Right, Intereſt, or Property, of any Perſon or Perſons in any ſuch Lands, Grounds, or Hereditaments, or for any ſuch Loſs or Damage than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, in Writing, by their Clerk, or ſome Perſon by his or their Order, before the ſummoning or returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, in any ſuch Lands, Grounds, or Hereditaments, or Loſs or Damage as aforeſaid; that then, and in ſuch Caſes, the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and

other

other incidental Charges attending the ſame, concerning the aſcertaining and determining the Value of any ſuch Right, Property, or Intereſt, in any ſuch Lands, Grounds, or Hereditaments, or Loſſes or Damages ſuſtained as aforeſaid, ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any Jury or Juries ſo to be ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more or leſs Monies than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, in Writing under the Hand of their Clerk, and delivered by him, or by ſome Perſon by his or their Order, before the ſummoning the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property, in any ſuch Lands, Grounds, or Hereditaments, or Loſſes or Damages as aforeſaid, that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and other incidental Charges attending the ſame, ſhall be paid and borne by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute.

And whereas by the ſaid Act it is enacted, That all and every Perſon or Perſons, Towns, Pariſhes, and Places, and the Inhabitants thereof, who, before the making of the ſaid Act, had been uſed, or of Right ought, by reaſon of the Tenure of any Lands, or on any other Account, to repair any Part of the Roads thereby intended to be repaired, or any Bridge lying in and upon the ſame, ſhould, notwithſtanding the ſaid Act, be ſubject and liable to the repairing, and keeping in Repair, the ſame, in the ſame Manner as they had theretofore uſually done: And whereas the Bridge called Bickley Bridge before-mentioned, hath been, Time immemorial, repaired by the Inhabitants of the ſaid Pariſh of Tiverton, for the more particular Uſe of a Diſtrict of the ſaid Pariſh, and very little Uſe was made of the ſaid Bridge; but ſince the Road hath been repaired in purſuance of the ſaid Act, from Tiverton aforeſaid to the Bridge aforeſaid, great Numbers of Carriages of all Kinds are continually paſſing and repaſſing over the ſaid Bridge, and the ſame is now become very ruinous and dangerous for Paſſengers, and the ſaid Bridge is ſo narrow, that Broad Wheel Waggons cannot paſs without injuring the ſame; and the ſame cannot be effectully repaired, widened, and made commodious for Paſſengers, without the Aid of Parliament; be it therefore further

further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, and they are hereby impowered and required, by and out of the Tolls collected, or to be collected, at the Gates erected, or to be erected, by virtue of the ſaid Act, and this Act, or out of the Money raiſed, or to be raiſed, on the Credit thereof, to amend and widen, and, from time to time, repair the ſaid Bridge called Bickley Bridge, in the Pariſh of Tiverton aforeſaid, in ſuch Manner as they ſhall think fit; any thing in the ſaid Act to the contrary thereof notwithſtanding: And that the ſaid Truſtees, or any Nine or more of them, or ſuch Perſon or Perſons as they, or any Nine or more of them, ſhall authorize and appoint, ſhall and may demand, receive, and take, the Toll or Sum of One Shilling for every Waggon drawn by more than Four Horſes (except the fore and hind Wheels of ſuch Waggon ſhall roll a Surface of at leaſt Sixteen Inches wide on each Side of the ſaid Waggons, as by an Act made in the Fifth Year of the Reign of His preſent Majeſty is directed) over and above the Tolls directed to be received by the ſaid Act, and this Act, at any Gate or Gates to be erected on the Road between Bickley Bridge aforeſaid and Silverton aforeſaid; which Toll ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls collected on the ſaid Road are by the ſaid Act, or this Act, directed to be collected, recovered, and applied.

Truſtees impowered to repair and widen *Bickley Bridge*, and take Toll thereat.

And be it further enacted by the Authority aforeſaid, That the ſaid Act, and all the Tolls directed to be taken by virtue thereof, and all other the Powers, Exemptions, Proviſions, Penalties, Forfeitures, Clauſes, Matters, and Things, therein contained, and every Part thereof (except ſuch Parts as are hereby repealed, altered, amended or explained) ſhall, during the Continuance of the ſaid Act, and this Act, be in full Force and Effect, and be executed for the ſurveying, ordering, directing, repairing, widening, turning, and keeping in Repair, the Roads before mentioned, in ſuch and the ſame Manner, to all Intents and Purpoſes, as if the ſaid Roads had been deſcribed in and directed to be repaired, widened, turned, and kept in Repair, in and by the ſaid Act, and as if the ſame had been repeated and re-enacted in this Act.

Former Act to continue in Force, unleſs where altered or repealed by this Act.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, ſhall, as ſoon as conveniently may be after the paſſing of this Act, pay out of the Money ariſing by the Tolls

Expences of this Act to be paid.

collected or to be collected by virtue of the ſaid Act, and this Act, or out of the Money borrowed or to be borrowed upon the Credit thereof, all the Expences of the paſſing of this Act, and the incidental Charges attending the ſame.

Limitation of Actions. And be it further enacted by the Authority aforeſaid, That if any Action or Actions, Suit or Suits, ſhall be brought againſt any Perſon or Perſons, for any thing done or to be done by virtue or in purſuance of this Act, or in relation to any of the Matters or Things herein contained, ſuch Action or Actions, Suit or Suits, and every of them, ſhall be commenced within the Space of Three Calendar Months next after the doing the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be brought, and not afterwards; and ſhall be brought, laid, and tried, in the County or Place where ſuch Matters or Things reſpectively ſhall be committed and done, and not in any other County or Place; and that the Defendant or Defendants in ſuch Actions

General Iſſue. and Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had, commenced, or proſecuted thereupon; and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done; or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid; then the Jury or Juries ſhall find for the Defendant or Defendants therein: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants; or if the Plaintiff or Plaintiffs in any ſuch Action or Suit ſhall become Nonſuited, or ſuffer a Diſcontinuance of his, her, or their, Action or Suit; or if, upon any Demurrer or Demurrers in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defend-

Treble Coſts. ants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſe by Law.

Publick Act. 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.

FINIS.