



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. 7.

An Act for more effectually amending, widening, improving, and keeping in Repair, several Roads, leading from the Town of *Ivelchester*, in the County of *Somerset*. [25th March 1800.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing and widening the Roads therein mentioned, leading to and from the Towns of Shepton Mallet and Ivelchester, in the County of Somerset*, whereby the said Roads were divided into Two Districts, one of which, comprehending the Road from the Red Post, by *Lydford Park Farm Gate*, to and through *Ivelchester* aforesaid, to *South Petherton Bridge*, in the said County, and the Road from *Ivelchester* aforesaid to the Cross Post in *Vagg Hollow*, in the Parish of *Yeovil*, and the Road from *Ivelchester* aforesaid to *Sparkford Bridge*, and also the Road from *Ivelchester* aforesaid to the South Side of *Kingsdon Hill*, to *Somerton*, and where the Crossways meet, was called *The Ivelchester Turnpike Roads*, and separate Trustees were appointed for the Care and Management of each District: And whereas an Act was passed in the Eighteenth Year of the Reign of His present Majesty, for continuing the Term, and altering and enlarging the Powers of the said first-mentioned Act, so far as the

Preamble:
26 Geo. II,
and

18 Geo. III,
recited.

[Loc. & Per.]

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same

same related to the said District of Roads called *The Iwelcheſter Turnpike Roads*: And whereas the Trustees appointed in or by virtue of the ſaid Acts, for the ſaid *Iwelcheſter Turnpike Roads*, have proceeded in the Execution thereof, and have for that Purpose, from Time to Time, borrowed ſeveral conſiderable Sums of Money on the Credit of the ſaid Acts, of the Tolls authorized to be taken on the ſaid Roads, which Money ſtill remains due, and cannot be repaid unleſs a further Term is granted: And whereas it would be more convenient to the Trustees of the ſaid Roads, and the ſame might be better repaired and improved, if the ſaid Acts, ſo far as the ſame relate thereto, were repealed, and the Powers and Proviſions requiſite for that Purpose included in One Act: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Acts, made in the Twenty-fixth Year of the Reign of His ſaid late Majeſty, and in the Eighteenth Year of the Reign of His preſent Majeſty, ſo far as the ſame reſpectively relate to the ſaid Road leading from the Red Poſt by *Lydſford Park Farm Gate*, to and through *Iwelcheſter*, to *South Petherton Bridge*, and alſo the Road leading from *Iwelcheſter* aforeſaid to the Croſs Poſt in *Vagg Hollow*, in the Pariſh of *Yeovil*, and alſo the ſaid Road from *Iwelcheſter* to *Sparkford Bridge*, and alſo the Road from *Iwelcheſter* aforeſaid to the South Side of *Kingsdon Hill*, where the Croſsways meet, on the Road leading to *Somerton*, all in the ſaid County of *Somereſet*, ſhall be, and the ſame is and are hereby declared to be repealed, and inſtead thereof, on the ſame Day, this Act ſhall commence and take Effect, and ſhall continue in Force and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in Repair the ſaid Roads, which ſhall be called *The Iwelcheſter Turnpike Roads*; and this Act, and the Term hereby granted, and the Tolls hereby authorized to be collected, ſhall be and are hereby declared to be ſubject to and charged with the Payment of all Money now due and owing on Account or upon the Credit of the ſaid Roads or of the ſaid Acts, ſo far as the ſame relate to the ſaid Roads, and of all Money which may hereafter be borrowed on the Credit of this Act, and of the Intereſt due and to grow due thereon reſpectively.

Former Acts
repealed.

Trustees.

II. And be it further enacted, That *John Aſkew* Doctor in Divinity, *Edward Ball*, *William Ball*, *Edmund Batten*, *Nathaniel Bartlett* Clerk, *James Barrett*, *James Bennett*, *Jonas Blandford*, *Henry Blandford*, *John Blandford*, *William Bicknell*, *William Biſhop* Clerk, *Wadham Lyte Brown*, *John Burge*, *Samuel Burge*, *Vile Board*, *Edmund Broderip*, *Thomas Chaffey*, *John Chaffey*, *Robert Chaffey*, *Benjamin Chaffey*, *John Chambers*, *John Hody Chicheſter*, *Thomas Coward*, *Richard Thomas Coombe*, *Henry Coombe*, *William Hungerford Colſton* Clerk, *Peter Daniell*, *John Dampier*, *John Daniell*, *Thomas Dampier*, *Evan Davies* Clerk, *John Davis*, *William Dickinson*, *William Dickinson* the younger, *George Doniſthorpe*, *Daniel Dumareſque* Doctor in Divinity, *John Edmonds*, *John Eaſtment*, *Richard Ford* Clerk, *John Francis*, *Thomas Francis*, *Joſeph Francis*, *Thomas Francis* the younger, *Richard Grenville*, *Edmund Gapper* Clerk, *Edmund Gapper* the younger, *Thomas Gibbons*, *Henry Gould* Clerk, *William Gould*, *John Goodford*, *Robert Goodden*, *John Culliford Goodden* Clerk, *John Hanning*, *William Hanning*, *Henry Halſey*, *John Harbin* Clerk, *William Howard*, *William Hoſkins*, *Thomas*

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mas Hoskins, John Hooper, John Hunt, John Hunt the younger, the Bailiff and Burgeffes of the Borough of Ivelchester for the Time being, James Jolliffe, William Langdon Clerk, Thomas Langfield, Isaac Leathes Clerk, Robert Leach, Charles Hutchins Lewis, Thomas Fyfe Lewis Clerk, William Marsh Clerk, John Michell Clerk, Sir Henry Paulet Saint John Mildmay Baronet, Richard Messiter, Uriah Messiter, William Melliar, Edward Napier Clerk, John Palmer Clerk, James Patten, Thomas Horner Pearson Clerk, Thomas Pearson, John Frederick Pinney, John Pinney, Azariah Pinney, William Pbelips Clerk, Charles Pbelips Clerk, John Pbelips, Charles Pitt, Thomas Pottenger, William Provis, Clement Poole, Hugh Penny, William Peddle, Henry Rawlins Clerk, Samuel Rodbard, John Rundall, Narcissus Ryall Clerk, William Reynolds, Thomas Shorland, William Shorland, Henry Strangways, Thomas Littleton Strangways, George Stuckey, Samuel Stuckey, George Stuckey the younger, George Slade, Isaac Slocombe, Samuel Taunton, Thomas Taunton, Thomas Titcombe, Richard Troward, William Troward, Thomas Tucker Clerk, Thomas Tucker the younger, Clerk, George Tuson, George Proctor Upton, John Uphill, William Westcott, John White, John Williams Clerk, Edward Willes Clerk, William Wood, William Wood the younger, Robert Wood, John Wood, William Yorke Clerk, and their Successors, to be elected in Manner herein-after mentioned, shall be and are hereby appointed Trustees for amending, widening, improving, and keeping in Repair the said Ivelchester Turnpike Roads, and for otherwise putting this Act in Execution.

III. And be it further enacted, That when and as often as any of the said Trustees hereby appointed, or to be elected in Manner herein-after mentioned, shall die, or by Writing under his or their Hand or Hands refuse to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, from Time to Time to elect one other fit Person to be a Trustee in the Room of each Trustee so dying or refusing to act, provided that publick Notice of the Meeting for every such Election be given by the Clerk to the said Trustees, as herein-after mentioned, Twenty-one Days at least before the Meeting for every such Election; and every Person who shall be so chosen a Trustee, pursuant to the Directions of this Act, shall be and is hereby joined with the surviving or remaining Trustees, and is hereby empowered to act in the Execution of this Act, to all Intents and Purposes as if such Person had been particularly named and appointed a Trustee in and by this Act.

Power to
chuse new
Trustees.

IV. Provided always, and be it further enacted, That no Person shall be qualified to act as a Trustee in any Case, in the Execution of this Act, except in administering the Oath herein-after mentioned, in the first Instance, (which Oath any Two or more of the Trustees are hereby empowered to administer), unless he is hereby named a Trustee, or shall be chosen as such in Manner herein-before mentioned, and shall also in his own Right, or in the Right of his Wife, be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Rents, or shall be Heir apparent to some Person or Persons having an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, or shall be possessed of and entitled to Personal Estate alone, or Real and Personal Estate together, to the Amount or

Qualification
of Trustees.

Value of One thousand Pounds, and until such Person, not being an Heir apparent as aforesaid, shall have taken and subscribed an Oath in the Words or to the Effect following; (that is to say),

Trustees
Oath.

‘ I *A. B.* do swear, [*or, being a Quaker, do affirm*], That I truly am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or possessed of and entitled unto a Personal Estate alone, or Real and Personal together, to the Amount or Value of One thousand Pounds.

‘ So help me GOD.’

Persons acting, not qualified, to forfeit 100 l.

And if any Person, not being so named or elected, and qualified as aforesaid, 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 One hundred Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, 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 Imparlance shall be allowed; and if upon the Trial thereof it shall be proved that the Defendant acted, voted, or interfered as a Trustee in the Execution of this Act, a Verdict shall be given for the Plaintiff, unless the Defendant shall at the Trial prove, to the Satisfaction of the Jury, that he was qualified to act as a Trustee in the Execution of this Act, according to the true Intent and Meaning thereof, at the Time he acted as such; and no such Defendant shall be at Liberty on the said Trial, to give Evidence of any Qualification, unless he shall have given Notice thereof in Writing to the Plaintiff or his Attorney at least Thirty Days before such Trial, and shall in such Notice have specified and set forth the particular Lands, Tenements, or Hereditaments of which such Qualification shall consist, and in what Parish or Place the same shall lie, and in whose Occupation the same shall then be, and if any Part of such Qualification shall consist of Personal Estate, then the Nature and Quality thereof, and where being; and no other Lands, Tenements, Hereditaments, or Personal Estate, shall be given in Evidence on the Trial, than shall be specified and set forth in such Notice.

Trustees qualified under the former Acts may act without again qualifying.

V. Provided always, and be it further enacted, That such of the Trustees herein-before appointed, who shall have qualified and taken the Oath pursuant to the Directions of the said former Acts, or either of them, may and are hereby authorized and empowered to act in the Execution of the Powers granted by this Act, without again qualifying, as by this Act directed; any Thing herein-before contained to the contrary thereof notwithstanding.

Trustees may act as Justices of the Peace, if in the Commission.

No Trustee to hold any Place of Profit.

VI. And be it further enacted, That such of the said Trustees as are or shall be in the Commission of the Peace for the said County of *Somerset*, shall and may nevertheless act as Justices of the Peace in the Execution of this Act (except only in such Cases where they shall be personally interested); but no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit under the same, or in relation thereto.

VII. And

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *Guildball* in the Town of *Ivelchester* aforesaid, on the First *Monday* in *July* One thousand eight hundred, and proceed to the Execution of this Act; and they the said Trustees, or any Five or more of them, may then, and from Time to Time afterwards, adjourn themselves to, and appoint such other Time or Times, Place or Places, in or near the said Roads, for any subsequent Meeting or Meetings for putting this Act into Execution, as they shall think fit, and shall also hold Four General Quarterly Meetings in every Year at the *Guildball* in *Ivelchester* aforesaid, or at such other Place to be appointed as aforesaid, on the First *Monday* in *July*, the First *Monday* in *October*, the First *Monday* in *January*, and the First *Monday* in *April*, and if on the said First *Monday* in *July* One thousand eight hundred, or at any Meeting or Meetings to be appointed by virtue of this Act, the Trustees present shall omit or neglect to adjourn the said Meeting to another Day, or if there shall not appear a sufficient Number of Trustees to adjourn (Two being deemed sufficient for the Purpose of Adjournment only) then and in every such Case every such Meeting or intended Meeting shall be and is hereby adjourned to the Twenty-eighth Day next after the Day on which such Meeting was held, or such intended Meeting was appointed to be held, and so from Twenty-eight Days to Twenty-eight Days, until a sufficient Number of the said Trustees do or shall meet and adjourn; and Six Days publick Notice of every such Adjournment shall be given by the Clerk to the said Trustees in Manner herein-after mentioned; and at any Meeting of the said Trustees, no Business shall be begun or proceeded upon before Eleven of the Clock in the Forenoon, nor shall any Adjournment be made to any later Hour than Two of the Clock in the Afternoon; and the said Trustees at all their Meetings shall defray their own Expences.

Trustees may meet and adjourn.

For want of a sufficient Number, &c. the Meetings to stand adjourned.

Hour of Adjournment.

Trustees to defray their own Expences.

VIII. Provided always, and be it further enacted, That all Acts, Orders, Resolutions, Determinations, and Proceedings of the said Trustees, or any of them, in Execution of the Powers hereby granted, shall be made and signed by the Trustees making the same, at some Meeting or Meetings to be held in pursuance of this Act; and that no Act, Order, Determination, or Resolution, shall be valid, unless so made, and signed at such Meeting (except as herein particularly mentioned) and unless the Majority of the Trustees then present at such Meeting shall concur therein; and that no Act, Order, Resolution, Determination, or Proceeding of the said Trustees, so made and signed as aforesaid, shall afterwards be altered, revoked, repealed, or set aside by any subsequent Act, Resolution, Proceeding, or Order of the Trustees, unless at some publick Meeting of the said Trustees to be held for that Purpose, of which Meeting Twenty-one Days publick Notice shall have been given in Manner herein-after mentioned, nor unless the Number of Trustees at such subsequent Meeting, desiring or voting for such Alteration, Revocation, or Repeal, shall exceed the Number of Trustees who concurred in making such Act, Order, Resolution, Determination, or Proceeding.

All Acts of the Trustees to be done at their Meetings.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and are hereby authorized and empowered to continue all or any of the Gates or Turnpikes now erected in or on the Sides of the said Roads, or to cause to be erected and set up such

Trustees may erect Turnpikes.

[*Loc. & Per.*]

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Number

Number of other Gates or Turnpikes, in, upon, across, or on the Sides of the said Roads hereby directed to be repaired, and also such Number of Toll Houses, with suitable Outbuildings and Conveniencies thereto, and to inclose such Gardens for the said Toll Houses as they may think fit, and to continue or erect such Weighing Engines upon the said Roads as they shall think necessary, and from Time to Time to cause any of such Gates, Turnpikes, Toll Houses, Buildings, and Weighing Engines, to be taken down, altered, or removed, as they shall judge proper, and to cause to be demanded and taken at all or any of the said Gates and Turnpikes the Tolls following, before any Horse, Ox, or other Beast or Cattle, or any Carriage, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Carriage whatsoever, the Sum of Sixpence:

For every Ox, Steer, Gale, or Bull, drawing singly, and not in Pairs or abreast, any Carriage, the like Sum of Sixpence:

For every Ox, Steer, Gale, or Bull, drawing abreast or in Pairs, in any Carriage, the Sum of Four-pence:

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of Two-pence:

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:

For every Drove of Hogs or Pigs, Calves, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in Proportion for any greater or less Number:

And that it shall be lawful for such Person or Persons, as any Five or more of the said Trustees, by Writing under their Hands, shall from Time to Time for that Purpose nominate and appoint, to demand and take the Tolls hereby granted and made payable; and if any Person or Persons, subject or liable to the Payment of any of the Tolls by this Act granted, shall, after Demand made thereof, neglect or refuse to pay the same, it shall and may be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to levy the same by Distress of any Horse or Horses, or other Cattle or Beasts, upon which any Toll is by this Act imposed, or of any of the Lading, Harness, or Accoutrements thereof respectively, or any Carriage drawn by them, or any of the Lading thereof; and if such Tolls, and the reasonable Charges of such Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days, next after such Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Carriage, Goods, or Things so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Distress, and of keeping and selling the same, shall be deducted.

Tolls to be
levied by
Distress and
Sale.

Turnpikes
and Toll
Houses vested
in Trustees;

X. And be it further enacted, That all Gates or Turnpikes, Bars, Toll Houses, Weighing Engines, Implements, and Materials for repairing the said Roads, erected, made, had, or gotten, by virtue of the said former Acts, or to be erected, made, had, or gotten, by virtue of this Act, and all the Right, Title, Interest, and Property, of, in, and to the same, and every Part and Parcel thereof, and all the Materials of which the same respectively do or shall consist, shall be and are hereby vested in the said Trustees,

Trustees, and they, or any Five or more of them, are hereby authorized and empowered to sell and dispose thereof, as they shall think fit, and also to bring or cause to be brought any Action or Actions in the Name of any one of the said Trustees; or of their Clerk or Treasurer, or to prefer and prosecute, or to order or direct the preferring and prosecuting Indictments or other Prosecutions against any Person or Persons who shall disturb them in the Possession thereof, or who shall pull down, break, or dig up, spoil, injure, or destroy, steal, take, or carry away the same, or any Part thereof; and all the Tolls and other Monies arising by virtue of the said recited Acts, and which at the Commencement of this Act shall be due to the Trustees under the said recited Acts hereby repealed as aforesaid, or in the Hands, Custody, or Power of their Treasurer, or of any other Person or Persons, and also all the Tolls and other Monies to be raised, received, and collected by virtue of this Act, shall be, and the same are hereby vested in the said Trustees for putting this Act in Execution, and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned to and for the several Uses, Intents, and Purposes herein-after mentioned.

who may
bring Actions.

Tolls vested
in Trustees.

XI. And be it further enacted, That between the First Day of *November* and the last Day of *February* in every Year, there shall be demanded and taken at each and every Gate or Turnpike erected or to be erected on the said Roads, an additional Toll, equal to One Half of the Toll then liable to be paid, for every Horse or other Beast of Draught drawing any Carriage employed in carrying or conveying any Timber Tree or Trees (except Carriages with One Horse or other Beast of Draught, which shall not be liable to the Payment of such additional Toll, or any Part thereof).

Carriages em-
ployed in car-
rying Timber
between cer-
tain Periods,
subject to an
additional
Toll.

XII. And be it further enacted, That if any Person or Persons shall pay the respective Tolls herein-before mentioned, and by this Act granted and made payable, for the passing of any Horse, Beast, or other Cattle, at any of the Gates or Turnpikes to be continued or erected as aforesaid, then, upon producing a Note or Ticket of the Day, denoting such Payment, he or they shall be permitted to return and repass, with the same Horse, Mare, Beast, or other Cattle, at any Time or Times, as often as he or they shall think proper, during the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night) Toll free, through the same Gate or Turnpike, and also to pass, and return and repass through such other Gate or Gates, Turnpike or Turnpikes, as the said Trustees, or any Five or more of them, shall order and appoint; which said respective Notes or Tickets the Collectors of the said Tolls are hereby required to give *gratis* on Receipt of the said Tolls.

Tolls payable
but Once a
Day.

XIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Cattle drawing any Carriage going unladen for, or returning laden only with, or returning empty after having been laden only with Earth, Dung, Mould, or Compost of any Kind whatsoever, to be used only in manuring or improving of Gardens or Lands lying in any of the Parishes through which any of the said Roads lead, or going unladen for, or returning laden only with, or returning empty after having been laden only with Stones, Gravel, or

Exemptions
from Tolls.

other

other Materials for repairing the said Roads, or the Highways in any of the said Parishes; or with Corn in the Straw, or with Straw, Hay, Potatoes; Wood; Apples, Turnips, or other Produce of Lands (except Timber) unsold or not for Sale, brought immediately from the Lands where the same Articles grew, or were first ricked or stacked, and intended to be consumed by, or to be laid up in Store on the Premises of the Grower thereof, or for any Horse or other Cattle going for, or passing with any Sull, Harrow, or other Implement of Husbandry only, which shall belong to any Inhabitant of any of the said respective Parishes, or for any Horse, or Cattle, or Carriage loaden with Wool or Woollen Goods only, going to or returning from washing or streaming, or to or from any Fulling Mill, Rack, or Tenter, within any of the said respective Parishes, or for any Cattle going only to or from Water or Pasture within Two Miles of the Gate or Turnpike through which they shall pass, or for the Horses of any Soldiers upon their March or on Duty, or for Horses or Cattle drawing any Carriages attending them with their Baggage, or returning empty after having been so employed, or for any Horses or Cattle employed only in the Conveyance of Vagrants sent by legal Passes, or for Horses or other Beasts drawing any Coach, Landau, Berlin, Chariot, Chaise, Phaeton, or Chair, or carrying Passengers going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Somerset* during the Time of such Election; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners, or from any Persons going to or returning from their own Parish Church or other Place of Divine Worship upon *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated, or for any Person or Persons going to or returning from the Funeral of any Person or Persons who shall die and be buried in either of the Parishes or Places in which any Part of the said Roads do lie; nor shall any Toll be demanded or taken for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or returning back therefrom; and no other Cattle or Carriage whatsoever shall be exempted, or be entitled to be exempted, from the Payment of any of the Tolls by this Act imposed or made payable; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings.

Carts, Waggon, and other Carriages, still liable to Penalties for Overweight, except those employed in Husbandry, &c.

XIV. Provided always, and be it further enacted, That Carts, Waggon, or other Carriages, hereby exempted from Toll, shall nevertheless be liable to the Penalty or Penalties, or additional Toll or Tolls for Overweight, as ordered or directed by the several Acts passed in the Thirteenth and Fourteenth Years of the Reign of His present Majesty King *George* the Third, for the general Regulation of Turnpike Roads, except such Carts, Waggon, or Carriages as shall be employed in Husbandry only, in carrying Manure for Land, Hay, Straw, Fodder, or Corn in the Straw, or other Produce of Land (except Timber), not sold or disposed of as aforesaid.

XV. Provided always, and be it further enacted, That for the Purposes of Exemption from or Reduction of Tolls, or of Allowance of an additional Number of Horses, Oxen, or other Beasts of Draught, by virtue of any Law or Statute, the Sole or Bottom of the Wheels of Waggons, Carts, Wains, or other such Carriages shall 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; and all Waggons, Wains, Carts, or other such Carriages, passing on the said Roads, or by any of the Weighing Engines now or hereafter to be erected thereon, 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 Carriages on Wheels rolling a Surface of less than Six Inches, and be liable to be weighed at any of such Weighing Engines, as any Wain, Waggon, or other Carriage on Wheels rolling a Surface of less than Six Inches is now by Law liable to be weighed there, and shall pay the same Tolls at the said Gates or Turnpikes, and Weighing Engines, as such Waggons, Wains, or Carriages on Wheels rolling a Surface of less than Six Inches are now subject and liable to pay.

Carriages on Wheels not rolling a flat Surface shall be considered as Carriages with narrow Wheels, and be liable to be weighed and pay Toll as such.

XVI. And be it further enacted, That if any Person or Persons shall, with any Cattle or Carriage whatsoever, pass through any Ground, Land, or Hereditament (not being a publick Highway) adjoining to or lying near any of the said Roads, or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly or wilfully permit or suffer any Person or Persons, with any Cattle or Carriage whatsoever, to pass through the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall give to or receive from any Person or Persons, other than the Person or Persons appointed to collect the said Tolls, any Note or Ticket, by this Act directed to be given by the Collectors of the said Tolls, or shall forge or counterfeit any such Note or Ticket, or make use of any such forged or counterfeited Note or Ticket, knowing the same to have been forged or counterfeited, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall pass through any such Gate or Turnpike with any Carriage, Horse, or other Cattle, without Payment of the Tolls for the same, or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, or put or add any Horse or other Cattle to any Carriage, or shall leave or cause to be left upon or near to any Part of the said Roads any Carriage, Horse, or other Cattle, or any Goods, with an Intent to avoid the Payment of the said Tolls, or whereby such Payment shall be avoided, or any Part thereof, every Person so offending, in either of the Cases aforesaid, shall, for every such Offence, forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties for avoiding the Payment of the Tolls.

XVII. And whereas divers Evasions have taken place at the Weighing Engine erected at *Lydford*, by Means of Waggons and other Carriages travelling through Bye or other Roads near the same, thereby avoiding the said Engine, although they pass over a considerable Part of the Roads included in this Act; be it therefore further enacted, That all loaded Carts, Waggons, or Carriages travelling on any Part of the Roads included in this Act, and afterwards coming on or by any Road within Eight hundred and fifty Yards of the said Weighing Engine (except

Loaded Carts, etc. coming near *Lydford* Weighing Engine, are to be brought to be weighed on the same, under a Penalty.

[*Loc. & Per.*]

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the Carts, Waggon, or Carriages of any Inhabitant of *East Lydford*, loaded with any Goods the Property of such Inhabitant, and intended for his own Use, and not for Sale) shall from Time to Time be obliged to come to and pass over the said Weighing Engine, and to be weighed there, under a Penalty of not more than Ten Pounds nor less than Forty Shillings on the Owner, and of not more than Twenty Shillings nor less than Ten Shillings on the Driver of any such Cart, Waggon, or Carriage, which shall not be brought to, and be weighed at the said Weighing Engine as aforesaid.

Expences of
this Act to be
paid.

XVIII. And be it further enacted, That out of any Monies already raised by virtue of the said former Acts, or out of the First Monies to be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place pay and defray all the Charges and Expences incident to and attending the obtaining and passing this Act, and after Payment thereof the Remainder of such Monies shall from Time to Time be applied and disposed of in and about erecting and maintaining Gates, Turnpikes, Toll Houses, and Weighing Engines upon, and in altering, turning, widening, improving, and keeping in Repair the Roads hereinbefore mentioned, and in paying the Interest and Principal of the Money due and owing as aforesaid on the Credit of the said Acts, and hereby charged on this Act, and the Interest and Principal of the Money to be borrowed on the Credit of this Act, and for the other Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; any Thing herein contained to the contrary thereof in anywise notwithstanding.

The old
Deeds Poll
to be brought
in at the First
or Second
Quarterly
Meeting, and
the Interest
thereof to be
paid, and the
same are then
to be deliver-
ed up, and
Certificates
of the Sums
remaining
due, issued.

XIX. And whereas the Trustees acting under and in pursuance of the said recited Act of the Twenty-sixth Year of His said late Majesty, did execute several Deeds Poll in the Sums of Fifty Pounds each, carrying Interest at the Rate of Four Pounds *per Centum per Annum*, to several Persons who advanced Money on the Security of the Tolls thereby granted, many of which Deeds Poll still remain due and unsatisfied; be it therefore further enacted, That at the First or Second Quarterly Meeting of the Trustees hereby appointed, all Persons possessing any of such Deeds Poll, and entitled to the Monies then remaining due thereon, shall produce the same before the Trustees there assembled, who shall then pay and discharge all Interest due thereon up to the Thirtieth Day of *June* preceding such First Quarterly Meeting, whereupon the said Deeds Poll shall be delivered up to be cancelled; and the said Trustees there assembled shall then deliver to the said Persons so producing such Deeds Poll, One or more Certificate or Certificates for such Sum or Sums as shall be agreed on by the said Trustees and such Persons, for securing the Principal Monies then remaining due to such Persons, with Interest as aforesaid, from the same Thirtieth Day of *June*, each of which said Certificates shall purport, that the Sum therein mentioned, with Interest at the Rate of Four Pounds *per Centum per Annum*, is due to to the Person named in the said Certificate, or the Bearer thereof, on the Security of the Tolls granted by this Act; and each of the said Certificates may be drawn in such Form as the said Trustees shall think necessary and proper, and shall be signed by any Five of such Trustees then present, and attested by the Clerk of the said Trustees; and at the same Meeting the Clerk of the said Trustees shall make Entries in a proper Book to be provided for that

that Purpose, of the respective Dates of such Certificates, and the Names of the Persons to whom the same are issued, and by whom they are signed and attested, and shall mark the said Certificate in this Manner "Entered No. 1." (and so on as they stand in Course in such Book); and after such Entries shall be made in such Book, in a Series one after another, the said Trustees at such Meetings, or any Five or more of them, shall subscribe their Names thereto in the said Book; and all further or other Certificates, to be at any Time afterwards granted by the said Trustees for securing any further Sums of Money to be borrowed on the Security of the said Tolls hereby granted, in Manner herein-after mentioned, shall be drawn, signed, and attested, in the same Manner and Form, and similar Entries thereof made in the said Book, and the Numbers to be marked as aforesaid on the said last-mentioned Certificates shall go on progressively from the last Number in the last preceding Entry; and all Certificates granted by the said Trustees, in pursuance of the Directions of this Act, shall be good and sufficient Securities for the several Sums of Money and Interest expressed in the same.

XX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Fifteen or more of them, from Time to Time, upon the Credit of the Tolls hereby made payable, to borrow and take up at Interest, not exceeding the Rate of Five Pounds for One hundred Pounds for the Year, such further Sum and Sums of Money as they, or any Fifteen or more of them, shall think needful and sufficient for the Purposes of this Act; which said further Sum and Sums of Money shall not, with the Sum now due, exceed the Sum of Four thousand Pounds, and may and are hereby authorized and empowered to execute and issue other Certificates unto the Person or Persons advancing such Money, each in such Sum as they shall think proper; and which said Sum and Sums of Money shall be laid out and applied by the said Trustees in such a Manner as the said Tolls are hereby directed to be disposed of, applied, and laid out, and to and for no other Use or Purpose whatsoever: Provided that no such further Sum or Sums of Money shall be borrowed on the Credit of the said Tolls, unless Twenty-one Day's publick Notice be given, in Manner herein-after directed, of a Meeting to be held for the Purpose of determining on the Propriety of borrowing a further Sum of Money on the Credit of the said Tolls.

Trustees empowered to borrow a further Sum of Money on the Tolls.

XXI. And be it further enacted, That all and every Person and Persons to whom any Certificate or Certificates shall have been granted by the said Trustees as aforesaid, and his, her, or their Executors and Administrators, may and are hereby empowered, from Time to Time, to transfer or assign over such Certificate or Certificates, and all the Monies that shall be due thereon, to any other Person or Persons.

Certificates may be transferred.

XXII. Provided always, and be it further enacted, That regular and proper Memorandums and Entries of all and every Transfer or Transfers of any of the said Certificates, which shall be executed or made by virtue of this Act, containing the Dates thereof, and the Names, Additions, and Places of Abode of the several Parties thereto, and the material Contents of the same, and the Names, Additions, and Places of Abode of the Witnesses to the Execution thereof, shall from Time to Time be made by the Clerk to the said Trustees in the said Book, which shall be kept

Entries to be made of all Assignments.

kept for the Entry of the said Certificates; and that the said Transfer or Transfers shall be brought to the said Clerk for that Purpose within Twenty-eight Days after the same shall be executed and made, and which said Clerk shall be paid Two Shillings and Sixpence and no more, by the respective Persons in whom such Deeds Poll shall be vested, for each and every such Entry.

Power to demise the Tolls.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time, by Writing under their Hands, to grant, demise, or set out all the Tolls by this Act granted, or any Part or Parts thereof, and all the Penalties and Forfeitures hereby inflicted for Non-payment or avoiding thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any One Time, for the highest Rent or Rents that can be had or gotten for the same, by publick Auction, such Rent or Rents to be payable at such Times, and in such Manner, and under and subject to such Covenants, Conditions, Restrictions, and Agreements, and with such Sureties for Payment thereof, as the said Trustees, or any Seven or more of them, shall think fit; and the Monies arising thereby shall be paid to the Treasurer to the said Trustees, and shall be applied and disposed of in such Manner as the respective Tolls hereby granted are hereby directed to be applied and disposed of, but Twenty-one Days publick Notice of every Meeting for demising the said Tolls shall be given in Manner herein-after mentioned, and the like Notice shall be affixed on all the Turnpike Gates now or hereafter to be erected on the said Roads.

Trustees may lessen the Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at the First Meeting to be held in pursuance of this Act, or at any subsequent Meeting, to lessen all or any of the said Tolls, for such Time or Times as they shall think proper, but so as not to reduce them below One Half of the respective Tolls herein-before granted, and to raise the same again, so as not to exceed the respective Rates herein-before mentioned; and such Tolls so lessened or raised again shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied, but Twenty-one Days publick Notice shall be given in Manner herein-after mentioned, of any Meeting to be held for any such Purposes, after such First Meeting.

Trustees may appoint Officers;

XXV. And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby authorized and empowered to continue all or any of the Officers or Persons acting under the Authority of the said Acts, and from Time to Time to elect and appoint fit and proper Persons to be Collectors and Receivers of the Tolls by this Act made payable, and One or more proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officer or Officers as the said Trustees, or any Five or more of them, shall think necessary and convenient to be employed in the Execution of this Act; and such Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time to remove or displace, and to elect and appoint others in the Rooms and Places of such of them as shall be so removed or displaced, or shall die; and

and remove them;

and the said Trustees, or any Five or more of them, may and are hereby authorized and empowered, out of the Monies which shall arise by virtue of this Act, to allow and pay to such Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting to them, or any of them, in and about the repairing or widening the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances for their Attendance, Care, and Service therein, as to the said Trustees, or any Five or more of them, shall seem reasonable.

and allow them Salaries.

XXVI. Provided always, That the Clerk, Treasurer, Surveyor, and other Officers who have been appointed under, and employed in the Execution of the said former Acts, or either of them, shall respectively continue to exercise their respective Offices under the present Act, until they shall respectively resign, or be removed or displaced by the said Trustees in Manner herein-before directed.

Officers appointed under the former Acts to continue in their Offices until removed.

XXVII. And be it further enacted, That all and every the Collectors or Receivers of the Tolls, and all and every the Clerks, Treasurers, Surveyors, and other Officers already appointed, or who shall be appointed as aforesaid, and all and every other Person and Persons who have received or had, or shall receive or have any of the Monies raised, collected, or received, or to be raised, collected, or received, for repairing or amending the said Roads, or any Part or Parts thereof, and his, her, and their respective Executors and Administrators, shall from Time to Time, and as often as he or they shall be thereunto ordered or required by the said Trustees, or any Five or more of them, render and give to the said Trustees, or any Five or more of them, full, true, and fair Accounts in Writing of all the Monies which shall have been by them respectively, or by their respective Testators or Intestates, had, collected, or received, and how, to whom, and for what such Monies, and every Part thereof, shall have been paid, together with the proper Receipts and Vouchers for such Payments; and they shall and are hereby respectively required to pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, and at such Times as they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting or to account as aforesaid shall, if required by the said Trustees, or any Five or more of them, upon their several Oaths (which Oaths the said Trustees, or any One or more of them, are and is hereby authorized and empowered to administer) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any of the said Officers or Persons so to account as aforesaid, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay all such Money as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they, or any Five or more of them, shall direct or appoint, then and in either of the Cases aforesaid the said Trustees, or any Five or more of them, may and are hereby authorized and empowered

Officers and Persons receiving Money to account for the same,

and pay the Balance;

and verify their Accounts on Oath.

Persons refusing to account, liable to an Action; or to be prosecuted before a Justice of the Peace, and committed.

to bring or cause to be brought any Action or Actions in the Names of the said Trustees, or any One or more of them, or in the Name or Names of the Clerk or Treasurer to the said Trustees, against the said Officer or Officers, Person or Persons respectively, who shall so neglect or refuse as aforesaid; or if Complaint shall be made by the said Trustees, or any Five or more of them, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace of the said County of *Somerset*, such Justice may and is hereby authorized and required to summon the Officer or Officers, Person or Persons so refusing or neglecting, to appear before him at a Time and Place in such Summons to be mentioned, and upon his or their appearing or not appearing, unless for some reasonable Excuse, the Service of such Summons being proved by the Oath of one credible Witness (which Oath such Justice is hereby empowered to administer) to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act might have done; and if, upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies which shall have been so collected or received, or any Part thereof, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and is hereby authorized and required, upon Non-payment thereof, by a Warrant under his Hand and Seal, to cause such Money to be levied by Distress of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed in such Summons; or if, appearing, shall refuse or neglect to deliver to the said Justice such Account or Accounts of the Receipts and Payments as aforesaid, or to produce or deliver up to the said Justice the several Receipts and Vouchers relating to such Accounts respectively, and to verify the same, and the Items and Articles thereof, upon Oath as aforesaid, then and in any of the Cases aforesaid the said Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol for the said County of *Somerset*, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the Items thereof upon Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Account respectively, and shall have paid all Monies which shall appear to be in their respective Hands, and the reasonable Charges attending the Recovery thereof, or shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Monies which shall be thereby stipulated to be paid to them; which said Compositions and Monies the said Trustees, or any Five or more of them, are hereby authorized and empowered to make and receive: Provided always, That no Person who shall be committed for want of sufficient Distress only, shall be detained in Prison for any longer Space of Time than Six Calendar Months.

XXVIII. And

XXVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers, Clerk or Clerks, Collectors, Receivers, or Lessees of the said Tolls, and other Officers to be appointed for the Purposes of this Act, for the due and faithful Execution of their respective Offices, and for Payment of the Monies received by, or Rent due from them, and Delivery of all the Books, Deeds, Papers, and Writings, which shall come to their Hands in virtue of their said Offices, as the said Trustees, or any Five or more of them, shall think proper: Provided always, That all such Securities as have been given by any Officer or Officers under the said former Acts, and who shall be continued in their Office or Offices under this Act, shall be deemed good and sufficient, without any other Security being taken from him or them by the said Trustees as aforesaid.

Treasurer,
Clerks, &c. to
give Security;

XXIX. And be it further enacted, That the Clerk or Clerks, Treasurer or Treasurers, Collectors or Receivers of the said Tolls, and other Officers aforesaid, in case of Removal from their said respective Offices, or their respective Executors or Administrators in case of the Death of any such Officers, shall, at the Meeting of the said Trustees to be held in pursuance of this Act next after such Removal or Death, deliver up to the said Trustees then present all Books, Deeds, Accounts, Papers, and Writings, Bills, Maps, Plans, and other Things relating to the Execution of this Act, in the Hands, Custody, or Power of such Officers respectively as aforesaid, their respective Executors or Administrators, without altering or in any Manner defacing the same; and every Person neglecting or refusing so to do, shall, for every such Offence, forfeit and pay to the said Trustees any Sum not exceeding Twenty Pounds nor less than Ten Pounds.

and on Removal
to deliver
up Books, &c.

XXX. And be it further enacted, That during the Time the Tolls granted by this Act, or any Part or Parts thereof, shall be granted or demised, or in farm, to any Person or Persons under and by virtue of the Power herein-before given, it shall be lawful 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, receive, take, and levy the said Tolls so leased or farmed, as amply and effectually, to all Intents and Purposes, as the Collector or Collectors, Receiver or Receivers thereof, appointed by the said Trustees, or any Five or more of them, are hereby authorized and empowered to demand, receive, take, or levy the same; and the Person or Persons neglecting or refusing to pay any such Tolls to such Lessee or Lessees, Farmer or Farmers thereof, or to such other Person or Persons as he or they shall authorize or appoint as aforesaid, after Demand made thereof, shall incur and be subject and liable to such and the same Forfeitures, Penalties, and Prosecutions for the same, as are herein-before laid or directed in case of Neglect or Refusal to pay the said Tolls to the Collector or Collectors, Receiver or Receivers thereof, to be appointed by the said Trustees, or any Five or more of them; and all and every Person and Persons authorized or appointed to collect the said Tolls, or any Part thereof, by or for any such Lessee or Lessees, Farmer or Farmers thereof as aforesaid, shall from Time to Time account with and pay the same to such Lessees or Farmers respectively, in like Manner as the Collectors or Receivers of the said Tolls appointed by the said Trustees, or any Five

Lessees of
Tolls may ap-
point Persons
to receive the
same.

Persons ap-
pointed to re-
ceive Tolls to
account for
and pay the
same.

or

or more of them, are herein-before required to account for and pay such Tolls to the said Trustees, and in case of Neglect or Refusal so to account or pay the same, shall incur and be liable to the like Actions, Penalties, Punishments, and Prosecutions for the same, as the Collectors or Receivers of the said Tolls appointed by the said Trustees, or any Five or more of them, are herein-before made subject or liable to.

Two Trustees, on the Death or Removal of a Gate Keeper, may put in another till the next Meeting.

Gatekeeper discharged, or others in Possession of Toll Houses, may be put out therefrom.

XXXI. Provided always, and be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of the said Tolls, any Two or more of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and lawfully may nominate and appoint some other fit Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Room of such Collector or Receiver so dying, incapacitated, absconding, or absenting, which Person, so to be nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person so dying, becoming incapable, absconding, or absenting, would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or any Five or more of them, or the Widow, or any of the Children or Family of any Collector or Receiver of the said Tolls who shall die, or the Wife, or any of the Children or Family of any such Collector or Receiver who shall abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building already erected or to be erected, or set up by virtue of this Act, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose by any One or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall and may be lawful for any Justice of the Peace for the said County of *Somerset*, by Warrant under his Hand and Seal, to order the Constable, or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building, in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any One or more of them, or their new-appointed Officer, into the Possession thereof.

Surveyors may dig Gravel, &c. on Waste Grounds;

without paying for the same, levelling the Pits;

or from private Grounds;

XXXII. And be it further enacted, That the Surveyor or Surveyors appointed by virtue of this Act, or any Person or Persons appointed by such Surveyor or Surveyors, may, and is and are hereby authorized and empowered to cut, dig, gather, take, and carry away any Stones, Gravel, Sand, Furze, Heath, or any other Materials proper for repairing of Roads, in, upon, out of, or from any River or Brook, Waste Ground or Common, in any Parish, Township, or Place, in, adjoining to, or lying near the said Roads, to be used in repairing the said Roads, without paying any Thing for the same, they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground from whence the same shall be taken, or making a sufficient Fence round the same, to prevent any Misfortune or Accident happening by reason of such Pits or Holes; and also to cut, dig, gather, take and carry away any Stones, Gravel, Sand, Furze, Heath, or other Materials, proper and sufficient for repairing the said Roads, in, upon, or out of any Land of any Person or Persons, where
the

the same may be had or found, to be used towards repairing the said Roads (such Land not being a Yard, walled Garden, Orchard, Park, Paddock, Plantation, or Nursery of Trees) they the said Surveyors, or other Person or Persons, paying or offering to pay the respective Owners or Occupiers of such Land such Sum or Sums of Money for the Damages occasioned by getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Money to be paid for such Damages, any One or more Justices of the Peace of the County or Place where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Six Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owners or Occupiers respectively, or by the said Owners or Occupiers given to the said Surveyor or Surveyors, to be left at their respective Places of Abode, with some or one of their respective Families, hear, settle, and determine the same.

making Satisfaction to the Owner.

XXXIII. Provided always, and be it further enacted, That it shall not be lawful for such Surveyor or Surveyors, or such other Person or Persons as aforesaid, under the Authority of this Act, to dig, gather, take, or carry away any such Materials as aforesaid, for any of the Purposes of this Act, in or from any inclosed Lands or Grounds, until after Twenty-one Days Notice in Writing, signed by the said Surveyor or Surveyors, or some other Officer or Officers of the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands or Grounds from which such Materials are intended to be taken, or left at their usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or One or more Justice or Justices of the Peace acting for the County in which such inclosed Lands lie, at a certain Time and Place specified in such Notice, to shew Cause why such Materials shall not be taken away; and in case such respective Owners or Occupiers shall, by themselves or their respective Agents, attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justice or Justices, shall, if they or he shall think proper, authorize such Surveyor or other Officer to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or such Justice or Justices, shall seem proper; or if such respective Owners or Occupiers shall neglect or refuse to appear by themselves or their respective Agents, the said Trustees, or any Five or more of them, or such Justice or Justices, shall and may make such Order therein as they or he shall think fit, as fully and effectually, to all Intents and Purposes, as if such respective Owners or Occupiers had attended in Manner aforesaid.

Notice to be given to Occupiers of private Grounds before any Materials are taken therefrom.

XXXIV. And be it further enacted, That in case any Person or Persons shall, for any other Purpose than repairing the said Roads, load, take, or carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, got, gathered, or digged for the Purpose of repairing the said Roads, or any Part thereof, or dig, gather, get, take, or carry away any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which any of the said Surveyors, or other Persons by them appointed, shall have made or opened for the Purpose of getting Materials

Penalty on taking away Materials gathered for repairing the Roads.

[Loc. & Per.]

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for

for the Repairs of the said Roads, before the said Surveyors, or Persons by them appointed as aforesaid shall have discontinued getting any such Materials thereout, or working therein, for the Space of Ten Days, every Person so offending (other than and except the Owner or Occupier of such private Ground, who shall have originally opened any such Pit, Hole, or Quarry therein, and Persons by him lawfully authorized to get Materials therein, for the proper Use of such Owner or Occupier only, and not for Sale) shall, for every such Offence, forfeit and pay any Sum not exceeding Three Pounds nor less than Forty Shillings.

Surveyors
may make
Causeways,
Drains,
Bridges, tem-
porary Roads,
etc.

XXXV. And be it further enacted, That the said Trustees, or any Five or more of them, or the said Surveyors, or any Persons by them appointed or employed respectively, may and are hereby authorized and empowered to make or cause to be made any Causeway or Causeways in or along the Side or Sides of any Part or Parts of the said Roads, and also Ditches and Drains along or by the Sides of the same Roads, or any Part thereof, or into or through any Land lying contiguous thereto, and to build or cause to be built any Bridge or Bridges, or Arches, in or upon the said Roads, or any Part thereof, or over or across any River, Brook, Ditch, Drain, or Watercourse running upon, over, or across the same; and also to make or cause to be made a Road or Way through or over the Lands or Grounds adjoining to any narrow or ruinous Parts of the said Roads, to be made use of by all Passengers, Carriages, and Cattle, as a publick Highway, whilst the old Road is repairing, and until it shall be convenient and safe for Passengers, Carriages, and Cattle, to pass the same, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, through which any such Drain or temporary Road shall be made, or upon which any such Bridge or Arch shall be erected, for the Damages they shall thereby sustain, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

Surveyors to
remove An-
noyances, *etc.*
and cut down
Trees, Bushes,
etc.

XXXVI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they, or any Five or more of the said Trustees, shall appoint, to remove all Annoyances on the said Roads, or any Part thereof, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the same, to the Prejudice thereof; and to open, scower, or cleanse any Watercourses or Ditches adjoining thereto, and to make the same as wide and deep as he or they shall think necessary, and to erect and set up any Trunks or Bridges over the same, and (having an Order from the said Trustees, or any Five or more of them, for that Purpose) to cut down, lop, or top any Tree or Trees, Hedge or Hedges, or Bushes, growing in the same Roads, or in the Lands or Banks within Thirty Feet of the Centre of any Part of the said Roads, and to remove the same to a proper Distance from the said Roads, in case the Owners or Occupiers of the Lands to which the same shall belong shall neglect or refuse to remove such Annoyances, or to open, scower, or cleanse such Watercourses or Ditches, or to erect and set up any Trunks or Bridges over the same, or to lop, top, or cut down and carry away such Trees, Hedges, or Bushes, for the Space of Ten Days after Notice in Writing given for that Purpose under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees, or any Five or more

more of them) shall be reimbursed and paid to the said Surveyor or Surveyors by such Owners or Occupiers, and upon Non-payment thereof shall be recovered in such Manner as the Penalties and Forfeitures are hereinafter directed to be recovered; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every such Person shall, for every such Offence, forfeit and pay to the said Trustees any Sum not exceeding Three Pounds nor less than Forty Shillings.

Penalty of a Second Offence.

XXXVII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time, without giving any previous Notice, to remove all such Earth, Trees, Roots of Trees, and other Things, as shall suddenly slide, fall, or be blown down from any Hedge, Bank, or Land, into or upon any of the said Roads, so as to narrow or obstruct the Passage along the same, and to carry and place the same on any waste Ground near thereto, so as to be no Annoyance to Travellers; and such Surveyor or Surveyors shall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence such Earth, Trees, Roots, or other Things, shall so slide or fall, or be blown down as aforesaid; the Charges of carrying away the same (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed and paid to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered in such Manner as the Penalties and Forfeitures for Offences against this Act are hereby directed to be recovered.

Surveyors to remove Slides from Banks, etc.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to widen, turn, or alter the Course of any of the said Roads, into, upon, or through any Commons or Waste Grounds, without making any Satisfaction to any Person or Persons for so doing, and also into, upon, or through any Grounds of any Person or Persons, making such Satisfaction for the same as the said Trustees, or any Five or more of them, shall judge reasonable; and for that Purpose the said Trustees, or any Five or more of them, are hereby authorized and empowered to treat, contract, and agree with the several Owners, Occupiers of, and Persons interested in any Lands, Grounds, or Hereditaments, into or through which the said Roads shall be widened, turned, or altered, for the Purchase thereof, or for the Loss or Damage such Owners, Occupiers, and Persons interested, or any of them, shall thereby sustain, and out of the Tolls granted by this Act, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, and also the Costs and Charges attending such Agreement and Purchase; and it shall be lawful to and for all Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees and Feoffees in Trust, Guardians, Committees of Lunatics or Idiots, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons whomsoever, and to and for all Femmes Covert who are or shall be seised in their own Right, and to and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands, Grounds, or Hereditaments,

Trustees may widen Roads, and make new ones;

making Satisfaction to the Owners.

Trustees may contract for the Purchase of Lands, etc. to be laid into the Roads.

Bodies Politick, etc, may treat for Sale of such Lands.

ditaments, to treat, contract, and agree with the said Trustees or any Five or more of them, for the Purchase of such Lands, Grounds, and Hereditaments, and to sell and convey the same to the said Trustees, or any Five or more of them; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Owners neglecting to treat, etc.

XXXIX. And be it further enacted, That if any such Owners, Occupiers, Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any other Person or Persons interested in such Lands, Grounds, or Hereditaments, (upon Notice to them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Principal or Head Officer or Officers of such Body Politick or Corporate, or Corporation, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments intended to be taken in and added to any Part of the said Roads, or into or through which such Roads are intended to be turned or altered as aforesaid), shall, for the Space of Thirty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence out of the Kingdom shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *Somerset*; and for the summoning and returning such Jury the said Trustees, or any Two or more of them, are hereby empowered, from Time to Time, to issue out their Warrant or Warrants to the Sheriff, or any Coroner of the said County, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries at Assizes, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, or Coroner, is and are hereby required to impanel, summon, and return such Number accordingly, to attend at the Time and Place so appointed, and out of the Persons so impanelled, summoned; and returned; or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, are hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, or Coroner, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Five or more of them, are hereby also empowered and required, from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath (which Oath the said Trustees, or any One or more of them, are and is hereby empowered to administer) all and every Person and Persons whomsoever, who shall be thought necessary

Trustees to issue their Warrant to the Sheriff to impanel and summon a Jury.

Jurors may be challenged. Witnesses may be summoned and examined upon Oath.

necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises; and they shall also order and cause the said Jury to view the Places in question; if there be Occasion; and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premises, as the said Trustees, or any Five or more of them, shall think fit; and the said Jury shall assess what Damages will be sustained by such Owners, Occupiers, or Persons interested, by reason of the taking such Lands, Grounds, or Hereditaments, or of turning such Road into or through any such Lands, Grounds, or Hereditaments, and give in their Verdict thereupon; and after the said Jury shall have enquired of and assessed such Damage, and given in their Verdict thereupon, they the said Trustees, or any Five or more of them, shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and the Judgement, Order, or Determination thereupon, so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, Remainder, or Expectancy, or otherwise howsoever, and against their several and respective Heirs, Successors, Executors, or Administrators, and against all other Person and Persons whomsoever; and all and every such Owners and Occupiers, and other Person and Persons anyways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed and adjudged as aforesaid, be thereby, from thenceforth, to all Intents and Purposes, for ever divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, or Coroner, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and shall not appear, or give some reasonable Excuse for not appearing, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not join in giving their Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being summoned to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or give some reasonable Excuse for not appearing, or appearing shall refuse to be sworn and give Evidence, so as no such Fine shall exceed the Sum of Twenty Pounds nor less than Five Pounds, upon any One Person for One Offence.

Verdict and Judgement to be final.

Trustees may impose a Fine upon Sheriff, etc. making Default in the Premises.

XL. And be it further enacted, That in case any such Jury or Juries shall give in and deliver a Verdict for more Money, as a Recompence or Satisfaction for such Damages, than what shall have been offered or tendered by the said Trustees, or any Five or more of them, before the

If Jury give more Damages than the Sum tendered; the Trustees to pay Colls:

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summoning

If Jury do not give more Damages than tendered, the Person contending to pay Coits:

summoning or returning the said Jury or Juries, then and in such Case the Coits and Expences of summoning and maintaining the said Jury and Witneses shall be borne and paid by the said Trustees, or any Five or more of them; out of the Money arising by virtue of this Act; but if any such Jury or Juries shall give in and deliver a Verdict for no more, or for less Money as a Recompence or Satisfaction for such Damages, than shall have been offered or tendered by the said Trustees; or any Five or more of them; before the summoning and returning the said Jury or Juries, then the Coits and Expences of summoning and maintaining the said Jury and Witneses shall be borne and paid by the Person or Persons with whom the said Trustees shall have had such Controversy or Dispute; which said Coits and Expences, having been ascertained and settled by some Justice or Justices of the Peace for the County, not being interested in the Matter in Question (who is and are hereby empowered and required to examine, ascertain, and settle the same), shall and may be deducted out of the Money so assessed and adjudged; as so much Money advanced to and for the Use of such Person and Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Coits and Expences; in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by such Ways and Means as are herein-after provided for the Recovery of Penalties, Forfeitures, and Fines.

Persons absent to be charged with only Half the Expences.

XLI. Provided always, and it is hereby declared, That in Cases where any Person or Persons shall, by reason of Absence as aforesaid, have been prevented from treating, One Half of such Coits and Expences shall be deducted out of the Purchase Money, and the other Half shall be paid by the said Trustees in Manner aforesaid.

Money allowed for Lands, etc. how to be charged and tendered.

XLII. And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid, is and are hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively entitled thereto, or to their respective Agents; and that upon Payment or Tender thereof to the Persons entitled thereto, or to their Agents respectively, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the Trustees, for the Use of such Person or Persons, and after Ten Days Notice thereof given to such Person or Persons, or left at the Dwelling House of the Occupiers of the Premises respectively, such Lands, Grounds; or Hereditaments shall and may be laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be taken and deemed to be a publick and common Highway, and shall be from thenceforth deemed Part of the said Roads, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprized in
or

or constituting the old or former Road (unless leading over some Common or Waste, or to some Town, Village, or Place to which such new Road doth not lead) shall be and is hereby vested in, and shall and may be sold by the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof; for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the Purposes of this Act; and the Sale and Conveyance to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace for the said County of *Somerset*, shall be good and effectual in the Law to all Intents and Purposes whatsoever: Provided always, That in widening, turning, or diverting any Part or Parts of the said Roads, nothing shall be done which shall or may in anywise injure or damage any House or Building, or any Garden, Yard, Orchard, Park, or Nursery of Trees; unless the Owner or Proprietor thereof shall consent thereto.

Buildings,
etc. not to be
injured.

XLIII. And be it further enacted, That if any Money or Recompence shall be to be paid for any Messuages, Buildings, Lands, or Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity as aforesaid, such Money shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon, and subject to the like Uses, Trusts, and Limitations as the said Messuages, Lands, Tenements, or Hereditaments belonging to such Corporation, or other Person as aforesaid, so to be purchased, taken, or used for the Purposes of this Act, were settled, limited, or assured; and in the mean Time and until such Purchase can be made such Money shall 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 there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth; and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling, and Exchequer Bills shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Trustees, or any Five or more of them; and until the same shall, upon a Petition setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be

For disposing
of Purchase
Monies.

be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders, in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualing, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust, with all convenient Speed to be re-invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, or assured to, upon, or subject to at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons to be nominated by the Party or Parties interested therein, and to be approved of by the said Trustees, or any Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled, by virtue of this Act; but in case any such Money shall be less than the Sum of Twenty Pounds, then the same shall be paid to the Party or Parties entitled thereto, for his, her, or their own Use, or shall be applied and disposed of by the said Trustees, or any Five or more of them, for the Benefit and Advantage of such Party or Parties, in such Manner as the said Trustees, or any Five or more of them, shall think proper.

Bodies Politick, &c. liable to Repair of the Roads to continue so.

Inhabitants to do Statute Work.

XLIV. And be it further enacted, That all Towns, Parishes, Hamlets, Tythings, and Places, and the Inhabitants thereof, and all Bodies Politick and Corporate, Corporations Aggregate or Sole; and the Members thereof, and all other Person and Persons whomsoever, who, before the making of this Act, have used, or of Right ought, either by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts whatsoever, to repair any Part or Parts of the Roads hereby directed to be repaired, or any Bridge or Drain lying in or upon the same, shall, notwithstanding this Act, still be subject and liable to, and charged and chargeable with such Repairs thereof in the same Manner as they have heretofore usually been or ought to be; and that the Inhabitants of the several Towns, Parishes, Hamlets, Tythings, and Places, in which the

said

said Roads hereby directed to be repaired, or any Part thereof, do lie, and all and every Person and Persons occupying any Lands, Tenements, Woods, Tythes, or Hereditaments therein, who by the Laws and Statutes of this Realm are or shall be liable to perform the Duty or Work in or upon the Highways commonly called *Statute Duty*, shall still be subject and liable to do and perform the same, and shall and are hereby required to do and perform such and so many Days Statute Duty or Work, in or upon such Parts of the said Roads by this Act directed to be repaired, as lie within such Towns, Parishes, Hamlets, Tythings, or Places respectively, and at such Times and Places; and in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and the Surveyor or Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, Tythings, and Places, shall, and they are hereby required, once in every Year, at such Time and Place as shall be appointed by the said Trustees, or any Five or more of them, Ten Days Notice thereof in Writing being given to such Surveyor or Surveyors, to deliver to the said Trustees, or any Five or more of them, or to their Surveyor or Surveyors true and perfect Lists in Writing, under the respective Hands of such Surveyor or Surveyors for such Towns, Parishes, Hamlets, Tythings, or Places, of the Names of all the Inhabitants of, and Occupiers of Lands, Tenements, Woods, Tythes, or Hereditaments, within such Towns, Parishes, Hamlets, and Places respectively, and of all other Person and Persons who are liable to do Statute Duty in or upon the said Highways, and shall in such Lists distinguish the Names of the several Persons who do or shall keep a Team, Waggon, Wain, Purr, or Cart, and what Number of Horses or other Beasts of Draught, and the Names of the several Inhabitants and other Persons who occupy therein any Lands, Tenements, Woods, Tythes, or Hereditaments, and the yearly Value thereof respectively, and likewise which of the said Inhabitants, not occupying Lands, Tenements, Woods, Tythes, or Hereditaments, of the yearly Value of Fifty Pounds, do keep One or more Cart or Carts, and One or Two Horse or Horses, or Beast or Beasts of Draught only used to draw in such Carts upon the said Highways, or a Coach, Postchaise, Chair, or other Wheel Carriage; and shall also in such Lists set forth an Account of all the Highways within such Towns, Parishes, Hamlets, Tythings, and Places respectively, which are liable to be repaired by Law, and of the Extent, Length, and Condition thereof; and the said Surveyor or Surveyors of every such Town, Parish, Hamlet, Tything, or Place, shall from Time to Time give to, or cause to be left at the House or usual Place of Abode of every Person or Persons liable to do or perform any Statute Duty or Labour upon the said Roads, or any Part thereof, Four Days Notice at the least of the Day, Hour, and Place upon which the said Statute Duty or Labour shall by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, be directed or appointed to be performed; and if any such Surveyor or Surveyors for any Town, Parish, Hamlet, Tything, or Place, shall not deliver to the said Trustees, or to their Surveyor or Surveyors, such true and perfect Lists as aforesaid, at such Times and in such Manner as shall be appointed as aforesaid, or shall not give or leave, in Manner as aforesaid, such Notices of the Times and Places to be directed or appointed

Surveyors of the Highways to give in Lists of Persons who are liable to do Statute work;

and to give Notice of doing Statute Duty.

Penalty for not giving such List or Notices.

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for

Penalties for
not perform-
ing Statute
Duty.

for performing such Statute Duty, every such Surveyor shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings; and every Person liable by Law to send One or more Waggon or Waggons, Cart or Carts, Wain or Wains, Putt or Putts, or other Carriage or Carriages, furnished after the Custom of the Country, or furnished with not less than Three Horses, or Four Oxen and One Horse, or Two Oxen and Two Horses, and Two able Men to each, making Default therein, shall, for every such Default, forfeit any Sum not exceeding Twelve Shillings nor less than Ten Shillings, and every Person liable by Law to send One or more Cart or Carts, with One or Two Horses or Beasts of Draught only, used to draw such Carts upon the Highways, with One Labourer to attend each Cart, who shall make Default therein, shall forfeit for every Default in sending a Cart with Two Horses and One Man, any Sum not exceeding Seven Shillings nor less than Five Shillings; and for every Default in sending a Cart with One Horse and One Man, any Sum not exceeding Four Shillings nor less than Three Shillings; and every Person making Default in sending such Labourer or Labourers, as by Law he or she is liable to send, at the Time and Place, and in the Manner to be directed as aforesaid, shall, for every such Neglect or Default, forfeit any Sum not exceeding Two Shillings nor less than One Shilling and Sixpence; and if any Person sending a Waggon, Wain, Cart, Putt, or Carriage as aforesaid, shall not send therewith a sufficient Labourer besides the Driver (except with Carts with One or Two Horses or Beasts of Draught only) or if any such Labourer or Driver, or the Driver of any Cart required to perform the Statute Duty as aforesaid, shall refuse to work and labour, during the Space of Eight Hours in each Day, according to the Directions of the Surveyor or Surveyors to the said Trustees, or if any Driver shall refuse or omit to carry sufficient Loads (which are hereby declared to be Twenty-eight hundred Weight for every Cart or Putt, and Forty hundred Weight for every Waggon) it shall and may be lawful for the said Surveyor or Surveyors to the said Trustees to discharge every such Waggon, Wain, Cart, Putt, Carriage, or Labourer, and the said Trustees, or any Five or more of them, shall recover from the Owner of every such Waggon, Wain, Cart, Putt, or Carriage, and from every such Labourer, the Forfeiture which every such Person or Persons would have incurred by virtue of this Act, in case no such Waggon, Wain, Cart, Putt, Carriage, or Labourer respectively had come or been sent to work upon the said Roads: Provided always, That nothing herein contained shall extend, or be construed to extend to empower any Highway Surveyor to form or prepare the List or Account in Writing of annual Value of Lands, Tenements, and Hereditaments by this Act required to be returned and delivered, in any other Manner, or by any other Means, than are prescribed or authorized by an Act passed in the Thirteenth Year of His present Majesty's Reign, commonly called *The General Turnpike Act*.

Persons not
working may
be turned
away.

Trustees may
compound
for Statute
Work.

. XLV. And be it further enacted, That the said Trustees, or any Five or more of them (not being anyways interested therein), may and are hereby authorized and empowered to compound with any Person or Persons whomsoever, for the Repairs to be by them done upon the said Roads, and

and also with the several Inhabitants of, and Occupiers of Lands, Tenements, Woods, Tythes, and Hereditaments, in the several Towns, Parishes, Hamlets, Tythings, and Places, in which the said Roads hereby directed to be repaired, or any Part or Parts thereof, lie, or with the Surveyor or Surveyors of the Highways of the said Towns, Parishes, Hamlets, Tythings, or Places respectively, for the Statute Duty to be by them respectively done upon the said Roads, at and for such Rates or Sum and Sums of Money, by the Year or otherwise, as the said Trustees (not interested therein) or any Five or more of them, and the Person or Persons so compounding, shall agree upon; and such Surveyor or Surveyors of the Highways, having the Consent of the Inhabitants of their respective Parishes or Places, or the Majority of them, at any publick Meeting to be held for that Purpose, is and are hereby empowered to contract and agree with the said Trustees (not interested) or any Five or more of them, for any gross annual Sum to be paid by their respective Parish or Places, for or in lieu of the Statute Duty to be done and performed by all the Inhabitants of such Parish or Place; which said Money, so to be compounded or agreed for, shall be paid in Advance to the said Trustees, or any Five or more of them, or to their Treasurer, and shall be applied and laid out in repairing such Part of the said Roads in respect whereof such Composition Money was paid; and the Surveyor of the Highways so compounding, and paying such Composition Money as aforesaid, for the whole Statute Duty of such Parish or Place, shall be repaid and reimbursed the same in such Manner and by such Methods as Surveyors of the Highways are by Law authorized to raise Money for buying Materials for repairing of Highways; and Fourteen Days publick Notice of every Meeting of the said Trustees, for making such Composition, shall be given as herein-after mentioned.

XLVI. And be it further enacted, That if the Surveyor or Surveyors of the Highways of any of the said Towns, Parishes, Hamlets, Tythings, or Places, wherein any Part or Parts of the said Roads directed by this Act to be repaired doth or do lie, shall think the said Trustees, or their Surveyor or Surveyors, have or hath directed or appointed too large a Portion of Statute Duty to be performed by the Inhabitants of any Town, Parish, Hamlet, Tything, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the General Quarter Sessions of the Peace for the said County of *Somerset*, next after such Direction or Appointment shall be made or given, unless the same shall be made within Fourteen Days next preceding such Quarter Sessions, and then to the Second Quarter Sessions next after such Direction and Appointment; and the Justices in their said respective Quarter Sessions are hereby authorized and empowered finally to adjust and determine what Portion of Statute Work for any Town, Parish, Hamlet, Tything, or Place, shall be done on the said Roads by this Act directed to be repaired, such Surveyor or Surveyors of the Highways having first given Fourteen Days Notice in Writing of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Surveyors may appeal to the Quarter Sessions, to proportion the Statute Duty.

XLVII. And

All Contracts entered into by the Trustees and others deemed valid.

XLVII. And it is hereby further enacted, That all Contracts and Agreements made and entered into by or between the said Trustees, or any Five or more of them, at any of their Meetings to be held in pursuance of this Act, or by their Clerk or Treasurer, by the Direction or Order of the said Trustees, or any Five or more of them, and any Person or Persons whomsoever, relating to any Act, Matter, or Thing to be done or performed in Execution of any of the Powers hereby granted, and reduced or put into Writing, and signed by the Parties thereto, shall be good, valid, and binding, as well upon the said Trustees as upon all other Parties thereto, his, her, and their Executors, Administrators, and Assigns, and in case of Breach thereof, Actions may be brought and maintained, and Damages and Costs recovered thereon against the Party or Parties not performing the same, or specific Performance thereof may be decreed, as in any other Case of Contracts or Agreements between any other Persons whomsoever.

All Agreements made under the former Acts to continue, notwithstanding the Repeal of those Acts.

XLVIII. Provided always, and be it further enacted, That all Agreements for letting any of the Tolls granted by either of the said former Acts, which now are, or before the Commencement of this Act shall be made by the Trustees acting under and by virtue of either of such former Acts, the Terms whereof shall not have expired at the Commencement of this Act, and all other Agreements made by the said Trustees, shall continue and remain in full force notwithstanding the Repeal of the said former Acts.

Penalty on haling Timber, &c. otherwise than on Wheel Carriages.

XLIX. And be it further enacted, That if any Person shall cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone or Stones, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be conveyed by any Wheel Carriage, to drag upon any Part of the said Roads, to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Three Pounds nor less than Forty Shillings.

Roads to be measured, and Mile Stones erected.

L. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be set up on the Sides of the said Roads, at the Distance of One Mile from each other, with Inscriptions to be made thereon, denoting the Number of Miles from any Town or Place, and also proper Direction Posts, as they shall think fit, and if any Person or Persons shall wilfully break, pull down, dig up, injure, or destroy any of the Stones or Posts already set or to be set on the said Roads, or erase, obliterate, or deface any Inscription made thereon, or cause or procure the same to be done, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every such Stone or Post so pulled down, broken, dug up, injured, or destroyed, obliterated, or defaced.

Penalty on destroying them.

LI. And

LI. And be it further enacted, That if any Person shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, or shall cause any Damage to be done to any such Footway; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to stop on the Roads, or to root up and damage the same, or any Part thereof, or any Hedge or Fence on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage, under his Care; or if any Person shall make or assist in making any Fire or Fires, commonly called *Bonfires*, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part or Parts of the said Roads; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads, or on any Footway on the Side thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Persons travelling or passing thereon, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty for riding upon Footpaths; and on Persons occasioning Nuisances or Annoyances on the Roads.

LII. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they or any of them shall call to their or any of their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County, and near to the Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next General Quarter Session to be holden within and for the County of *Somerset*, to answer the said Complaint; and the Justices present at such Session, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Session as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him,

For securing transient Offenders.

[*Loc. & Per.*]

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her,

her, or them, to the Common Gaol or House of Correction of the same County, for any Time not exceeding Two Calendar Months, or until he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment:

Trustees may sue and be sued in the Name of their Clerk.

LIII. And be it further enacted; That the said Trustees may sue and be sued; for or concerning any Thing to be done by virtue or in pursuance of this Act; in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of; or against the said Trustees by virtue of this Act; in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of any such Clerk, or by the Act of any such Clerk without the Consent of the said Trustees, or any Five or more of them, but that the Clerk for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action or Suit.

Penalties and Forfeitures how to be recovered and applied.

LIV. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act imposed or inflicted; the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall, upon Proof of the Offences respectively before any One of the Justices of the Peace for the said County of *Somerset*, either by Confession of the Party or Parties, or by the Oath of One credible Witness (which Oath any such Justice is hereby empowered and required to administer without Fee or Reward), be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice of the Peace (which Warrant or Warrants any such Justice is hereby empowered to grant) and the Overplus, after such Fines, Penalties, and Forfeitures, and the Charges of such Distress, and of keeping and selling the same, are recovered and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and the Fines, Penalties, and Forfeitures, when so levied and recovered, shall from Time to Time be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers, and shall be applied (if not otherwise particularly directed by this Act) for and towards amending the said Roads, and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Fines, Penalties, and Forfeitures shall not be forthwith paid, it shall and may be lawful for any such Justice, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol for the said County of *Somerset*, there to remain, without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and

all

all reasonable Charges attending the same, shall be sooner paid and satisfied.

LV. And be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act (except in such Cases where the final Determination is directed by this Act), and for which no particular Method of Relief hath been hereby appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County of *Somerset*, within Four Calendar Months after the Cause of Complaint shall have arisen, such Person appealing first giving or causing to be given Twenty-one Days Notice in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, in any Sum not exceeding Forty Pounds nor less than Twenty Pounds, conditioned to try such Appeal, and abide by the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at the said Quarter Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper; and the Determination of the said Justices in their said Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

Persons aggrieved may appeal to the Quarter Sessions.

LVI. And be it further enacted, That no Order, Conviction, Judgment or other Proceeding to be had or made in pursuance of this Act, shall be quashed or vacated for Want of Form, nor shall be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be 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, Notice, Warrant of Distress, or other Proceeding relative 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 distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover Satisfaction for the special Damage in an Action upon the Case; but no Plaintiff shall recover in any Action for any such Irregularity, Trespass, or other wrongful Proceeding, by virtue of this Act, if, before such Action is brought, Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall commit

Proceedings not to be removeable by *Certiorari*.

Distress not unlawful for Want of Form; nor the Parties distraining be deemed Trespassers *ab initio*.

or

or cause to be committed any such Irregularity, Trespass, or wrongful Proceeding.

Prosecutors and Plaintiffs, by Order of Trustees, and Defendants by the like Order, indemnified.

LVII. And be it enacted, That in all Cases where any Action or Prosecution shall be brought or prosecuted in pursuance of this Act, or by the Order and Direction of the said Trustees, or any Five or more of them, the said Trustees, or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or the Person or Persons in whose Name or Names such Action or Prosecution shall be brought or prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bona fide* out of Pocket by reason of every such Action or Prosecution, or of any Judgement or Determination therein, and shall and may also, out of the said Monies, indemnify all such Person or Persons as shall be prosecuted, or shall have any Action or Actions brought against him, her, or them, for or by reason of any Thing done or to be done in pursuance of this Act, by the Direction and under the Authority of the said Trustees, or any Five or more of them, provided the Defence of such last mentioned Prosecution, or Action or Actions, be made, undertaken, or ordered or directed by the said Trustees, or any Five or more of them.

Proceedings to be entered in a Book;

which may be inspected and copied.

Books may be read in Evidence.

LVIII. And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which shall be collected, borrowed, and received, laid out, expended, and paid, by virtue of this Act, and of all Debts due to or from the said Trustees, and all Orders, Acts, Resolutions, Determinations, Matters, Proceedings, and Things, which shall be made or done by the said Trustees in the Execution of this Act, shall from Time to Time be duly and regularly entered in one or more Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees; and that all and every Person or Persons whatsoever may peruse and inspect such Book or Books at all reasonable Times without Fee or Reward, and may from Time to Time take Copies of all or any Part or Parts of such Book or Books; and such Orders, Acts, Resolutions, Determinations, and Proceedings, so entered, shall be signed by the Clerk or Clerks, and being so signed shall be deemed and taken to be Originals; which said Books, and also the Book and Books directed to be kept for entering the said Certificates, Assignments, and Transfers, and likewise the Books in which are entered the Proceedings and Accounts of the Trustees in Execution of the said former Acts, shall and may be produced, admitted, and read in Evidence in all Courts and Places whatsoever.

Publick Notice to be given of Meetings.

LIX. And be it further enacted, That in all Cases where Notice is by this Act directed to be given of any Meeting of the said Trustees, or of any Thing to be done by the said Trustees, or any of them, in Execution of any of the Powers hereby granted, such Notice

tice shall be in Writing, and signed by the Clerk to the said Trustees, or by any Two or more of the said Trustees, and affixed upon some conspicuous Part of the Outside of the Guildhall in *Iwelchester* aforesaid, and shall likewise be inserted in some publick Newspaper which shall then be circulated in the said County of *Somerset*, at least Twenty-one Days before the intended Meeting for the doing of such Act, of which Notice is so required to be given as aforesaid, unless in such Cases where any particular Time is hereby otherwise directed, for which such Notice shall be given, and then for the Time so particularly directed; and that in every such Notice the Time of Meeting of the said Trustees, and the particular Business or Thing intended to be transacted or done thereat, shall be mentioned and set forth, to the End that all the said Trustees may have an Opportunity of being sufficiently apprized thereof.

LX. And be it further enacted, That no Action at Law shall be brought or commenced against any Person or Persons for any Thing done or to be done by virtue of this Act, until after Thirty Days Notice thereof shall have been given to, or left at the usual Place of Abode of the Person or Persons against whom such Action is intended to be brought, thereby setting forth the particular Cause of such Action, or after Tender of sufficient Amends hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact or Cause of such Action shall have arisen; and every such Action shall be brought and laid in the County of *Somerset*, and not elsewhere; and the Defendant or Defendants in every such Action shall and may plead 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 by virtue and Authority of this Act; and if on the Trial of such Action it shall appear to have been so done, or that such Action shall be brought before the Expiration of Thirty Days next after such Notice shall have been given or left as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, or after the End of Six Calendar Months next after the Fact or Cause of such Action shall have arisen, or if such Action shall be brought or laid in any other County than as aforesaid, then and in every of the said Cases the Jury, on the Trial of such Action or Actions, shall find a Verdict for the Defendant or Defendants therein; and in all Cases where a Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, then and in every of such Cases the Defendant or Defendants in such Action shall have Treble Costs, and shall have the like Remedy for recovering the same as Defendants have for recovering his, her, or their Costs, in any other Case, by Law.

Limitation of
Actions.

General Issue.

Treble Costs.

LXI. And be it further enacted, That this Act shall commence upon the Thirtieth Day of *June* One thousand eight hundred, and shall continue and be in force from that Time for Twenty-one Years, and from thence

[*Loc. & Per.*]

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to

Limiting the
Term of the
Act, and de-
claring it
Publick.

to the End of the then next Session of Parliament; and this Act shall be deemed, adjudged, and taken to be a Publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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