



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI II. REGIS.

Cap. 61.

An Act for repealing Two Acts, one made in the Twenty-sixth Year of the Reign of King *George* the Second, and the other in the Seventeenth Year of the Reign of His present Majesty, for repairing the Road from the Halfway House, in the Parish of *Lower Compton*, in the County of *Dorset*, through the Towns of *Yeovil*, *Crewkerne*, and *Chard*, to the East End of the Town of *Axminster*, in the County of *Devon*, and several other Roads therein mentioned; and also for repealing so much of an Act, made in the Eighteenth Year of the Reign of His present Majesty, for repairing several Roads leading from the Town of *Taunton*, in the County of *Somerset*, as relates to repairing the Road from the Direction Post in *Widcombe Moor*, through *Street Ash Lane* to *Chard*, and for making more effectual Provision for those Purposes; and for altering and diverting certain Parts of the said Roads.

[20th June 1800.]

[*Loc. & Per.*]

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WHEREAS

Preamble:
26 Geo. II,
and

17 Geo. III,
recited.

WHEREAS by an Act, made in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing and widening the Road from the Halfway House, in the Parish of Lower Compton, in the County of Dorset, through the Towns of Yeovil, Crewkerne, and Chard, to the East End of the Town of Axminster, in the County of Devon, and several other Roads round the said Town of Yeovil, in the County of Somerset*, several Powers were granted to certain Trustees therein mentioned, which were to continue for and during the Term of Twenty-one Years; and from thence to the End of the then next Session of Parliament: And whereas by one other Act made in the Seventeenth Year of the Reign of His present Majesty, intituled, *An Act to enlarge the Term and Powers of an Act, passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, for repairing and widening the Road from the Halfway House, in the Parish of Lower Compton, in the County of Dorset, through the Towns of Yeovil, Crewkerne, and Chard, to the East End of the Town of Axminster, in the County of Devon, and several other Roads round the Town of Yeovil, in the County of Somerset; and for amending Two Roads leading from Vagg Hollow, in the Parish of Yeovil, and the Road from Chard to Cheesway Ash, and from White Down to Perry Street, in Chard, and from thence to the Turnpike Road near Tytherleigh Inn, in the said County of Dorset*, the Term and Powers of the said recited Act of the Twenty-sixth Year of the Reign of His late Majesty King George the Second, were enlarged and continued: And whereas by an Act made in the Eighteenth Year of the Reign of His present Majesty, intituled, *An Act for more effectually amending, widening, and keeping in Repair, several Roads leading from the Town of Taunton, in the County of Somerset; and for repealing Two Acts, one of the Twenty-fifth Year of His late Majesty, and the other of the Fifth Year of His present Majesty, relating to the said Roads; and for amending, widening, and keeping in Repair, several other Roads adjoining thereto, a certain Branch of Road therein mentioned was put under the Care and Direction of the Trustees acting by virtue of the said recited Acts of the Twenty-sixth Year of the Reign of His late Majesty King George the Second, and of the Seventeenth Year of the Reign of His present Majesty: And whereas the Trustees have borrowed considerable Sums of Money on the Credit of the Tolls granted by the said recited Acts of the Twenty-sixth Year of the Reign of His late Majesty King George the Second, and of the Seventeenth Year of the Reign of His present Majesty, which still remain due and owing: And whereas it would tend greatly to facilitate the Execution of the said recited Acts of the Twenty-sixth Year of the Reign of His late Majesty King George the Second, and of the Seventeenth Year of the Reign of His present Majesty, if the several Clauses and Provisions therein contained were consolidated and reduced into One Act, and certain Parts thereof amended and enlarged, and Power given to divert and alter certain Parts of the Roads therein mentioned; and if so much of the said Act of the Eighteenth Year of the Reign of His present Majesty, as relates to the Road from a certain Direction Post in *Widcombe Moor, by Holmen Clavel, over Brown Down, through Street Ash Lane to Chard, in the said County of Somerset*, were repealed: 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*

sent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the *Tuesday* Fortnight after the passing of this Act, the said recited Acts of the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and of the Seventeenth Year of the Reign of His present Majesty, and all the several Matters and Things therein contained, and also so much of the said recited Act of the Eighteenth Year of the Reign of His present Majesty, as relates to the Road from a certain Direction Post in *Widcombe Moor*, by *Holmen Clavel*, over *Brown Down*, through *Street Ash Lane* to *Chard*, in the said County of *Somerset*, shall be, and the same are and is hereby repealed and made void, to all Intents and Purposes whatsoever.

Recited Acts,
so far as re-
lates to the
Road from the
Direction Post
in *Widcombe
Moor* to *Chard*,
repealed.

II. And be it further enacted, That the Right Honourable Lord *Burghersh*, the Right Honourable Lord Viscount *Hinton*, the Honourable *Henry Fane*, the Honourable *Thomas Fane*, *William Dickenson*, *William Dickenson junior*, *John Daniell*, *Peter Daniell*, *John Goodford*, *Robert Goodden*, *Wyndham Goodden*, *John Culliford Goodden Clerk*, *Wyndham Harbin*, *William Harbin*, *Robert Harbin Clerk*, *William Helyar*, *William Helyar junior*, *Henry Helyar*, *George Helyar*, *William Hoskins*, *Thomas Hoskins*, *William Hoskins junior*, *Thomas Hoskins junior*, *John Hooper*, *John Hutchings*, *William Ham*, *William Langdon Clerk*, *William Hooper Masters*, *John Moore*, *John Newman*, *William Pbelips Clerk*, *Charles Pbelips Clerk*, *John Pbelips*, *William Pbelips junior*, *George Bragge Prowse*, *Emanuel Pester*, *Thomas Tomkins Clerk*, *William Warry*, and *Thomas Warry*, and their Successors, to be elected in Manner herein directed, shall be, and they are hereby declared to be Trustees for amending, widening, altering, and keeping in Repair, the Road leading from the Halfway House, in the Parish of *Nether*, otherwise *Lower Compton*, in the County of *Dorset*, through the Town of *Yeovil*, by a certain Place called *Cut Hedge*, in or near the Parish of *West Coker*, through the Parish and Village of *West Coker* to the Bottom of *Chinnock Hill*, and from thence to *Hasleborough Bridge*, in the County of *Somerset*, and also the several Roads leading from the said Town of *Yeovil*, to a Place called *Mudford Bridge*, and to a Place called *Vagg Hollow*, and through *Preston*, to a Parish called *Odcombe*, to *Stoford* and to *Whistle Bridge*, in the said County of *Somerset*, and also the Roads from *Vagg Hollow* aforesaid, to the Bottom thereof, towards the Town of *Iwelchester*, and from *Vagg Hollow* aforesaid, through the said Hollow, called *Thorn Hollow*, to the Cross Road at the Bottom thereof, in the said Parish of *Yeovil*, leading from *Thorn* to *Chilthorn* and *Tintinkull*, in the said County of *Somerset*, and also a Branch of Road from the said Place called *Cut Hedge*, to the first Cross Road beyond *Pye Corner*, in the said Parish of *Odcombe*, in the said County of *Somerset*, and for otherwise putting this Act into Execution with Regard to the said several Roads; which Roads shall be, and are hereby declared to be the First District of Roads by this Act directed to be amended, widened, altered, and kept in Repair.

Trustees for
the First Dis-
trict.

III. And be it further enacted, That Lord Viscount *Hinton Saint George*, *Richard Abraham Clerk*, *Thomas Alford Clerk*, *Robert Jeane Bryant*, *John Bragge*, *Samuel Brown*, *John Bawden*, *Charles Buckland Clerk*, *William Brown*, *John Beviss*, *John Beviss junior*, *Richard Thomas Coombe*, *Richard Coombes*, *William Trevelyan Cox Clerk*, *James Coles*, *Robert Colmer*, *Thomas Collins*,

Trustees for
the Second
District.

Collins, Thomas Collins junior, Roger Cossens, John Cox of Chapple Croft, John Collins of Horton, John Reed Clarke, John Cook, Robert Coker, William Chapman, Joshua Cuff, William Cuff, John Raw Collins, Henry Powell Collins, Bonner Collins, William Colmer, Robert Colmer junior, John Deane, John Deane of South Chard, Thomas Deane, Samuel Deane, John Donne, Charles Edwards, John Eason, Edward Elton, Henry Warry Edwards, Charles Edwards junior, Richard Forsy, John Furber, Edward Forward, Francis Joseph Horatio Festing Clerk, Courtenay Gidley, Charles Giffard, Arthur Gundry, Robert Guppy, William Gray, Robert Gidley, John Fraunceis Gwyn, William Gapper, Henry Hoste Henley, William Hoskins, William Hawker, Richard Hotherfall Hallett Clerk, John Hanning, William Hanning, Israel Harvey, Thomas Hoskins, William Hyatt, James Hoare, Joshua Harcombe, Josiah Haydon, Robert James, William James, William James of Chard Borough, John Knight, William Knight, Nathaniel Knott, Thomas Knott, Samuel Lane, Thomas Langdon, John Bunter Liddon, William Liddon Clerk, John Leman, John Lincoln, James Mico, James Gapper Mason, Thomas Newberry, John Newman, Benjamin Pitts, Thomas Pyke, William Pryer, Isaac Pryer, Thomas Pryer, William Palmer Clerk, Matthew Quantock, John Rio, William Read, William Symes, William Spicer, John Stuckey, Samuel Slee, John Long Seward, Henry Stevens, Robert Stephens Clerk, William Tucker, Thomas Taunton, William Thomas, William John Tucker Clerk, Edward Tapp, James Tapp, Hugh Trenchard Nicholas Vere Clerk, William Wall, William Wall junior, Robert Willy, John Wheadon, Timothy Wallington, William Wills, Samuel Wills, Ezekiel Naisb Wills, John Tyndalle Warre, John White Maltster, Joseph Winter, George Walter, John White-mash, Jonathan Warre, Edward Warre, William Weaver, William Walter, William Welch, Henry Wakley, and their Successors, to be elected in Manner herein directed, shall be, and they are hereby declared to be Trustees for amending, widening, altering, and keeping in Repair, the Road leading from Hasleborough Bridge aforesaid, through the Towns of Crewkerne and Chard, through a certain Lane called Stoney Lane, to the East End of the Town of Axminster, in the County of Devon; and the Roads from the West End of the said Town of Chard, to Honiton Turnpike Road, at Cheesway Ash, and from Whitedown, in the County of Somerset, through Perry Street, to Tytherleigh Inn, in the County of Dorset; and also a Road from the Red Lion Corner in Chard aforesaid, to a certain Place called Street Ash Lane, in the Parish of Combe Saint Nicholas, and from thence through the several Parishes of Combe Saint Nicholas, Buckland Saint Mary, Bickenball, Curland, and Staplefitzpain, in the County of Somerset, to the Taunton Turnpike Road at a Place called Staple Pound, in the said Parish of Staplefitzpain; and for otherwise putting this Act into Execution with regard to such Roads which shall be, and are hereby declared to be the Second District of Roads by this Act directed to be amended, widened, altered, and kept in Repair.

No Act valid unless at a Meeting.

Majority present may act.

IV. And be it further enacted, That no Act of the Trustees of the said respective Districts shall be or be deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act, except as may be herein excepted; and that all the Powers and Authorities by this Act granted to the said Trustees respectively, shall and may be exercised, from Time to Time, by the major Part of them who shall attend at any Meeting to be holden in pursuance of this Act, the Number of such Trustees respectively present at their respective

respective Meetings not being less than Five, and all the Orders and Proceedings of the major Part of such Trustees present at such respective Meetings, shall have the same Force and Effect as if the same were made or done by all such respective Trustees for the Time being, save and except as may be herein excepted; and at every Meeting of the Trustees of the said respective Districts a Chairman shall and may be appointed, and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman) then and in such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

Chairman to be appointed.

V. And be it further enacted, That upon the Death, or Refusal, or Disability to act of any of the respective Trustees hereby appointed, or their Successors, to be elected in Manner herein mentioned, it shall and may be lawful to and for the surviving or remaining Trustees of the said respective Districts, from Time to Time to elect and appoint One other Person to be a Trustee in the Room of each Trustee so dying, or refusing, or being incapable of acting, and Notice of the Time and Place of the Meeting for every such Election shall be given in Writing under the Hand of the Clerk of the said respective Trustees for the Time being to be affixed on all and every of the Turnpikes which shall be then standing on the said Roads within their respective Districts, at least Ten Days before such Meeting; and every Person so to be elected and appointed a new Trustee as aforesaid, shall be, and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected and nominated.

Election of new Trustees.

VI. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act for the said First District, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or be possessed of or entitled to a Personal Estate of the Value of Two thousand Pounds, or shall be Heir apparent of some Person possessed of an Estate in Land of the clear yearly Value of One hundred Pounds; and no Person shall be capable of acting as a Trustee in the Execution of this Act for the said Second District, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or be possessed of or entitled to a Personal Estate of the Value of One thousand Pounds, or shall be Heir apparent of some Person possessed of an Estate in Land of the clear yearly Value of Fifty Pounds; and if any Person not being so qualified shall nevertheless presume to act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlanee shall be allowed; and such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Qualifications of Trustees.

All Acts of Trustees not qualified, if done before Conviction, valid.

VII. Provided nevertheless, That all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Victuallers, &c. incapable of acting.

VIII. Provided always, and be it enacted, That no Person or Persons who shall keep any Victualling House, Alehouse, or other House of publick Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, Spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the Trustees of the said respective Districts, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victualling House, Alehouse, or other House of publick Entertainment, or shall sell any Wine, Cyder, Beer, Ale, Spirituous or other strong Liquors by Retail, but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person to collect them, who shall not be under any such Incapacity.

Trustees may act as Justices, except where personally interested.

IX. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Meetings.

X. And be it further enacted, That the Trustees of the said First District shall meet in the said Town of *Yeovil* on the *Tuesday* Fortnight after the passing of this Act, between the Hours of Eleven in the Forenoon, and Two in the Afternoon, and shall then and there proceed to carry this Act into Execution, and shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden at such Place near to any Part or Parts of the Roads within the said First District, and at such Time, as to them shall seem proper; and the Trustees of the said Second District shall meet at the Common Hall in the said Town of *Chard*, on the *Tuesday* Fortnight after the passing of this Act, between the Hours of Eleven in the Forenoon, and Two in the Afternoon, and shall then and there proceed to carry this Act into Execution, and shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden at the said Common Hall within the said Town of *Chard*, and at such Time as to them shall seem proper; and if it shall so happen, that there shall not appear at any such Meeting a sufficient Number of Trustees to act, the Trustee or Trustees then present, or the Clerk to the Trustees of the said respective Districts, shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day, within One Calendar Month from the Day on which such Adjournment shall be made, and shall cause publick Notice thereof to be given in Writing affixed on all the Turnpikes erected by virtue of this Act within their respective Districts, at least Ten Days before the Day to which

which such Meeting shall be so adjourned; and the said Trustees shall at all their Meetings defray their own Expences; and that none of the said Trustees shall be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act.

Trustees to
defray their
own Expences.

XI. And be it further enacted, That if after any Adjournment of the said Trustees respectively it shall at any Time be thought necessary that an earlier Day should be appointed than the Day to which such respective Meetings shall have been adjourned, then and in such Case the Clerk, to whom an Order in Writing signed by Three or more of the said Trustees, mentioning the Time and Place, and Purpose of such Meeting, shall be given; shall forthwith give Notice thereof in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, (such Time not being less than Ten Days after such Notice), and all Proceedings of the Trustees of the said respective Districts at such Meetings shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment: Provided always, That no Meeting of the Trustees of the said Second District shall be holden but at the Common Hall within the Town of *Chard*.

Meetings on
Emergencies.

XII. And be it further enacted, That no Order made by any Five or more of the Trustees of the said respective Districts shall be revoked or altered unless Eleven or more of such respective Trustees shall be then present, and Nine or more of them shall concur therein, and unless Notice shall have been given by Five Trustees to their respective Clerks of their Desire to have a Meeting for the Purpose of taking into Consideration the said Order, with a View to revoke or alter the same; and in such Case Notice in Writing shall be given by such Clerk, Ten Days at the least before such Meeting, to, or left at the usual Place or Places of Abode of such Trustees as were present when the Order was made, of the Intention to revoke or alter any such Order.

No Order to
be revoked
unless Nine
Trustees con-
cur.

XIII. And be it further enacted, That the Trustees of the said respective Districts shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their respective Meetings; and all Entries in such Book or Books, being signed by the Chairman and Clerk then present, or either of them, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, and Actions touching or concerning any Thing done in pursuance of this Act; and that such Book or Books shall, at all the respective Meetings of the Trustees of the said respective Districts, be open and liable to the Inspection of all and every of the said respective Trustees, and of the respective Creditors on the Tolls hereby granted and made payable within the said respective Districts; and that any of the said respective Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Four-pence, and so in Proportion for any greater or less Number of Words.

Proceedings
to be entered.

XIV. Provided always, and be it enacted, That all and every Book and Books, in which any Entry or Entries of any Proceeding or Proceed-

Proceedings
under former
Acts good
Evidence.

ings of any of the Trustees, or other Person or Persons acting by and under the Authority of the said recited Acts of the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and of the Seventeenth Year of the Reign of His present Majesty, or either of them, (such Entry or Entries being made in such Book or Books according to the Directions of, and made Evidence by the said Acts, or either of them), shall be, and be deemed to be good and sufficient Evidence of such Proceedings in any Court whatsoever; any Thing herein contained to the contrary thereof notwithstanding.

Trustees to
appoint
Officers,

and remove
them, and
may allow
them Salaries.

Trustees to
take Security
from the
Treasurer.

Officers to
account.

Treasurer to
account on
Oath.

XV. And be it further enacted, That the Trustees of the said respective Districts may and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the Roads within their respective Districts, and also such other Officers and Persons for the Execution of this Act, as the said respective Trustees shall think proper; and from Time to Time to remove such Officers and Persons respectively as they shall see Occasion, and out of the Monies to be received by virtue of this Act to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons, as the said respective Trustees shall think reasonable; and the said respective Trustees shall and are hereby required to take such sufficient Security from every such Treasurer and other Officer for the due Execution of his Office, as they shall think proper; and all such Officers so to be appointed shall, under their Hands, at such Time or Times, and in such Manner as the said respective Trustees shall direct, deliver to the said respective Trustees, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received, by virtue of and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the Trustees of the said respective Districts, or to such Person or Persons as they respectively shall appoint to receive the same; and every such Treasurer shall, on the First *Tuesday* in the Month of *March* yearly, or at the First Meeting of the said respective Trustees then next following, (although not thereunto required by the said respective Trustees), lay his Accounts before the said respective Trustees, in order that the same may be audited, passed, and allowed by them, if approved of; and all the said Officers so accounting as aforesaid shall upon Oath (which Oath any One or more of the said Trustees are hereby empowered to administer) verify their said Accounts; and if any such Officer shall refuse or neglect to make and render, or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse, or wilfully neglect to deliver to the Trustees of the said respective Districts, or any One or more of them, (or to such Person or Persons as they respectively shall appoint to receive the same, within Seven Days next after being thereunto required by the said respective Trustees, by Notice in Writing given to, or left at the last or usual Place of Abode of such Officer), all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, or give Satisfaction to the said respective Trustees respecting the same, and if Complaint shall

be

be made by the said respective Trustees, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the City, County, or Place wherein such Officer so refusing or neglecting shall be or reside, such Justice may, and he is hereby authorized and required to issue a Warrant under his Hand and Seal, for the Officer so refusing or neglecting to appear before him, and upon his appearing; or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act, shall remain due from such Officer, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act, shall be in the Custody or Power of such Officer, and he shall have refused or neglected to deliver, or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the City, County, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the Trustees of the said respective Districts, to whom such Money ought to have been paid, for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said respective Trustees are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof, to the said respective Trustees.

XVI. And be it further enacted, That it shall and may be lawful for any Two or more of the Trustees of the said respective Districts, upon the Death, Neglect, Refusal, or Incapability to act, of any Toll Gatherer or Gate Keeper appointed to collect the Tolls upon the Roads within their respective Districts, to nominate and appoint some other fit Person in his Place, until the next Meeting of the Trustees of that particular District, which Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all Respects as the Person in whose Room or Stead he shall be so appointed; and that if any Toll Gatherer or Gate Keeper, who shall be discharged from his Office by the Trustees of the said respective Districts, shall refuse to deliver up the Possession of the House, Buildings, and Appurtenances, which he enjoyed in Right of his Appointment to that Office, within Three Days after Notice given him, or left at his House in Writing, under the Hands of the said respective Trustees, or any Two or more of them, or if the Wife and Family of any such Toll Gatherer or Gate Keeper, who shall die as aforesaid, shall refuse to deliver up such House, Buildings, and

Death of a Gate Keeper Two Trustees may nominate another till the next Meeting.

If a discharged Gate Keeper refuse to deliver up the House, &c.

[Loc. & Per.]

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Appurtenances,

Appurtenances, within Three Days after such new Appointment shall be made as aforesaid; then and in either of the said Cases it shall and may be lawful to and for any Justice of the Peace for the County or Place where such Offender shall be or reside, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Premises in the Day Time, and to remove the Persons who shall be found therein, together with their Goods out of such House, and to put the new appointed Officer in Possession thereof.

Lessees of Tolls may appoint Persons to receive the same.

XVII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm, to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by Writing or Writings under his or their Hand or Hands, authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes, as any Toll Gatherer or Gate Keeper, appointed by the said respective Trustees, is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Toll Gatherer or Gate-keeper appointed by the said respective Trustees is subject or liable to.

Trustees empowered to erect Turnpikes and Toll Houses, and receive Tolls.

XVIII. And be it further enacted, That the said Trustees of the said respective Districts shall and may cause to be erected such and so many Turnpikes within their respective Districts, to secure the Tolls hereby granted, upon or across the said Roads, and on or near the Sides thereof, in, near unto, or across any Lanes or Ways leading or that may hereafter lead out of the same, as they shall think proper, and such and so many Toll Houses, as they shall think proper, and shall and may, in Manner herein directed, purchase and take Land sufficient for such Toll House or Toll Houses, with necessary Accommodations thereto, and from Time to Time remove, alter, or discontinue such Turnpikes and Toll Houses, or any of them, as they the said Trustees of the said respective Districts shall from Time to Time think meet and expedient; and shall and may cause to be demanded and taken at the said Turnpikes the Tolls following, before any Horse, or other Beast or Cattle, shall be permitted to pass through the same; (that is to say),

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Coach, Chariot, Phaeton, Calash, Curricl, Vis-a-vis, Chaise, Diligence, Caravan, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, the Sum of Three-pence:

For every Ox, Steer, Gale, or Bull, drawing singly, and not in Pairs or abreast, any such Carriage as aforesaid, the Sum of Three-pence:

For every Ox, Steer, Gale, or Bull, drawing in Pairs or abreast any such Carriage as aforesaid, the Sum of Three Half-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence *per* Score, and so in Proportion for any greater or less Number:

And

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five pence *per* Score, and so in Proportion for any greater or less Number.

XIX. And be it further enacted, That between the First Day of *November* and the last Day of *February* in each and every Year, it shall and may be lawful to and for the respective Toll Gatherers or Gatekeepers to demand and take, for each and every Horse or other Beast of Draught, drawing any Carriage employed in carrying or conveying any Timber Tree or Trees, a Toll equal to One Half in Addition to the Toll which otherwise might be demanded and taken for such Horse or other Beast of Draught; provided that no such additional Toll shall be demanded or taken save and except there shall be Two or more Horses or other Beasts of Draught in any such Carriage.

Additional Toll on Carriages employed in conveying Timber.

XX. And be it further enacted, That the said respective Tolls shall be, and are hereby vested in the Trustees of the said respective Districts, and a Table thereof shall be put up and continued at each and every Turnpike within the said respective Districts; and it shall and may be lawful to and for the respective Persons who shall, by virtue of this Act, be appointed Collectors of the said Tolls, to demand, collect, and receive the Tolls hereby granted; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall after Demand thereof made by any Collector to be appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful to and for such Collector to seize and distrain any Carriage, or any Horse or Horses, or other Beast or Cattle chargeable with the said Tolls, and if such Tolls, and the reasonable Charges of such Seizure and Distress; and of detaining and keeping the same, shall not be paid within Five Days next after such Seizure and Distress made; the Person so seizing and distraining shall and may sell such Carriage, Horse or Horses, Beast or other Cattle, rendering the Overplus (if any) upon Demand, to the Owner or Owners thereof, after such Tolls, and all reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Tolls vested in the Trustees.

XXI. Provided always, and be it enacted, That if any Dispute shall happen about the Quantity of the Tolls due, or the Charges of keeping and selling any Distress, it shall and may be lawful to and for the Collector or Person distraining to retain the same, or the Money arising from the Sale thereof, until the Quantity of the Tolls, or Charges of distraining and selling the Distress, as the Case may be, shall be ascertained by some Justice of the Peace for the County or Place wherein such Dispute may happen to arise, who, upon Application made to him for that Purpose, shall examine the said Matter by Oath of the Parties, or other Witnesses or Witnessess, and shall determine the Quantity of the Tolls due, and shall also assess the Charges of such Distress and Sale, and all other reasonable Costs, all which Sum or Sums so determined or assessed, shall be paid to the said Collector, before he shall be obliged to return the said Distress or the Overplus, after Sale thereof, or of any Part thereof.

In case of Dispute concerning Tolls and Charges, the Matter to be settled by a Justice.

XXII. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houses, and other Buildings, and of all Mile Stones and Posts erected by virtue of the said recited Acts of the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and

Turnpikes, etc. vested in the Trustees.

of the Seventeenth Year of the Reign of His present Majesty, or either of them, or to be erected by virtue of this Act, and of all Materials already laid upon the said several and respective Roads for the repairing thereof, and also of all other Materials which shall be provided for making and repairing the said several and respective Roads by virtue of this Act, shall be vested in the Trustees of the said respective Districts, and they are hereby empowered to cause any Actions to be brought, and any Bills of Indictment to be preferred against any Person or Persons who shall steal, break down, take away, injure, or spoil, any such Turnpikes, Toll Houses, or other Buildings, or any such Materials as aforesaid.

Tolls to be taken but once a Day on that Part of the Road which lies between *Dover* and *Deal*.

XXIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable any Collector or Collectors of the said Tolls to demand or take any more than One Toll in any One Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) from any Person or Persons for or in respect of the same Horse, or other Beast or Cattle, passing and re-passing through the same or any other Gate or Turnpike upon the same District of Roads, all and every such Person and Persons producing a Ticket, denoting that the said Toll has been paid in that Day, which Ticket the said Collector or Collectors is and are required to deliver, *gratis*, on the Payment of such Toll.

Tolls at *Cheeseway Ash* Gate.

XXIV. Provided always, and be it enacted, That no Person or Persons shall be exempt from the Payment of any such Tolls as aforesaid, for or in respect of any Horse, Beast, or Cattle, at such Gate or Turnpike as is or shall be erected on the said Road, between the Town of *Chard* and the said Place called *Cheeseway Ash*, although such Tolls as aforesaid shall have been paid for or in respect of any such Horse, Beast, or Cattle, at any other Gate or Turnpike within the said Second District; nor shall any such Person or Persons be exempted from the Payment of such Tolls as aforesaid, for or in respect of any Horse, Beast, or Cattle, at any other Gate or Turnpike within the said Second District, although such Tolls as aforesaid shall have been paid for or in respect of such Horse, Beast, or Cattle, at the said Gate or Turnpike, between the said Town of *Chard* and *Cheeseway Ash* aforesaid.

Tolls at *Windwhistle* Gate.

XXV. Provided also, That no Person or Persons shall be exempted from the Payment of any such Tolls as aforesaid, for or in respect of any Horse, Beast, or Cattle, at such Gate or Turnpike as is or shall be erected at a certain Place called *Windwhistle*, between the said Towns of *Crewkerne* and *Chard*, within the said Second District, although such Tolls as aforesaid shall have been paid for or in respect of such Horse, Beast, or Cattle, at any other Gate or Turnpike within the said Second District; nor shall any Person or Persons be exempted from the Payment of such Tolls as aforesaid, for or in respect of any Horse, Beast, or Cattle, at any other Gate or Turnpike within the Second District, although such Tolls as aforesaid shall have been paid for or in respect of any such Horse, Beast, or Cattle, at the said Gate or Turnpike at *Windwhistle* aforesaid.

Penalty on evading the Tolls.

XXVI. And, for preventing the evading the Payment of the said Tolls, be it further enacted, That if any Person or Persons shall give, offer, or dispose of to, or receive from any other Person or Persons, any such Ticket as aforesaid, or shall counterfeit, or knowingly make use of any counterfeit Ticket, in order to avoid Payment of the said Tolls, or if any Person

Person or Persons owning, renting, or occupying any Lands adjoining to the said Roads, or any of them, or near unto any Turnpike erected or to be erected thereon, shall permit or suffer any Person to pass through or over any Part of his, her, or their said Lands, with any Horse, or other Beast or Cattle, whereby the Payment of any of the said Tolls shall be avoided, or if any Person or Persons shall ride or drive any Horse, or other Beast or Cattle, through or over any Way or Passage (not being a publick Way or Passage), or through or over any Lands adjoining to any of the said Roads, or near to any of the said Turnpikes, or shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, whereby the Payment of the Tolls made payable by virtue of this Act, or any Part thereof, is or shall be avoided, every such Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XXVII. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Beast employed in carrying or conveying, or going or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which such Roads do lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses or on the Lands of the Owners thereof; or for any Horse, Cattle, or Beast employed in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or Lime, Mould, Dung, Compost, or Manure, employed in Husbandry for manuring or improving of Lands; or for any other Thing employed in the Management of any Farm or Lands; or from any Person or Persons residing in any Township or Parish in which the said Roads do lie, for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be, or returning from being shod; or from any Person or Persons going to or from their proper parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on the Sabbath Day or *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty, on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horses of any Soldiers upon their March, or on Duty, or Carriages attending them with their Baggage; or for any Cattle or Carriages employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast, drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Somerset*, *Devon*, or *Dorset*, on the Day or Days of such Elec-

General
Exemptions.

tion, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, such Person or Persons shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings.

Carriages on Wheels not rolling a flat Surface, to be considered as Carriages with narrow Wheels.

XXVIII. And be it further enacted, That each and every Waggon, Wain, Cart, or other such Carriage, passing on the said Roads, or any Part thereof, the Wheels whereof shall not roll a flat or level Surface, or a Surface so flat or level as not to deviate more than Half an Inch from a flat or level Surface, shall be considered and deemed as a Carriage on Wheels rolling a Surface less than Six Inches, and shall and may be weighed at any Weighing Engine erected or to be erected on the said Roads, or any Part thereof, and shall pay the same Tolls, and the same Rates of weighing, as any Waggon, Wain, or Carriage on Wheels rolling a Surface of less than Six Inches is subject and liable to pay.

Trustees may reduce Tolls at any publick Meetings;

XXIX. Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the Trustees of the said respective Districts, and they are hereby empowered, at a Meeting to be holden for that Purpose, of which One Calendar Month's Notice shall be given in Writing, to be affixed on all the Turnpike Gates within their respective Districts, and in some publick Newspaper published or circulated in the said Counties of *Devon*, *Dorset*, and *Somerset*, from Time to Time to lessen or reduce all or any of the said Tolls granted by this Act, for and during such Time as they the said respective Trustees shall think proper, and afterwards, at any Meeting to be holden as aforesaid, from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the several Rates granted by this Act.

and afterwards advance them again:

Provided such Alterations of Tolls be made with the Consent of Creditors.

XXX. Provided nevertheless, That where the whole Money borrowed or to be borrowed on the Credit of the Tolls within the said respective Districts shall not have been paid and discharged, no such Tolls shall be lessened or reduced, without the Consent of the Person or Persons entitled to Five-Sixths of the Money remaining due upon such respective Tolls.

Tolls may be let.

XXXI. And be it further enacted, That the Trustees of the said respective Districts may and they are hereby empowered, at any Meeting, upon Ten Days Notice being given on all the Turnpike Gates erected or to be erected within their respective Districts, and in some publick Newspaper published or circulated in the County of *Somerset*, to let or farm the Tolls to be collected by virtue of this Act within their respective Districts, or any Part or Parts thereof, to any Person or Persons, at and for the largest yearly Sum they can reasonably get for the same, provided the Leases, Contracts, or Agreements of or for the same be in Writing, and signed by the Person or Persons taking or farming such Tolls, and also by the said respective Trustees; but the same shall not be let for more than Three Years at any One Time, and the Rent which shall be agreed to be paid for the said Tolls shall be made payable, and shall be paid to the Treasurer to the respective Trustees, by whom such Tolls shall be so let,

let, so as that One Quarterly Payment of such Rent shall always be made in Advance, or sufficient Security shall be given for the Payment of such Rent to the Satisfaction of the said Trustees, or in Default thereof such Lease, Contract, or Agreement, shall be null and void, to all Intents and Purposes.

XXXII. Provided always, and be it enacted, That all Bonds, Mortgages, Assignments, Grants, Conveyances, Leases, and other Securities, made or granted by any Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, or any others whomsoever, acting by or under the Authority of the said recited Acts of the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and of the Seventeenth Year of the Reign of His present Majesty, or either of them, shall be good, valid, binding, and effectual, for and during the Term and Continuance of this Act; any Thing herein contained to the contrary thereof notwithstanding.

Old Securities to be good.

XXXIII. And, for the more speedy raising of Money for the Purposes of this Act, be it further enacted, That the Trustees of the said respective Districts shall and may, and they are hereby empowered from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary for the Purposes of this Act, and by Writing under their respective Hands and Seals to assign over or mortgage the Tolls hereby granted, or any Part thereof, and the Turnpikes and Toll Houses already erected or to be erected by virtue of this Act within their respective Districts, (the Charges of such Assignments or Mortgages to be paid out of the said Tolls), for any Term during the Continuance of this Act, as a Security for the Re-payment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, and Assigns, such Interest to be paid and payable by equal Half Yearly Payments, at the Dwelling House of the Treasurer to the Trustees of the said respective Districts for the Time being; all which Mortgages or Assignments shall be in the Words or to the Effect following:

Trustees may borrow Money.

BY virtue of an Act of Parliament, made in the Fortieth Year of the Reign of King *George* the Third, intituled, [*Set forth the Title of the Act*], We whose Names are hereunto subscribed, and Seals affixed, being Trustees of the District acting in Execution of the said Act, in consideration of the Sum of _____ to the Treasurer of the Roads comprized in the said District in Hand paid by *A. B.* do hereby grant, bargain, sell, and demise unto the said *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, within the said District, and also of the Turnpikes and Toll Houses for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum advanced or to be advanced on the Credit of the said Act; to be had and holden from this Day of _____ in the Year of our Lord _____ for and during the Continuance of the said Act, unless the said Sum of _____ with Interest after the Rate _____

Rate of *per Centum per Annum*, shall be sooner repaid and
 satisfied. Given under our Hands and Seals this
 Day of in the Year of our Lord

Copies of the
 Mortgages to
 be entered.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the Trustees of the said respective Districts, and such Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; but no Money (except the Sums already subscribed for or towards making and repairing the said Roads) shall be borrowed by the said respective Trustees, on the Credit of the respective Tolls hereby granted, unless Notice for that Purpose shall be given in some Newspaper or Newspapers printed or circulated within the said County of *Somerset*, at least Thirty Days before the borrowing of such Money; and all Mortgages or Assignments, which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual, to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign and transfer the same Security or Securities, and all Benefit and Advantage thereof, and all their Right, Title, and Interest to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

Transfer of
 Mortgages.

I *A. B.* being entitled to the Sum of
 secured to Executors, Administrators, and Assigns,
 by virtue of a Mortgage or Assignment bearing Date the
 Day of under the Hands and Seals of
 of the Trustees of the District, acting in
 Execution of a certain Act of Parliament, made in the Fortieth Year
 of the Reign of King *George* the Third, intituled, [*Set forth the
 Title of the Act*], upon the Credit of the said Act, do hereby transfer
 all my Right and Title in and to the same, and all the Principal
 and Interest Money now due and owing thereon, unto *C. D.* his Ex-
 ecutors, Administrators, and Assigns. Dated this Day
 of in the Year of our Lord

Notice of
 Transfers to
 be given to the
 Clerk in Three
 Months.

And every such Transfer shall be produced and notified to the Clerk to the Trustees of that District, upon the Credit of the Tolls of which such Money shall have been borrowed, within Three Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments, and for which Entry the Clerk who shall enter the same shall be paid Two Shillings and Sixpence, and no more, and after such Entry made, every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and it shall not be in the Power of any Person or Persons making such Transfer to make void, release, or discharge the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall

shall be made as aforesaid, shall be, in Proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments.

XXXIV. Provided always, and be it enacted, That no Interest for any Money borrowed by virtue of this Act by the Trustees of the said respective Districts, on the Credit of the Tolls arising within their respective Districts, shall be paid or discharged until the Whole of the Interest of the Money borrowed by virtue of the said recited Acts of the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and of the Seventeenth Year of the Reign of His present Majesty, shall be paid and discharged, and the Principal and Interest of the Money borrowed by virtue of the said recited Acts, or either of them, on the Credit of the Tolls arising within the First District therein mentioned, shall be paid by the Trustees of the First District herein mentioned, out of the Tolls arising within such District; and the Principal and Interest of the Money borrowed by virtue of the said recited Acts, or either of them, on the Credit of the Tolls arising within the Second District therein mentioned, shall be paid by the Trustees of the Second District herein mentioned, out of the Tolls arising within such Second District, so that the Money already borrowed on the Credit of the Tolls collected on the Road from *White Down*, through *Perry Street*, to *Tyberleigh* Turning, shall not be paid off or discharged, until all the Money already borrowed on the Credit of the Tolls collected on the other Roads within the said Second District shall be paid off and discharged: Provided nevertheless, That if the Tolls collected at a certain Gate, called *Crimchard Gate*, and at any other Gate erected or to be erected between *Chard* and *Staplepond* aforesaid, within the said Second District, shall in any One Year exceed the Sum of Sixty-one Pounds, then and in such Case such Overplus shall be paid by the Trustees for the said Second District in discharge of the Interest of the Money borrowed by virtue of this Act on the Credit of the Tolls arising within such Second District, in Preference to the Interest of the Money borrowed by virtue of the said recited Acts, or either of them, on the Credit of the Tolls arising within the Second District therein mentioned.

Interest of Money borrowed under former Acts to be paid first.

XXXV. And be it further enacted, That it shall and may be lawful to and for the Trustees of the said respective Districts, and they are hereby fully empowered from Time to Time, as they shall think proper, to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the Roads comprized in such respective Districts, and to make the said new Roads herein described; and that the said new Roads, and any Variation of Road, may be made of any Width not exceeding Sixty Feet through any Common or Waste Ground, without making any Satisfaction for the same, and through any private or inclosed Lands, Grounds, or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby, and for that Purpose it shall and may be lawful for the said respective Trustees, or for any of their respective Clerks, or any other Person or Persons by them respectively duly authorized and deputed for that Purpose, by Order of a Meeting of the Trustees of the said respective Districts, to treat, contract, and agree with the Owners of, and Persons interested in any Lands, Grounds, or Hereditaments, for the Purchase

Trustees may contract for the Purchase of Lands to be taken into the Road;

and may turn or alter the Course of any Part of the Road.

thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands, Grounds, and Hereditaments; and the said Lands, Grounds, and Hereditaments so purchased, or any Part thereof, shall and may, by Order and Direction of the said respective Trustees, be laid into and made Part of the said Roads within their respective Districts, in such Manner as such Trustees shall think convenient, and shall, by such Person or Persons as they respectively shall order and appoint, be sufficiently drained, ditched, and fenced out for that Purpose; and after the said Lands or Grounds shall be so drained, ditched, and fenced out, the same shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be a publick and common Highway, and to be Part of the Roads to be amended, widened, and kept in Repair by virtue of this Act, and shall be repaired and kept in Repair by such Ways and Means, and in such Manner, as the old Roads were and ought to have been kept in Repair; and after any such Lands shall be made Part of the said Roads as aforesaid, the Lands or Grounds comprized in or constituting the former Road, in lieu whereof such Land or Ground shall be purchased as aforesaid, shall be sold by the said respective Trustees, to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same; and the Conveyance thereof, being executed by the Trustees of the said respective Districts, and inrolled with the respective Clerks of the Peace for the said Counties of *Somerset, Devon, or Dorset*, according to the County in which such Lands or Grounds shall lie, shall be good and effectual, to all Intents and Purposes.

Corporations, &c. empowered to treat.

XXXVI. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever, for and on Behalf of any Infants, Females Covert, or Cestuique Trusts, Idiots, Lunatics, or other Persons under any Disability of acting for themselves, and for all and every Person or Persons who are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments, to treat or agree with the Trustees of the said respective Districts for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to such respective Trustees for the Purposes aforesaid; and that all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid and effectual, to all Intents and Purposes, any Law, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and that all such Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, and other Persons, are and shall be indemnified for what they do by virtue or in pursuance of this Act.

In case of Persons not treating for the Sale of such Lands, a Jury to settle the Recompence.

XXXVII. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Person or Persons interested in any Lands, Grounds, or Hereditaments, which the Trustees of the said respective Districts shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politick, Corporate, or Collegiate, Corporations

Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Place of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Premises, shall, by the Space of Twenty Days next after such Notice given or left as aforelaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then and in every such Case the Trustees of the said respective Districts shall cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the Counties of *Somerset*, *Devon*, or *Dorset*, according to the County in which the Premises in question shall happen to lie, (which Oaths the said Trustees, or any Two or more of them, are hereby empowered to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested, for or upon Account of the taking or using of such Lands, Grounds, or Hereditaments for the Purposes of this Act, and in order thereto the Trustees of the said respective Districts are hereby empowered and required, from Time to Time, to summon and call before them all and every Person or Persons who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath, (which Oath the said Trustees, or any Two or more of them, are hereby empowered and required to administer), and they shall order and cause the said Jury to view the Place in question, and use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees of the said respective Districts shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Grounds, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and Persons anywise interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property of, in, to, or out of the same; and upon Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or (in case of Refusal to accept such Money) upon paying the same into the Bank of *England*, in case the same shall be equal to, or exceed the Sum of One hundred Pounds, or upon leaving the same, in case the same should be less than the Sum of One hundred Pounds, in the Hands of the Treasurer to the Trustees of the said respective Districts for the Use of such Persons, and to be paid to them upon Demand, it shall be lawful for the Trustees of the said respective Districts to cause the Premises, in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money received by the Person or Persons entitled thereto; and for sum-

moning

Verdict of
Jury to be
final.

moning and returning any such Jury, the said respective Trustees are hereby empowered to issue out their Warrant or Warrants, signed by them, to the Sheriff of the said Counties of *Somerset, Devon, or Dorset*, in their respective Jurisdictions, thereby commanding and requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the Trustees of the District therein mentioned, at such Time and Place as in such Warrant shall be appointed, and such Sheriff or his Deputy is hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said respective Trustees shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve.

Jury may be challenged.

Sheriff or Mayor may be fined for Neglect of Duty.

XXXVIII. Provided always, That all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees of the said respective Districts are hereby empowered to impose any reasonable Fine or Fines on any such Sheriff or his Deputy, who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury and shall not appear, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give, or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty herein, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse to be sworn, or to be examined, or give Evidence touching the same; but no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence.

Owner of the Land used in altering the Road to have the first Offer of the old Road.

XXXIX. Provided always, and be it enacted, That wherever the Course of any of the said Roads shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land, which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the Trustees of the said respective Districts for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by a Jury to be the Value thereof; and in case he shall refuse to pay such Money, upon Demand made thereof by the respective Treasurer or Clerk to the Trustees of the said respective Districts, and Tender of such Conveyance as aforesaid, the same shall and may be recovered by such Trustees,

Trustees, by Action of Debt in any of His Majesty's Courts of Record: Provided nevertheless, That if such Owner shall be willing and consent to take such old Road in Exchange for such new Road, it shall and may be lawful for the Trustees of the said respective Districts, and they are hereby required to assure the same to such Person, by entering the same in their Books, and delivering to him a Copy thereof, signed by such Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

XL. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Money than shall, by or on Behalf of the Trustees of the said respective Districts, have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken by or on Behalf of such Trustees as the Purchase Money for any such old Road as aforesaid, then the Costs and Charges of summoning and maintaining the Jury and Witnesses shall be borne and paid by such Trustees, out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more, or for less Money than shall, by or on Behalf of the Trustees of the said respective Districts, have been offered before the summoning and returning such Jury as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for more Money than shall have been offered to be accepted or taken as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom such Trustees shall have such Controversy or Dispute.

By whom
Expences of
the Jury to
be paid.

XLI. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable the Trustees of the said respective Districts to take, use, injure, or damage any Dwelling House or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners or Proprietors thereof.

Houses, &c.
not to be
injured.

XLII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the respective Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition

Application of
Compensation
when equal to
200 l.

to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation shall be less than 200^{l.} and exceed 20^{l.}

XLIII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees of the said respective Districts, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

XLIV. Pro-

XLIV. Provided also, and be it enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds; then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the Trustees of the said respective Districts, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Compensation is less than 20^l.

XLV. And be it further enacted, That it shall and may be lawful to and for the respective Surveyor or Surveyors of the several Roads within the said respective Districts, and all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials, for making or repairing the said Roads, out of or from any Common or Waste Ground, River or Brook, in any Parish, Township, Hamlet, Division, District, or Place, in which any Part of the Roads hereby directed to be made, amended, and repaired, shall lie, or in any neighbouring Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the Trustees of the said respective Districts, search for, cut, dig, get, gather, and take away such Materials, in and out of the private Lands, Fields, or Grounds of any Person or Persons, where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), paying or tendering such Rate for such Materials to the Owners of such Grounds, and making or tendering such Satisfaction for the Damages done (by digging, getting, and carrying away such Materials), to the Owners or Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same, or any other Materials for making and repairing the said Roads, shall be carried, as such respective Trustees shall adjudge reasonable; and in case of any Difference between such respective Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Payments and Damages, it shall and may be lawful to and for any One Justice of the Peace of the County or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Ten Days Notice thereof in Writing being given by either Party to the other, or to be left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; and the Judgement or Order of the said Justice shall be final and conclusive to all Parties.

For getting Materials to repair the Roads.

XLVI. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor, or other Person or Persons, under the Authority of this Act, to dig, gather, get, take, or carry away Materials for making

Notice to be given to the Occupiers of Lands before Materials are

to be taken
for repairing
Roads.

or repairing any of the said Roads, out of or from any inclosed Lands or Grounds; until Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the Trustees of the said respective Districts, or Two Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, such Trustees or such Justices shall, if they think proper, authorize such Surveyor, or other Person or Persons, to dig, get, gather, and carry away such Materials, at such Time or Times as to such Trustees or such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, such Trustees or such Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Penalties on
taking away
Materials,
&c. got by
Order of the
Surveyor.

XLVII. And be it further enacted, That if any Person whatsoever shall take away any Materials which shall have been digged or gathered in any Lands Fields, Wastes, or Grounds, River or Brook, for the Purpose of amending the said Roads, or any Part or Parts thereof, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for amending the said Roads, or any Part or Parts thereof, before their said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit, for every such Offence, any Sum not exceeding Five Pounds.

Surveyors
may make
Drains, &c.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall respectively appoint, by Order of the said respective Trustees, to cut and make any Drains or Ditches through any Lands or Grounds adjoining or lying contiguous to any of the said Roads, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in Repair any of the said Roads, and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads, (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any House), to be made use of as a publick Highway, whilst the narrow or ruinous Parts of the said several Roads are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively through which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the Trustees of the said respective Districts; and in case any Difference shall happen between such Owners or Occupiers, and such Trustees, touching such Damage, then the Justices of the Peace at the First General or Quarter Sessions to be holden for the Counties of *Somerset*, *Devon*, or *Dorset*, according to the County in which the Lands shall lie, next after the Expiration of Twenty Days from the Time of doing such Damage, shall and are hereby authorized and required to

making rea-
sonable Satis-
faction.

In case of any
Difference the
Justices of the
Peace in Ses-
sions to deter-
mine the same.

hear,

hear, settle, and determine the same; and their Determination therein shall be final.

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors of the said respective Districts, and such Person and Persons as he or they respectively shall appoint, (by Direction of the Trustees of the said respective Districts, under their Hands), from Time to Time to remove and prevent all Annoyances on any Part or Parts of the said several Roads, by Rails, Steps, Sign Posts, or other Posts, and also by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of any of the said Roads, to the Prejudice thereof, and to cleanse any Ditch or Watercourse next adjoining to any of the said Roads, and to cut down, lop, or top any Trees or Bushes growing in any of the said Roads, or in the Hedges or Banks adjacent thereto, in case the Person or Persons occasioning such Annoyance, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall refuse or neglect so to do for the Space of Five Days next after Notice in Writing given for that Purpose, signed by the Trustees of the said respective Districts, or of their Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every such Person shall, for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Surveyors
may remove
Annoyances.

L. And be it further enacted, That if any Person shall hale or draw, or caused to be haled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage, to drag upon any Part of such Roads, to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on
drawing
Timber on
the Roads.

LI. And be it further enacted, That the said Trustees shall cause the Roads within their respective Districts to be measured, and Stones or Posts to be erected upon or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any other Place or Places, as the said respective Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Roads where the same are crossed or joined by other Roads, as they shall judge proper; and if any Person shall wilfully break, throw down, injure, destroy, obliterate, or deface any of the Stones or Posts erected or to be erected on any of the said Roads, or any of the Letters, Figures, or Marks inscribed, or which shall be inscribed thereon, or wilfully break, throw down, or injure, any of the Stones or Parapet

Roads to be
measured, and
Mile Stones
and Guide
Post, to be
erected.

Penalty on
damaging.

[Loc. & Per.]

14 B

Walls

Walls on the Sides of any of the Bridges or Arches on any of the said Roads, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for each Stone, Post, or Parapet Wall so broken, thrown down, injured; or destroyed; or on which any Letters, Figures, or Marks shall be so obliterated or defaced, one Moiety whereof to go to the Informer, and the other Moiety to be applied to the Purposes of this Act.

Persons chargeable to Statute Work, to continue so.

Justices to determine Differences touching Statute Work.

LII. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Roads hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more of the Justices of the Peace for the Counties of *Somerset*, *Devon*, or *Dorset*, in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the Trustees of the said respective Districts, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said several Roads, by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the Trustees of the said respective Districts, or their respective Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Writing before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be so paid, which Lists of Names shall be made in Manner, and under such Regulations and Restrictions as directed by any Law or Statute in Force and Effect for the Repair of the publick Highways, and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay Time or Harvest) and in such Parts of the said Roads, as the said respective Trustees, or their respective Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said respective Trustees, or their respective Treasurer or Treasurers, at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect

or

or refuse to do such Statute Work as aforesaid, after Notice in Writing given to, or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose; by any Surveyor of the Trustees of the said respective Districts, shall for every Day of his, her, or their Default, or of the Default of any Labourer or Labourers, Team or Teams; Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor for the Trustees of the said respective Districts, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any of the said Roads; all which Forfeitures shall be paid to the respective Treasurer to the Trustees of the said respective Districts, and applied towards amending the said Roads within their respective Districts; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

LIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall in the first Place be paid and defrayed out of the respective Tolls collected by virtue of the said recited Acts of the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and of the Seventeenth Year of the Reign of His present Majesty, or either of them, or to be collected by virtue of this Act, or out of the first Money borrowed on the Credit thereof, in the Proportions following; (that is to say) One Moiety thereof shall be paid by the Trustees of the said First District, and the other Moiety by the Trustees of the said Second District, and the Remainder of the Money so raised shall from Time to Time be applied in repaying the Monies borrowed by virtue of the said recited Acts, or either of them, or to be borrowed by virtue of this Act, on the respective Districts, and the Interest thereof, and in carrying this Act into Execution.

Application
of the Money.

LIV. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the Counties of *Somerset*, *Dorset*, or *Devon*, where the Offence shall happen, (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath), and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making the Distress

Recovery and
Application of
Penalties.

Distress and Sale, and the Penalties and Forfeitures, when recovered, (if not herein before directed to be otherwise applied), shall be paid to the Treasurer to the Trustees in whose District such Offence shall be committed; to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction; there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Fourteen Days, unless such Penalties and Forfeitures shall be sooner fully paid and satisfied.

Power to compel Payment of Subscriptions.

LV. And be it further enacted, That all Persons who have subscribed to pay any Money towards making and repairing any of the said Roads, shall be and are hereby respectively required to pay their Subscription Money to the respective Treasurer or Treasurers to the Trustees of the said respective Districts, at such Time or Times as shall be appointed by such Trustees; and if any such Subscriber shall neglect or refuse to pay such Money as aforesaid, it shall be lawful for such Trustees to sue for and recover the same by Action at Law in any of His Majesty's Courts of Record at Westminster.

Actions to be brought in the Names of the Treasurers or Clerks.

LVI. And be it further enacted, That whenever any Action shall be brought by the Order of the Trustees of the said respective Districts, against any Person or Persons by virtue or in pursuance of this Act, the same may be brought in the Name or Names of their respective Treasurer or Treasurers, or Clerk or Clerks, or in the Name of any One of them, on Behalf of the said Trustees, and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought; but no such Treasurer or Treasurers, Clerk or Clerks, or any or either of them, shall be subject to the Payment of any Costs or Expences on Account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

Treasurers or Clerks not liable to the Payment of Costs.

Appeal.

LVII. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First or General Quarter Sessions of the Peace to be holden for the Counties of *Somerset, Devon, or Dorset*, (within which the Matter of Appeal shall arise), next after the Expiration of Four Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the respective Treasurer or Treasurers, or Clerk or Clerks to the Trustees of the said respective Districts, or any of them; and the Justices in such Sessions are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein as they shall judge proper; and such Determination shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

LVIII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not to be unlawful for Want of Form.

LIX. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given, to the Defendant or Defendants, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiffs not to recover after Tender of Amends.

LX. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings, made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by Certiorari; or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary hereof in anywise notwithstanding.

Proceedings not to be quashed for Want of Form, or removeable by Certiorari.

LXI. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his or their Election, plead specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for

Limitations of Actions.

the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be non-suited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

LXII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons, without being specially pleaded.

Commence-
ment and
Continuance
of the Act.

LXIII. And be it further enacted, That this Act shall commence and take place on the *Tuesday* Fortnight after the passing thereof, and shall be in Force, and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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