



ANNO UNDECIMO

# GEORGIIV. REGIS.

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## *Cap. xxxiv.*

An Act for more effectually repairing and otherwise improving several Roads from *Radstock* to *Buckland Dinham*, *Kilmersdon*, *Babington*, and *Hallastrow*, and from *Norton Down* to *Norton Saint Philip*, in the County of *Somerset*.

[26th April 1830.]

**W**HEREAS an Act was passed in the Eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from Buckland Dinham to the End of the Parish of Timsbury, and also the Road from Midsomer Norton to the End of the Parish of Norton Saint Philip, and also the Road from Tucker's Grave to the Road leading from Wellow to a Place known by the Name of the Red Post, in the County of Somerset*: And whereas an Act was passed in the Twenty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act of the Eighth Year of His present Majesty, for repairing and widening the Road from Buckland Dinham to the End of the Parish of Timsbury, and also the Road from Midsomer Norton to the End of the Parish of Norton Saint Philip, and also the Road from Tucker's Grave to the Road leading from Wellow to a Place known by the Name of the Red Post, in the County of Somerset; and for amending, widening, and keeping in repair the Road from Kilmersdon in the said County, to join the Road from Buckland Dinham aforesaid in the Street of Radstock in the said County*: And whereas an Act was

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8 G. 3. c. 53.

29 G. 3. c. 101.

50 G.3. c.11. passed in the Fiftieth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to enlarge the Term and Powers of Two Acts of His present Majesty, so far as the same relate to the Road from Buckland Dinham to Radford Bridge, and from Midsomer Norton to Norton Saint Philip, and from Kilmersdon to Radstock, in the County of Somerset*: And whereas the Trustees for executing the said recited Acts have proceeded to put the same into execution, and have made considerable Progress in repairing, widening, and otherwise improving the several Roads thereby directed to be repaired and improved, and have borrowed several large Sums of Money on the Credit of the Tolls thereby authorized to be taken, which Money still remains due and owing, and cannot be paid off, nor can the said several Roads, nor the new Lines of Road herein-after mentioned, be effectually made, amended, widened, diverted, improved, and kept in repair, unless the Term granted by the said recited Acts be further continued: And whereas it would be of great public Utility if Power were given to make, widen, divert, turn, improve, and maintain the present Highway from the *Fir Tree Inn* in the Parish of *Writhlington*, through *Mells Lane*, by *Nobsbury Water*, *Stowell Water*, and *Cornish's Grave*, to join the *Bruton Turnpike Road* at *Babington Corner*, and also the present Highway from the *Bath new Turnpike Road* at or near *Radstock*, near *Smalcomb Coal Works*, by *Powes Ash*, through *Paulton*, to the *Bath Turnpike Road* at *Hallatrow*: And whereas, in consequence of the dangerous Steepness of the Hill called *Gaganham Hill*, at *Kilmersdon*, it would be of great public Benefit and Utility to avoid the same by widening and improving the present Highway from a Cottage now in the Occupation of *Ann Smith* at *Kilmersdon* to join the aforesaid Road at the Crossways near *Stowell Water* in *Kilmersdon* aforesaid: And whereas it is expedient that certain Parts of the Roads comprised in the said recited Acts from the *Bath old Turnpike Road* at *Radstock* to the *Bath new Turnpike Road* near *Smalcombe Coal Works*, and from *Powes Ash* to *Radford Bridge*, should no longer be Turnpike Roads, and that the Trustees for executing this Act should be discharged from the Care and Management thereof: And whereas it would be more convenient if the said recited Acts were repealed, and further, better, and more effectual Powers and Provisions granted instead thereof, as well for repairing, amending, widening, diverting, and otherwise improving the Roads comprised in the said recited Acts and herein-after mentioned, as for making and maintaining the new Lines of Road herein-before mentioned; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 *Wednesday* next after the passing of this Act the said recited Acts shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

Recited Acts repealed.

This Act to take effect for repairing

II. And be it further enacted, That this Act shall commence and take effect and shall be put in execution, for and during the Term herein-after

herein-after mentioned, for the Purpose of more effectually amending, widening, altering, and from Time to Time repairing and otherwise improving the several Districts of Road herein-after described; (that is to say,) the First District, which shall comprise the Road from the *Bath* Turnpike Road at *Radstock*, through the Parishes of *Radstock*, *Writhlington*, *Hemington*, and *Buckland Dinham*, to join the *Frome* Turnpike Road at *Buckland Dinham*, in the County of *Somerset*, and the Road from the *White Post* at the Junction of the *Bath*, *Wells*, and *Shepton Mallet* Turnpike Roads near *Norton Down*, through the Parishes of *Midsomer Norton*, *Stratton on the Foss*, *Holcombe*, *Kilmersdon*, *Writhlington*, *Hemington*, and *Norton Saint Philip*, in the said County of *Somerset*, to the End of the Parish of *Norton Saint Philip*, towards *Farley*, and the Road leading from the Street at *Radstock*, through the Parishes of *Radstock* and *Kilmersdon* to the Road at the Top of *Gallows Hill* in the Parish of *Kilmersdon*, and also the Road from a Cottage in the Occupation of *Ann Smith* at the Bottom of *Gaganham Hill* to join the intended new Road herein-after described at or near *Stowell Water* in the Parish of *Kilmersdon* aforesaid; the Second District, which shall comprise the Road from the *Fir Tree* Inn in the Parish of *Writhlington*, through *Mells Lane*, *Nobsbury Water*, certain Fields of *John Twyford Jolliffe* called *Poor Field*, *Stall Paddock*, *Baker's Wood* or *Stall Mead*, and *Fish Pools*, a Field of *William Francis Knatchbull* called *Cock Hobbs*, and *Cornish's Grave*, to join the *Bruton* Turnpike Road at *Babington Corner*, lying in the Parishes of *Writhlington*, *Kilmersdon*, and *Babington*, in the said County of *Somerset*; and the Third District, which shall comprise the Road from the *Bath* new Turnpike Road at *Radstock*, near *Smalcombe Coal Works*, through *Midsomer Norton*, *Camerton*, and by *Pows Ash*, through *Paulton* and *High Littleton* in the Parishes of *Midsomer Norton*, *Camerton*, *Paulton*, and *High Littleton*, in the said County of *Somerset*, adjoining the *Bath* Turnpike Road at *Hallatrow* in the said Parish of *High Littleton*, and also a new Line of Road at *Paulton* diverging out of the said Road, through a Close of *William Rawlins* called the *Milking Barton*, a Close of *Elizabeth Plumptre* called the *Mead*, an Orchard of *Susanna Cundict*, a Garden of *Sarah Simes*, a Garden of *William Simes*, across a public Highway, and through an Orchard of *John Saunders*, an Orchard of *Robert Hill*, and a Close of the said *Elizabeth Plumptre* called *Park*, to join the said Road leading to *Hallatrow*.

III. Provided always, and be it further enacted, That until the new Lines of Road hereby directed to be made Turnpike shall be respectively made fit for the Passage of Cattle, Carts, and Carriages, and shall be certified so to be by any Two of His Majesty's Justices of the Peace acting for the said County of *Somerset*, it shall be lawful for the said Trustees to continue, maintain, and make use of the present Course of the said Roads through the Parishes of *Kilmersdon* and *Paulton*, or either of them, directed by this Act or the said recited Acts to be made and kept in repair; and the Trustees for executing this Act shall be discharged from the Care and Management of such old Lines of Road respectively when the new Lines are completed and certified so to be as aforesaid.

IV. And

the Roads herein described.

First District of Road.

Second District.

Third District.

Old Road now used as Turnpike to continue until new ones completed.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of Somerset, together with the Honourable *William Waldegrave*, Sir *George Warwick Bampfylde* Baronet, Sir *William Jolliffe* Baronet, Sir *Henry Strachey* Baronet, *Joseph Algar* Clerk, *Arthur Annesley* Clerk, *Thomas Balne*, *Charles Francis Bampfylde* Clerk, *William Batchelor* Clerk, *Edmund Broderip*, *Richard Boodle* Clerk, *Thomas Bunn*, *William Jones Burdett*, *John Hody Chichester* the elder, *John Hody Chichester* the younger, *Augustus Asgill Colville* Clerk, *George Cookson* Clerk, *Charles Trelawney Collins* Clerk, *John Frederick Doveton* Clerk, *Harry Folkes Edmund Edgell*, *Farnham Flower*, *James Fussell* the elder, *John Fussell* the younger, *Thomas Fussell*, *John Dory Greenhill*, *Joseph Hill*, *John Hill*, *Thomas Strangways Horner*, *Thomas Hollwey*, *William Coxeter James*, *John Coxeter James*, *John Jarrett*, *Stephen Jarrett*, *Hylton Jolliffe*, *John Twyford Jolliffe*, *Thomas Robert Jolliffe* Clerk, *John Jones*, *John Ireland* Clerk, *Samuel Kelson*, *Thomas Mortimer Kelson*, *William Francis Knatchbull*, *Wadham Knatchbull* Clerk, *Thomas Whitaker Ledyard*, *William Maskell*, *Thomas Miles*, *Richard Miles*, *Henry Hodges Mogg* Clerk, *Stephen Neale*, *John Moore Paget*, *Sambourne Stuckley Palmer*, *John Parish*, *Joseph Ponting*, *Thomas Ponting*, *John Purnell*, *Thomas Randall*, *James Eyre Salmon*, *Thomas Savage*, *Robert Savage*, *George Treweeke Scobell*, *Henry Sheppard*, *George Sheppard*, *John Sheppard*, *Harmer Sheppard*, *William Sheppard*, *William Singer*, *John Skinner* Clerk, *Francis Skurray* Clerk, *Bartholemew Smith*, *John Smith*, *Richard Strachey*, *Randle Chetham Strode*, *Francis Hutchinson Synge*, *Samuel Twyford*, *Charles Twyford* Clerk, *Hyde Salmon Whalley*, *James Anthony Wickham*, *James Whalley*, *Dawe Thomas Wickham*, *Thomas Williams* Clerk, *Hamilton John Williams* Clerk, *Francis Bowcher Wright*, and their Successors, being duly qualified to act as Trustees for repairing Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for amending, widening, altering, and otherwise improving the said several Roads, and for making and maintaining the said new Roads, and for otherwise carrying this Act into full and complete Execution.

Power to  
appoint  
additional  
Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at a Meeting to be held for that Purpose in pursuance of this Act, provided that Notice of the Time and Place of such Meeting be given by any Two or more of the said Trustees by affixing the same in Writing upon all the Toll Gates or Turnpikes erected upon the said Roads, and by inserting such Notice in One or more of the *Bath* Newspapers, Ten Days at least before such Meeting, to elect, nominate, and appoint any Number of fit and proper Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby nominated and appointed a Trustee or Trustees for such Purpose.

VI. And

VI. And be it further enacted, That the said Trustees shall hold their First Meeting at the *Gauntlet's Inn* at *Kilmersdon*, or at some other convenient House or Place on or near the said Roads, on the first *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then and there proceed to put this Act in execution, and shall then and there afterwards adjourn to and meet at such Time or Times and such Place or Places on or near to the said Roads as the said Trustees, or the major Part of them, present at any such Meetings, shall think proper and appoint.

First Meeting  
of Trustees.

VII. And be it further enacted, That a Sum or Sums, not exceeding the respective Tolls following, shall be demanded and taken at each and every Turnpike, Toll Gate, Bar, or Chain now set up and continued, or which shall hereafter be set up, upon or across or by the Side of the Roads by this Act authorized or directed to be made, amended, widened, diverted, improved, and kept in repair, and the several Branches thereof, and the said new Lines of Road, by each and every such 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, Beast, or Cattle, or any Carriage, shall be permitted to pass through the same; (that is to say,)

Power to  
take Tolls.

For every Horse or other Beast drawing any Coach, Barouche, Sociable, Berlin, Chariot, Landau, Chaise, Phaeton, Curricule, Gig, Caravan, Cart upon Springs, Hearse, Litter, or other such like Carriage, any Sum not exceeding Sixpence :

Tolls.

For every such Carriage on more than Two Wheels, being empty, drawn at the Tail of any Waggon or other Carriage, any Sum not exceeding Sixpence :

And for every such Carriage on Two Wheels only, being empty and drawn as aforesaid, any Sum not exceeding Three-pence :

For every Coach, Waggon, Vehicle, or other Carriage of whatever Description propelled or drawn by Steam, Gas, or any other like Means, any Sum not exceeding the Sum of Two Shillings and Sixpence :

For every Horse or other Beast (other than an Ass) drawing any Waggon, Wain, or Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottoms or Soles thereof, any Sum not exceeding Sixpence; but if such Waggon, Wain, Cart, or other Carriage shall be going empty (necessary Provender not being considered as Lading) for Coals, or returning laden with Coals only, any Sum not exceeding Four-pence :

For every Horse or other Beast (other than an Ass) drawing any Waggon, Wain, or Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Four Inches and an Half and less than Six Inches at the Bottoms or Soles thereof, any Sum not exceeding Seven-pence Halfpenny; but if such Waggon, Wain, Cart, or other Carriage shall be going empty (necessary Provender not being considered as Lading) for Coals, or returning laden with Coals only, any Sum not exceeding Five-pence :

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For

For every Horse or other Beast (other than an Ass) drawing any Waggon, Wain, or Cart, or other such Carriage, having the Fellies of the Wheels of less Breadth than Four Inches and an Half at the Bottoms or Soles thereof, any Sum not exceeding Nine-pence; but if such Waggon, Wain, Cart, or other Carriage shall be going empty (necessary Provender not being considered as Lading) for Coals, or returning laden with Coals only, any Sum not exceeding Sixpence:

For every Cart not drawn by more than One Horse or Two Oxen, any Sum not exceeding Nine-pence; but if such Cart shall be going empty (necessary Provender not being considered as Lading) for Coals, or returning laden with Coals only, any Sum not exceeding Sixpence:

For every Ass drawing any Waggon, Wain, or Cart, or other Carriage, any Sum not exceeding Four-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Three-pence *per* Score, and so in proportion for any less Number:

And for every Drove of Calves, Swine, Hogs, Sheep, or Lambs, any Sum not exceeding Seven-pence Halfpenny *per* Score, and so in proportion for any less Number:

Which said Tolls shall be and the same are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after mentioned.

Tolls to be paid but once a Day.

VIII. And be it further enacted, That in case the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Mule, Ass, Beast, or other Cattle through any One of such Toll Gates, Turnpikes, or Side Gates or Chains, by the Person or Persons attending such Horse, Mule, Ass, Beast, or other Cattle, such Horse, Mule, Ass, Beast, or other Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced by such Person or Persons, be permitted to pass Toll-free during the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) through the same Toll Gate, Turnpike, or Side Gate or Chain, or through such other Toll Gate, Turnpike, or Side Gate or Chain as the Ticket for such Payment shall denote to be free; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Amount of Toll to be taken on the several Districts of Road.

IX. Provided always, and be it further enacted, That no more than One full Toll shall be demanded, collected, or taken for or in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage which shall be going empty for Coals and returning laden with Coals only, and no more than One full Toll and a Half of a full Toll shall be demanded, collected, or taken in any One Day for or in respect of any Horse, Beast, Cattle, or Carriage used or employed for any other Purpose than in the Carriage of Coals, which shall go, pass, or repass through all or any of the Toll Gates, Turnpikes, or Bars erected or to be erected in, upon, or

across any of the Roads comprising the First District of Roads in this Act mentioned; nor shall more than One full Toll be demanded, collected, or taken for or in respect of any Horse, Beast, Cattle, or Carriage passing or repassing through all or any of the Toll Gates, Turnpikes, or Bars erected or to be erected in, upon, or across any of the Roads comprising the Second District of Roads in this Act mentioned; nor shall more than One full Toll be demanded, collected, or taken for or in respect of any Horse, Beast, Cattle, or Carriage passing or repassing through all or any of the Toll Gates, Turnpikes, or Bars erected or to be erected in, upon, or across any of the Roads comprising the Third District of Roads in this Act mentioned.

X. Provided also, and be it further enacted, That no Toll shall be demanded or taken on the said First District of Road between *Radstock* and the *Fir Tree Inn* at *Writhlington*, nor between the Cottage now occupied by *Ann Smith* and the Crossways at *Kilmersdon* near *Nobsbury Water*, from any Person producing a Ticket of the same Day of having paid Toll at any Gate or Bar on either of the said Second and Third Districts of Road.

Restriction of Toll to be demanded on Part of First District.

XI. Provided always, and be it further enacted, That for and in respect of the Horses or other Cattle drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage for the Conveyance of Passengers for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike, Gate, or Bar, the Tolls hereby made payable shall be paid for every Time of passing and repassing through every such Gate or Bar in like Manner as if no Toll had been before paid thereat: Provided nevertheless, that no further or additional Toll shall be payable in respect of Stage Coaches, Stage Waggons, Vans, Caravans, Carts, or other Stage Carriages, on account only of the Horses drawing the same having been changed.

Stage Coaches, &c. to pay each Time of passing.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle let out to Hire, and drawing any Post Chaise or other Carriage, for every Time of passing along the said Roads, whenever any new Hiring thereof shall take place.

Post Chaises on a new Hiring.

XIII. Provided likewise, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam, Gas, or any other like Means, shall be paid every Time of passing and repassing of such Carriage along the said Roads.

Carriages propelled by Steam, &c.

XIV. And whereas it frequently happens that Carts drawn by One Horse, passing along the said Roads, carry excessive Weights of Coal, to the great Injury of the said Roads; be it therefore further enacted, That all Carts passing along the said Roads, drawn by One Horse only, shall and may be weighed at any Engine now erected or to be erected on the said Roads; and in case the same shall be found to exceed the Weight of One Ton Four Hundred, the like additional Toll shall and may be demanded, received, and recovered for the Overweight

One-horse Carts may be weighed.

Overweight thereof as is by Law payable in respect of the Overweights of Carts and Carriages drawn by more than One Horse; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggon, Carts, and other such Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Application  
of Tolls and  
other Monies.

XV. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts, and which shall be remaining unappropriated or undisposed of, and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed on the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes and in the Order and Manner following; (that is to say,) in the first place, in Payment of all Costs, Charges, and Expences which have been incurred in or about applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto; secondly, in paying and discharging the Interest which shall from Time to Time be due to any Mortgagee or Mortgagees of the Tolls payable on the several Districts of the said Roads; thirdly, in defraying the Expences of amending, widening, diverting, improving, repairing, and preserving the several Districts of Roads by this Act directed to be amended, widened, diverted, improved, repaired, and preserved, and the Branches therefrom, and of making and completing and also of repairing the new Roads hereby directed to be made, and for other the Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed or secured by virtue of the said recited Acts, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act, and to or for no other Use or Purpose whatsoever.

Monies to remain chargeable on the District to which they respectively belong.

XVI. And be it further enacted, That all and every Sum and Sums of Money now borrowed or hereafter to be borrowed on the Credit of the Tolls authorized to be taken on the said First District of Road shall remain and continue chargeable on the said First District only, and that all Monies to be borrowed on the Credit of the Tolls authorized to be taken on the said Second and Third Districts of Roads shall be chargeable only on the said last-mentioned Districts respectively.

No more of the Tolls to be laid out on each District than shall be collected thereon.

XVII. Provided always, and be it further enacted, That no more of the Tolls to arise and be collected under the Powers of this Act shall be expended by the said Trustees in or towards the Repair of the Roads comprised in the First District of the said Roads, or in or upon the widening, altering, diverting, or improving the same, than shall be collected thereon; and that no more of the Tolls to arise and be collected under the Powers of this Act shall be expended by the said Trustees in or towards the Repair of the Roads comprised in the



the Second District of the said Roads, or in or upon the widening, altering, diverting, or improving the same, than shall be collected thereon; and that no more of the Tolls to arise and be collected under the Powers of this Act shall be expended by the said Trustees in or towards the Repair of the Roads comprised in the Third District of the said Roads, or in or upon the widening, altering, diverting, or improving the same, than shall be collected thereon.

XVIII. And in order to secure the due Application of the respective Tolls hereby granted to the several Purposes aforesaid, be it further enacted, That all the said Tolls shall be paid by the Collectors or the Lessees thereof into the Hands of the Treasurer or respective Treasurers for the Time being appointed by the said Trustees respectively, who shall keep or cause to be kept separate Accounts thereof, and which shall be applied to the several Purposes aforesaid. Separate Accounts to be kept.

XIX. And be it further enacted, That from and after the First Day of *May* One thousand eight hundred and thirty-one, if the Tire or Tires of any Wheel or Wheels of any Waggon, Cart, or other such Carriage which shall be used or drawn on the said Roads, and which shall be of the Breadth of Four Inches and a Half and under Nine Inches, shall not be so made or constructed as to bear Five Parts in Six of their Breadth on the Road, or on any level Surface, the Horses, Cattle, or Beasts drawing every such Waggon, Cart, or other such Carriage shall be liable to and charged with Toll as drawing a Waggon, Cart, or other such Carriage having Wheels of less Breadth than Four Inches and a Half. Construction of Wheels.

XX. And be it further enacted, That it shall be lawful for the Treasurer or Treasurers of the said Trustees for the Time being, and he and they is and are hereby authorized, directed, and required, yearly and every Year during the Continuance of this Act, to deduct from and out of the Tolls arising or to arise and to be by him or them received in pursuance of this Act or any other Act or Acts of Parliament, the Sum of Five Pounds *per Centum* upon the Net Receipts of the said Tolls, to be applied for the Purpose of redeeming or reducing the Debt already incurred or hereafter to be incurred by the said Trustees on the Credit of the Tolls arising on the said Roads, or so much and such Part thereof as the Powers herein contained will enable them to do; and for that Purpose the said Trustees shall and they are hereby required to hold a Meeting annually to ballot for a Creditor or Creditors to receive the said Sum so retained from the Tolls, or such Part thereof as will be sufficient to pay off and redeem such Sum or Sums of Money as shall be then due and owing to him, her, or them from the said Trustees; and the said Trustees so assembled at such Meeting shall provide a Box, and shall put therein the Names of all the said Creditors, together with the Principal Sums due to them respectively, written upon Paper and rolled up, and which shall be drawn thereout by some indifferent Person, and entered on a List in order as they are drawn by the Clerk to the said Trustees, or such other Person as they may appoint; and such Persons whose Names shall be first drawn thereout and entered on Redemption of Mortgage Debt.

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such List as aforesaid shall have Priority and Preference of Payment of his, her, or their Debt or Debts, or so much thereof as the said Sum so retained will enable the said Trustees to pay; and the said Trustees shall, as soon after the said Ballot as conveniently may be, give or cause to be given Notice thereof in Writing to the Person whose Name shall be first drawn and entered on such List as aforesaid, or leave the same at his, her, or their last or usual Place of Abode, and if within the Space of Ten Days from and after the Time of such Notice so given or left as aforesaid, such Person shall not signify to the said Trustees his or her Assent to receive such Debt, or so much thereof as the said Sum so retained will enable them to pay off and discharge, then and in such Case the said Trustees shall give or cause to be given the like Notice to the second Person whose Name shall be drawn and entered on such List as aforesaid, and so to continue the same through such List until such Assent shall be signified as aforesaid; and if the Monies due to the Person whose Name shall be first drawn, or who shall first signify his or her Assent to receive the same, shall not amount to the Sum so retained, then the Overplus thereof shall be paid to the next Person or Persons whose Name or Names shall have been drawn and entered on such List, on his or her having such Notice and signifying such Assent as aforesaid, within the Time aforesaid, in discharge of his, her, or their Debt, or so much thereof as such Overplus will enable the said Trustees to pay, such Payments to continue and be made in Rotation until the Sum so retained by the Treasurer or Treasurers shall be disposed of amongst such Creditor or Creditors.

Power to  
make the  
new Lines of  
Road.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered, to set out, make, and complete the said several new Lines of Road herein-before respectively described in such Manner and Form and of such Width as the said Trustees may think proper, not exceeding the Width of Forty-five Feet, and from and after the making and Execution thereof the same shall respectively be and be deemed to be a public Highway or Highways to all Intents and Purposes, and shall be deemed and taken to be a Part and Parts of the several Roads herein-before mentioned and described; and the said new Lines of Road shall be deemed and taken to be separate Districts of themselves, and shall respectively comprise the said Second and Third Districts in the Manner herein-before mentioned; and for which several Purposes, as well as for the Purpose of widening the existing Roads, the said Trustees are hereby authorized and empowered to make the same respectively in, upon, over, or along any Lands, Grounds, Tenements, or Hereditaments described in the Map or Plan, Maps or Plans, and Book or Books of Reference herein-after mentioned, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences as they shall think necessary or expedient, and to pull down or remove and take and use any Dwelling Houses, Outhouses, Edifices, Buildings, Curtilages, Courts, Yards, Gardens, Orchards, Paddocks, Lawns, Shrubberies, planted Walks, or Avenues to any House, Nurseries, or any inclosed Ground planted and set apart as a Nursery for Trees, or other Hereditaments, mentioned and set forth in the Schedule to this Act annexed, upon  
making

making Satisfaction for the same to the Owners of the said Hereditaments and Premises and other Persons interested therein, or for the Damage which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, from Time to Time to enter upon the said several Lands and Premises, and to stake out the same for the Purposes of this Act, at such Time or Times and in such Manner as the said Trustees shall think necessary or expedient, without such Trustees, Surveyor or Surveyors, or Workmen being deemed Trespassers or a Trespasser for or by reason of such Entry, or being subject or liable to any Fine, Penalty, or Punishment for or by reason of such Entry; and if any Person shall displace, remove, or take away or destroy any Stake or Stakes used in such staking as aforesaid, or any other Marks used for that Purpose, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXII. And whereas a Map or Plan, Maps or Plans, describing the Lines of the said new Roads and the Branches to join the same, herein-before particularly mentioned, and the Lands, Hereditaments, and other Premises in, upon, through, over, or along which the same are respectively intended to be made or carried and the existing Roads are intended to be widened, together with a Book or Books of Reference to such Map or Plan, Maps or Plans, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, Hereditaments, and other Premises, have been deposited at the Office of the Clerk of the Peace of the County of *Somerset*; be it therefore further enacted, That the said Map or Plan, Maps or Plans, and Book or Books of Reference, shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees in making the said new Lines and Branches shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, Maps or Plans, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands and Premises the said new Lines and Branches shall respectively be made.

The Plan deposited with the Clerk of the Peace to remain there, and the new Lines to be made according thereto.

XXIII. Provided always, and be it further enacted, That if any of the Lands, Houses, Buildings, and other Hereditaments and Premises to be taken or used for the Purposes of this Act shall happen not to be described in the said Map or Plan, Maps or Plans, or any Part or Parts thereof shall happen to be omitted, misnamed, or inaccurately described in the said Book or Books of Reference, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of this Act, but the several Lands, Houses, Buildings, and other Hereditaments and Premises, and every Part thereof, shall and may be taken and used for the Purposes of this Act as fully and effectually as if the Names of the Owners and Occupiers of the same had

Misnomer not to prevent the Execution of the Act.

had not been omitted, or such Owners and Occupiers had been properly and accurately named, provided it shall appear to any Two or more Justices of the Peace of the County of *Somerset*, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only.

Trustees restrained from pulling down Dwelling Houses, &c. without Consent, except those specified in the Schedule.

XXIV. Provided also, and be it further enacted, That the Powers and Authorities given by this Act for making, maintaining, widening, diverting, improving, or altering the said Roads comprised in this Act, and making the said new Lines and Branches, shall not extend or be construed to extend to authorize or empower the said Trustees to take or pull down, injure or damage, any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, Plantation, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained, except such as are mentioned and specified in the Schedule to this Act annexed.

Limiting the Period for purchasing the Property.

XXV. And be it further enacted, That if the said Trustees shall not within the Space of Five Years from and after the passing of this Act agree for and cause to be valued and paid for the Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers to them granted for such Purpose only shall cease, determine, and be utterly void and of no effect, save and except with the Consent of the Owners and Occupiers of such Lands, Tenements, and Hereditaments; any thing herein contained to the contrary thereof in anywise notwithstanding.

Trustees may contract for the Purchase of Land for the Purposes of the Act.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to treat, contract, and agree with the Parties or Persons who shall be Owners of or interested in any Lands, Buildings, Tenements, Hereditaments, or Premises to be taken or made use of in the Execution of this Act, or which shall or may be required for the Purpose of a Toll House or Toll Houses, with Outhouses and other Conveniences thereto, and suitable Garden Plots for each of such Toll Houses, not exceeding One Eighth Part of a Statute Acre to each Toll House, or who shall sustain any Loss or Damage by means thereof, for the Purchase of such Lands, Buildings, Tenements, Hereditaments, and Premises, and for the Value, Consideration, Compensation, or Satisfaction to be made for the same, or for such Loss or Damage as aforesaid; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Wards, Infants, or Issue unborn, Lunatics, Idiots, Persons of unsound Mind, Memory, and

and Understanding, or other Person or Persons whomsoever, and for all Females Covert who are or shall be seised or entitled in their own Right or entitled to Dower, and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands, Buildings, Tenements, Hereditaments, or Premises, to give their Consent in Writing to the said Trustees for the taking and using any such Lands, Tenements, Hereditaments, or Premises, or, who shall sustain any Damage as aforesaid, to give their Consent in Writing to the said Trustees for the taking and using any such Lands, Tenements, Hereditaments, and Premises, and the pulling down of any Dwelling House or any other Building, and to treat, contract, and agree with the said Trustees for executing this Act for the Value, Consideration, Compensation, or Satisfaction to be made for such Property or Interest, or for any Loss or Damage as aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees any such Lands, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes of this Act; and all Contracts, Agreements, Sales, and Conveyances which shall be so made shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or Administrators, or any other Person or Persons as aforesaid, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Tenants for Life or in Tail, or at the House of the Tenants in Possession of any such Lands, Tenements, Hereditaments, or Premises, shall, for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Value, Consideration, Compensation, Satisfaction, or Damages to be inquired into and ascertained by a Jury in the Manner prescribed by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, or any other Act or Acts relating thereto, in Cases where any Damages, Value, or Compensation for Premises thereby authorized to be taken and used for widening, diverting, altering, and improving any Turnpike Road, are directed to be inquired into and ascertained, subject to all the Regulations and Provisions of the said Act or Acts relative to the summoning and impannelling and fining the Jury, the summoning of Witnesses, the

3 G. 4. c. 126.

[*Local.*]

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fining the Sheriff, his Deputy, Bailiff, or Agent, and fining the Witnesses, and to the Payment of the Expences of summoning and maintaining the Jury and Witnesses.

Penalty for exercising Three Horses abreast, or hanging Clothes near the Roads.

XXVII. And be it further enacted, That if any Person or Persons shall exercise Three Horses at the same Time upon any Part of the said Roads, by riding One of them and leading the others abreast, or if any Person shall hang out any Linen or other Clothes within Forty Feet from the Centre of the said Roads or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Public Act.

XXVIII. 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, without being specially pleaded.

Term of Act.

XXIX. And be it further enacted, That this Act shall commence and take effect upon the First *Wednesday* next after the passing of this Act, and shall thenceforth continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE referred to by the foregoing Act.

Name of Owner or reputed Owner.	Name of Occupier.	Description of Property.
<i>In Paulton :</i>		
William Rawlins, Esquire -	In hand - - - -	Milking Barton.
Elizabeth Plumptre - - -	Mrs. Kingman - - -	The Mead.
Mrs. Cundict - - - -	In hand - - - -	Orchard.
Sarah and William Simes {	Sarah Chapman, George Wheeler, and Joseph Bull	} Garden.
John Saunders - - - -	In hand - - - -	Orchard.
Robert Hill - - - -	In hand - - - -	Orchard.
Elizabeth Plumptre - - -	John Hill - - - -	A Field called Park.
<i>In Norton Saint Philip :</i>		
Thomas Clutterbuck and George Hayward Tugwell, Esquires - - -	John Greenhill - - -	Fair Close.
Ditto - - - -	- - - -	Garden by the Blucher Inn.
Gilbert Rotton, Esquire -	Unoccupied - - - -	House and Garden.
Henry Withers, Thomas Skurray, Esquires, and Reverend Henry Sainsbury - - - -	Jeremiah Haynes - - -	House and Outbuildings.
Ditto - - - -	- - - -	A Cellar.
William Short - - - -	In hand - - - -	Garden.
Richard Orchard - - - -	Ditto - - - -	Part of a House.
Ditto - - - -	Ditto - - - -	Front Court.
<i>In Kilmersdon :</i>		
John Twyford Jolliffe, Esquire - - - -	- - - -	{ Poor Field, Stall Paddock, Baker's Wood or Stall Mead, and Fish Pools.
<i>In Babington :</i>		
William Francis Knatchbull, Esquire - - - -	- - - -	Cock Hobbs.

