



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 153.

An Act for repealing an Act passed in the Thirty-third Year of His present Majesty, intituled, *An Act for amending, improving and keeping in Repair several Roads leading to and from the City of Bath*; and for granting other Powers for more effectually improving the several Roads therein described, being in and leading to and from the said City.

[2d June 1810]

WHEREAS an Act was passed in the Thirty-third Year of ^{33 G. 3. c. 144} the Reign of His present Majesty King George the Third, intituled, *An Act for amending, improving and keeping in Repair several Roads leading to and from the City of Bath*: And whereas the Trustees named and appointed under the said recited Act have continued to put the same into Execution, for which Purpose several Sums of Money have been borrowed under and by virtue of the Powers and Authorities therein contained, and which with various other considerable Sums of Money borrowed under and by virtue of the said recited Act, and the Acts therein mentioned, still remain due, and which together with the Tolls granted by the said Act have been duly applied, and great Progress has been made in and towards the amending, improving and repairing the said several Roads; but the same cannot be completed and kept in good Repair for the future, or the Monies so owing be repaid with Interest thereon, unless the said Act and the several Clauses, Powers and Provisions therein contained be repealed, and further and more ample Powers granted in lieu thereof: And whereas several of the Roads herein-
after mentioned and described are much out of Repair and are too narrow

Roads require widening.

[Loc. & Per.]

39 A

in

in some Places, and cannot under the Powers of the said Act, be sufficiently repaired, widened and rendered more commodious to the Publick, and the Expences of maintaining and supporting the said Roads are likely to increase: And whereas under and by virtue of a certain other Act of 19. G. 3. c. 73. Parliament passed in the Twenty-ninth Year of the Reign of His present Majesty King George the Third intituled, *An Act for protecting and securing the Hot Baths and Springs within the City of Bath from Injury by Encroachments and Annoyances, for enlarging or rebuilding the present Pump-Rooms there, for widening certain Streets, Lanes and publick Passages, and for making certain new Streets and Passages to render the Approaches to the said Hot Baths, Springs and Pump-rooms more safe and commodious*, the Commissioners therein named are enabled and authorized to raise the Sum of Twenty-five thousand Pounds at Interest for the Purposes of the said Act, and certain Tolls and Duties are thereby made payable to the said Commissioners for the Purpose of defraying the Interest of the said Twenty-five thousand Pounds and other Purposes therein mentioned, for and during such Time as any Money which should be borrowed for the Purposes of the said Act should remain due and unpaid, and no longer; and the Mayor, Aldermen and Citizens of the said City of Bath are thereby required, from and after they shall have discharged the Sum of Seven thousand one hundred and sixty-three Pounds Sixteen Shillings and Five-pence as therein-mentioned, to pay to the said Commissioners the Sum of Seven hundred Pounds yearly, to be applied in Augmentation of and Addition to the Tolls thereby created for and towards the reducing and paying off from Time to Time the said Principal Sum of Twenty-five thousand Pounds and Interest, or such Part thereof as shall then remain a Charge on the said Tolls, until the whole thereof shall be fully paid and satisfied: And whereas great Part of the said Sum of Twenty-five thousand Pounds hath been so paid off and discharged, and in the Course of a few Years it is conceived that the whole thereof will be paid off and discharged, when the Tolls granted and made payable by the said last-mentioned Act will cease: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Second Monday next after the passing of this Act, the said Act passed in the Thirty-third Year of the Reign of His present Majesty King George the Third, and all the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Directions, Matters and Things, therein contained, shall be and the same is and are hereby repealed; and that instead thereof this Act shall commence and take place and effect, and shall be executed and continue in full Force for and during the Term hereinafter mentioned, for the Purpose of widening, amending, improving and keeping in Repair the several Roads hereinafter mentioned, (that is to say) the Road from the Brewery in *Walcot Street* in the Parish of *Saint Michael*, in the City of *Bath*, in the said County of *Somerset*, lately called *Racey's Brewery*, through a Part of the said Parish of *Saint Michael* and the several Parishes of *Walcot*, *Swainswick*, *Batheaston* and *Bathford*, in the said County of *Somerset*, to a Stone set as a Mark where that District of the *Bath Road* terminates; on the Top of *Kingsdown Hill*, in the Parish of *Box*, in the County of *Wilts*, and which shall be called the *London Road*; a Branch of the same *London Road* leading from the Top of *Broad Street*, near the *York House*, in the said Parish of *Saint Michael*, to meet and

com.

33 G. 3. repealed.

Roads described.

London Road.

communicate with the last-mentioned Road at the Northward End of the Churchyard adjoining to the Church in and belonging to the said Parish of *Walcot*, which shall likewise be called the *London Road*; the Road leading from *Batheaston* Bridge on the said *London Road* to the Cross Roads leading to *Coldborne* otherwise *Cullern*, *Nettleton* and *Marshfield*, all laying in the several Parishes of *Batheaston* and *Bathford*; in the said County of *Somerset*, and in the Parish of *Coldborne*, otherwise *Cullern*, in the said County of *Wilts*, which shall be called the *Cullern Road*; the Road leading from the Top of *Broad Street* aforesaid to the Monument on *Landsdown*, which shall be called the *Landsdown Road*; and from the Monument on *Landsdown* aforesaid to the Cross Roads where the *Bath* and *Bristol* Roads unite, which said last-mentioned Road shall be called the *Wick* and *Abson Road*, which said two last-mentioned Roads do lie in the several Parishes of *Walcot*, *Weston* and *Charlecomb*; in the said County of *Somerset*, and also in the several Parishes of *Coldashton*, *Bitton*, *Doynton*, and *Wick* and *Abson*, in the County of *Gloucester*; the Road leading from the Westward End of *Monmouth Street* in the said Parish of *Walcot* to *Coomb Brook* in the Parish of *Kelweston* otherwise *Kelston*, where the *Bath* and *Bristol* Roads unite, all lying in the several Parishes of *Walcot*, *Weston* and *Kelweston* otherwise *Kelston*, in the said County of *Somerset*, which shall be called the *Kelston* or *Upper Bristol Road*; the Road leading from the Direction Post on the said *Kelston Road*, over *Newton Bridge*; to the Turnpike Gate called the Cross-post Gate communicating with the Lower *Bristol Road*, all lying in the several Parishes of *Weston* and *Newton St. Loe*, in the said County of *Somerset*, and which shall be deemed and accounted Part of the *Kelston* or *Upper Bristol Road*; the Road leading from the South End of the Old *Bath Bridge* to the *Globe Inn* at *Newton St. Loe*, all lying in the several Parishes of *Lyncomb* and *Widcomb*, *Twiverton* otherwise *Twerton*, and *Newton St. Loe*, in the said County of *Somerset*, which shall be called the *Lower Bristol Road*; the Road leading from the said *Globe Inn* at *Newton St. Loe* aforesaid to the Top of *Rush Hill*, and there joining the *Wells* and *Shepton Mallett* Turnpike Roads, all lying in the several Parishes of *Newton St. Loe*, *Corston*, *Marksbury*, *Compton Dando*, *Farmborough*, *High Littleton*, *Farington*, *Gurney* and *Stoneaston*, in the said County of *Somerset*, which shall be called the *Lower Wells Road*; the Road leading from the South End of the said Old *Bath Bridge* up the New Road on the North Side of *Holloway*, and from thence by a Place called *Devonshire Buildings* up the New Road through *Barrack's Farm*, to the White Post in the Parish of *Midfomer Norton* where the *Bath*, *Wells* and *Shepton Mallett* Roads unite, all lying in the several Parishes of *Lyncomb* and *Widcomb*, *Coombhay*, *Ingliscombe*, *Dunkerton*, *Wellow*, *Camerton*, *Radstock*, *Midfomer Norton*, *Kilmersdon*, and *Stratton on the Foss*, in the said County of *Somerset*, which shall be called the *Upper Wells Road*; the Road leading from the Bear at *Holloway*, by *Cottage Crescent*, to the *Red Lion* on *Odd Down*, which shall be deemed and accounted Part of the said *Upper Wells Road*; the Road leading from the South End of the said Old *Bath Bridge*, up *Holloway*, to a Turnpike Gate called *Holloway Gate*, all lying in the said Parish of *Lyncomb* and *Widcomb*, which shall be called the *Holloway Road*; the Road leading from *Devonshire Buildings* aforesaid up *Entry Hill* to the new *Warminster* and *Froome* Roads, all lying in the said Parish of *Lyncomb* and *Widcomb*, which shall be called the *Warminster* and *Froome Road*; the New Road leading from and out

Other Part of the London Road.

The Cullern Road.

Landsdown Road.

The Wick and Abson Roads.

Kelston or Upper Bristol Road.

Other Part of the Kelston or Upper Bristol Road.

Lower Bristol Road.

Lower Wells Road.

Upper Wells Road.

Other Part of Upper Wells Road.

Holloway Road.

Warminster and Froome Roads.

Other Part of of D.

The Coomb
Down Road

Claverton
and Coomb
Hill Roads.

Other part of
the Claverton
Road.

Term subject
to the Debt.

of the said *Upper Wells* Road to the Road where the *Warminster* and *Froome* Roads unite, all lying in the several Parishes of *Lyncomb* and *Widcomb* and *Southstoke*, in the said County of *Somerset*, which shall be deemed and accounted Part of the *Warminster* and *Froome* Roads; the Road leading from the Stone Quarries at the Top of *Entry Hill*, over *Coomb Down*, to the Road leading from *Bath* to *Bradford*, all lying in the several Parishes of *Lyncomb* and *Widcomb*, *Claverton* and *Monckton Coomb*, in the said County of *Somerset*, which shall be called the *Coomb Down Road*; the Road leading from the South End of the Old *Bath* Bridge along *Claverton Street*, up *Claverton Hill* and over *Claverton Down*, to the Bridge over *Coomb Brook* at the Bottom of *Coomb Hill*, where the *Bath* and *Bradford* Roads unite, all lying in the several Parishes of *Lyncomb* and *Widcomb*, *Claverton* and *Monckton Coomb*, in the said County of *Somerset*, which shall be called the *Claverton and Coomb Hill Roads*; the Road leading from the Foot of *Claverton Hill* at *Widcomb* to a certain Place in the Parish of *Lyncomb* and *Widcomb*, where a Stream of Water, called the *Razor Mill Stream* now runs, which shall be called other Part of the *Claverton Road*; and the said Term hereby granted, and the Tolls which shall be collected and received under this Act shall be and the same are hereby declared to be subject to the Payment of all Monies now due and owing upon the Credit of the Tolls granted by or on the Account of any Money received or due under any of the Provisions of the said recited Act or of the Acts therein mentioned, or any or either of them and the Interest due or to grow due thereon, as fully and effectually to all Intents and Purposes as if such Money had been borrowed under any of the Provisions of this Act; and also of such other Sums of Money as shall be borrowed by virtue of this Act, together with the Interest thereon.

Trustees.

II. And be it further enacted, That the Knights of the Shire for the several Counties of *Somerset*, *Gloucester*, and *Wilts* for the Time being, the Representatives in Parliament for the Cities of *Bath* and *Bristol* for the Time being, the several acting Justices of the Peace of and for the said several Counties of *Somerset*, *Gloucester*, and *Wilts* for the Time being, the Mayor, Recorder Aldermen, Common Council and Town Clerk and Chamberlain of the City of *Bath* for the Time being, the Rector of *Bath* for the Time being, the Rector of the Parish of *Walcot* in the said County of *Somerset* for the Time being, the Rector for the Parish of *Bathwick* in the said County for the Time being, the Rector or Vicar for the Time being (being Clerks) of every Parish in the District of the said Roads, together with *John Anstey*, *Francis Ansty*, *Edmund Anderdon*, *George Edward Allen*, *John Hawksey Ackerley*, *Harry Atwood*, *John Awdry*, *William Andrews*, *George Adams*, *Arthur Annesley Clerk*, *Alexander Adams*, *Henry Edmund Allen*, *Charles Proctor Anderdon*, *Richard Bowsher*, *Aaron Abraham Baker* Doctor of Laws, *William Brudenell Barter Clerk*, *John Bowen Clerk*, *Gill Badeley*, *Thomas Broughton Clerk*, *William Barton*, *John Baverstock*, *Matthew Brickdale*, *George Serle Bayliffe*, *Thomas Beré Clerk*, *John Blomberg Clerk*, *Henry Bayntun Clerk*, *Winthorpe Baldwin*, *Nathaniel Barton*, *Charles Bacon*, *Jonas Bold*, *John Beake*, *Isaac Beake*, *William Boord*, *Edward Bury*, *John Britton*, *John Britton the Younger*, *Thomas Broadribb*, *Thomas Baldwin*, *William Bingham Clerk*, *Barnard Butter*, *Isaac Britten*, *Edward Berry*, *Edward Broderip* Doctor of Physic, *Lewis Bryant*, *Francis*

cis Rigby Broadbelt, Thomas Beckford, James Bulcock, Joseph Barratt, John Bush, Robert Bush of Ashton Lodge, Sir Charles Warwick Bampfylde Baronet, George Bampfylde, Robert Bush of Tracy Park, Nathaniel Bailey, Isaac Britten the Younger, John Brimer, Christopher Barnard, Charles Crook, Robert Clement, Noah Chivers, William Clark, John Crang, John Chapman Doctor in Divinity, Richard Sheldon Collicot, Thomas Cowdry, Daniel Clutterbuck, Thomas Macauley Cruttwell, Sir Richard Clayton Baronet, George Clark, Robert Clarke, John Cottle, Benjamin Coleman, Christopher Codrington, William Crang, Thomas Coates, James Clement, Ebenezer Coombs, Lewis Clutterbuck Clerk, John Hutton Cooper, Clement Cruttwell, William Clark the Younger, Arthur Chichester, Charles Conolly, Jonathan Cope Clerk, John Cowcher, Thomas Swynmer Champneys, Thomas Cogan Doctor of Physic, Thomas Creaser, Cowan, Edward Holden Cruttenden, Walter Dallamore, Charles Davis, Baron Dimsdale, Barnard Dickinson, Peter Drewett, Benjamin Dawson, Samuel Skurray Day, William Duncan, John Shute Duncan, Philip Bury Duncan, Philip Ditcher, John Dafter, Thomas Denie, Henry Deering, Henry Douce, William Henry Douce, John Godfrey Deburgh, Benjamin Edwards, Edward Eyre, John Ensor, Alexander Erskine, William Evelyn, John Eckersall, Thomas Emery, Luke Evill, James Evill, Thomas Erskine, Owen Ellis, William Errington, John Fielder, William Falconer Doctor of Physic, Thomas Fothergill Doctor in Divinity, Charles Fielder, Robert Faulkner, John Flower, John Godfrey, Thomas Gylett Clerk, John Grose, Race Godfrey Doctor in Divinity, John Garthside, Peter Gunning Doctor in Divinity, John Gunning, Peter Gunning the Younger, Clerk, John Goldfinch, Benjamin Greenhill, John Dory Greenhill, Wyndham Goodden, Thomas Griffith, George Smith Gibbes Doctor of Physic, Edmund Gardiner Clerk, Philip George, Philip George the Younger, George George, George Gunning, John Gale, Daniel Race Godfrey, Henry Harington Doctor of Physic, Richard Haynes, John Gallimore Hulbert, Sir John Cox Hippisley Baronet, Thomas Strangersways Horner, Henry Edward Howse, James Hart, Matthew Humphreys, Thomas Richmond Hill, Isaac William Webb Horlock Clerk, Benjamin Hobhouse, William Hatsell, Joseph Hill, Edward Hippisley, Thomas Hooper Clerk, Richard Hopkins, John Haygarth Doctor of Physic, Sir John Caesar Hawkins Baronet, Orlando Lloyd Harris, Hayes Clerk, George Caesar Hawkins, John Houlton, Clement Harrison, Samuel Howse, William Halliday, Stephen Harding, Samuel James Clerk, Thomas Jones, David Jones Clerk, Charles Johnson Clerk, Thomas Joyce, Stephen Jorden, William Coxeter James, Twyford Jolliffe, Thomas Samuel Jolliffe, Charles Jolliffe, Keith Jopp, William Grose James, Herbert Newton Jarrett, Robert Jacomb, Henry Knight, Samuel Kelson, Charles Knatchbull, Thomas King, John Knapp, William Kelson, Charles Kelson, George Kelson, John Kingsmill Clerk, Edward Lyne, John Lowder, Alexander Luders, Thomas Whittaker Ledyard, Thomas Lewis, Thomas Leir, H. L. Lee, Edward Langford, George Lye, Robert Langley, Joshua Seely Lawton, Richard Langford, William Gore Langton, John Smith Leigh, John Lea, Thomas Lacey, Thomas Leman Clerk, William Gore Langton the Younger, Edward Langton, Langworthy Doctor of Physic, John Lee Doctor of Physic, Robert Moody, Nathaniel Morgan Clerk, John Morris, James Margerum, Richard Milford, John Moodie Doctor of Physic, Benjamin Milward, William Munton Clerk, John Mayo, William Meyler, George Mogg, Robert Mogg, Henry Hodges Mogg Clerk, Charles Mogg, Jacob Mogg, George Monkland, Francis Morgan, [Loc. & Per.] 39 B William

William Matthews, James Macglashan Doctor of Physic, Thomas Miles, George Morgan Clerk, Benjamin Moody, Morgan Nichols, Francis Naish, John Naish, Jonathan Noad, William Northey, Edward Northey, Clerk, Thomas Herbert Noyes Clerk, James Newby, John Naish, Captain John O'Donnell Henry Parry, Joseph Phillott, Caleb Hillier Parry Doctor of Physic, Thomas Parsons of Beacon Hill, Samborne Palmer, James Phillott Doctor in Divinity, John Plura, William Pyne, John Palmer, Thomas Parsons of Widcomb, Fletcher Partis, John Purnell, Charles Phillott Peckston Peterson, Richard Perkins, John Paget, James Patton, Joseph Penny, William Purlewent, William Parsons, Caleb Parsons, Thomas Payne Clerk, John Phillott Clerk, Johnson Phillott, James Phillott the Younger, Clerk, Charles Phillott Clerk, Robert Preston, Job Pryce, Eleazer Pickwick, Edward William Leyborne Popham, Joseph Ponting, Thomas Rogers, Thomas Randall, George Robinson, Edmund Reynolds, Francis Randolph Doctor in Divinity, Richard Richardson, John Richards Clerk, Mark Robinson, James Rogers Doctor in Divinity, William Rawlings, Francis James Newman Rogers, Hugh Percy Ridpath, Benjamin Richardson Clerk, John Goldsborough Ravenshaw, Thomas Street Clerk, William Sheppard, James Savage, William Savage, James Stephens, Harry Salmon, Peter Sherston, Peter Davis Sherston, George Stothert, Henry Sheppard, James Grant Smith, Robert Savage, Bartholomew Deeke Smith, Martin Stafford Smith, Clerk, Henry Sainsbury Clerk, Opie Smith, Thomas Harmon Sheppard, William Hulbert Sheppard, John Sheres, John Skinner Clerk, George Sheppard, Joseph Sandford, James Stallard, Edward Salmon, Thomas Smallcomb, John Stone, Henry Stone, Henry Skrine, William Stroud, Thomas Shaw, Robert Smith, Henry Smith, Thomas Scott, John Sherwen Doctor of Physic, William Fickell, Joseph Townsend, Clerk, Packington George Tomkyns Doctor in Divinity, George Hayward Tugwell, Fiennes Trotman, Fiennes Trotman the Younger, Richard Twiss, John James Toogood Clerk, Thomas Thompson, John Charles Tuffnell, Samuel Taunton, John Thomas, Richard Badham Thornhill, Thomas Thackeray, Edward Thelwall Clerk, Major Taubman, Charles Viner, Sir William Watson Knight, John Whittington, John Wiltshire, Thomas Walters, Charles Western, Henry White, Samuel Ward, Samuel Ward the Younger, Jacob Wilkinson, Basil Wood Clerk, George Watts, Thomas Webster Doctor in Divinity, Benjamin Webb, Daniel Henry Woodward, Thomas Bradbury Winter, Burton Watkins Clerk, William Wright Clerk, James Anthony Wickham, Charles Worthington, Lloyd Williams, Benjamin Wingrove, John Wiltshire the Younger, Thomas Wilkins Clerk, George Whitehead, Charles Wilkins, John Wombwell, the Honourable William Waldegrave, Francis Butcher Wright, Henry Wansey, Robert Whittington, Gabriel Wynne, Robert Williams, Benjamin Williams, Isaac Williams, Thomas Williams, George Williams, George Yeeles, John Yerbury, and Robert Yeeles, shall be and they and their Successors, to be elected as hereinafter is mentioned, are hereby appointed Trustees for putting this Act in Execution.

For electing
new Trustees.

III. And, for continuing a sufficient Number of Trustees to put this Act in Execution, be it further enacted, That when and as often as any Trustee or Trustees hereby appointed or who may be appointed under this Act shall die, or by Writing under his or their Hand or Hands delivered to the Clerk to the said Trustees shall refuse or decline to act, or shall become Bankrupt or Insolvent, it shall and may be lawful for the surviving or remaining Trustees, or any Nine or more of them, at a

General

General Meeting to be held by them in Manner hereinafter mentioned; by Writing under their Hands to nominate, elect and appoint a fit and proper Person (qualified according to the Directions and within the true Meaning of this Act) to be a Trustee in the Room of such Trustee so dying, refusing to act, becoming Bankrupt or Insolvent as aforesaid; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing such Notice in Writing at or upon all the Turnpike Gates then erected upon the said Roads, and also by inserting the same in one or more of the *Bath* and *Bristol* Newspapers at least Fourteen Days before the Meeting of the said Trustees for such Election; and all and every such Person or Persons as shall be so nominated, elected and appointed shall be and he and they is and are hereby declared to be joined with such surviving and remaining Trustees as aforesaid in the Execution of all and every the Powers and Authorities in them reposed by virtue of this Act, and shall and may and he and they is and are hereby authorized and enabled to act in the same and in as full and ample a Manner, to all Intents and Purposes whatsoever, as the Trustees appointed by this Act are hereby authorized and empowered to act.

IV. Provided nevertheless, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold, either in his own Name or in the Name of any other Person for his Benefit, any Place of Profit under this Act, or shall be directly or indirectly the Farmer or Renter of the Tolls or have any Share or Participation therein, or a Contractor or concerned in any Bargain or Agreement for the repairing the Roads comprised in this Act or any Part thereof, or who shall become Surety for such Farmer or Renter of the Tolls or Contractor for the repairing the said Roads respectively, nor in case wherein he shall be personally interested, either in his own Name or in the Name of any other Person for his behoof (otherwise than as a Creditor); nor unless he shall at and during all the Time of his acting as a Trustee be absolutely seised or possessed in his own Right, or in the Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements or Hereditaments of a real Estate in Law or Equity of the clear yearly Value of One hundred Pounds, over and above all Mortgages, Debts and all other Incumbrances whatsoever anywise affecting the same; or be possessed of or entitled to a personal Estate or of a real and personal Estate together to the Amount or Value of Three thousand Pounds, over and above all such Incumbrances as aforesaid; nor until he shall have taken and subscribed the following Oath or an Oath to the same Effect, to be entered in a Book to be kept for that Purpose, before any Two or more of the Trustees appointed or to be appointed in pursuance of this Act, and who are hereby required and empowered to administer the same; (that is to say)

Qualification
of Trustees.

To be made
on an oath.

“ I *A. B.* do swear, That I am truly and *bonâ fide* in my own Right [or, in the Right of my Wife] in the actual Possession or Enjoyment [or, Receipt] of the Rents and Profits of Messuages, Lands, Tenements or Hereditaments of a real Estate in Law or Equity of the clear yearly Value of One hundred Pounds, over and above all Mortgages, Debts and other Incumbrances whatsoever anywise affecting the same, or

The Oath of
Qualifica-
tion.

pos-

‘ possessed of or entitled to a real and personal Estate together to the
 ‘ Amount or Value of Three thousand Pounds, over and above all such
 ‘ Mortgages, Debts or other Incumbrances anywise affecting the same
 ‘ or any Part thereof; and I do also swear, that I will truly and impartially,
 ‘ according to the best of my Skill and Judgment, execute and perform
 ‘ all and every the Powers and Authorities reposed in me as a Trustee,
 ‘ by virtue of an Act passed in the Fiftieth Year of the Reign of His
 ‘ Majesty King George the Third, intituled, [*here set forth the Title of*
 ‘ *this Act.*’]

‘ So help me GOD.’

Penalty
 sol. for
 acting with-
 out being
 qualified.

V. And if any Person being unqualified as aforesaid, or rendered incapable of acting as a Trustee by any of the Causes aforesaid, or not having taken the said Oath, shall presume to act in the Trust aforesaid contrary to the true Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit or Information wherein no Essoign, Protection or Wager of Law or more than one Imparance shall be admitted or allowed; and every such Person so sued or prosecuted shall prove that he is qualified to act as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor being given than that such Person acted as a Trustee in the Execution of this Act; one Moiety of which Forfeiture shall be paid to the Plaintiff or Prosecutor to his own Use, and the other Moiety to the Treasurer for the Time being of the said Roads, to be applied for the Purposes of this Act.

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

VI. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Treasurer, and that no Action to be brought or commenced by or against the said Trustees, or any of them, by virtue or on account of this Act in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer without the Consent of the said Trustees or any Eleven or more of them, but the Clerk or Treasurer for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action, as the Case may be; provided always, that every such Clerk or Treasurer in whose Name any such Action or Suit shall be commenced, prosecuted or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act all such Costs and Charges as he shall be put unto or become chargeable with by reason of his being made a Plaintiff or Defendant therein, and shall not be personally answerable or liable for the Payment of the same or any Part thereof, unless such Action or Suit shall have been brought or commenced in consequence of his own wilful Neglect or Default, or defended after the Order or Direction of the said Trustees not to defend, or to compound for or otherwise put an end to the same.

Trustees First
 Meeting.

VII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet together in the Guildhall of and within the said City of Bath on the said Second Monday next after the passing of this

this Act, or as soon after as conveniently may be, between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of the same Day, and shall at such Meeting proceed to the Execution of this Act; and shall then and from Time to Time afterwards adjourn themselves to meet in the Guildhall aforesaid, or at any other more convenient Place in or near the said Roads as the said Trustees or any Seven or more of them shall think proper, as often as it shall be necessary for putting this Act in Execution, and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act or to adjourn to another Day (Three Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the said Trustees at any Time assembled shall not adjourn themselves, any Five or more of the said Trustees, although not assembled at a Meeting, or their Clerk, may by Advertisement to be inserted in one of the *Bath* Newspapers Ten Days at least before the next Meeting, appoint the Trustees to meet at the Guildhall aforesaid, or at some other convenient Place on or near the said Roads, on some convenient Day not exceeding One Month from the Date of the said Notice; and the said Trustees shall at all their Meeting, defray their own Expences; and all Orders and Determinations of the Trustees shall be made at the Meetings to be held in pursuance of this Act and not otherwise (except as herein particularly mentioned), and that no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all such Trustees as are Justices of the Peace shall and may act as Justices in the Execution of this Act notwithstanding their being Trustees (except only in such Cases where they shall be personally interested), and in all Cases where the Trustees are authorized to examine any Person or Persons upon Oath it shall be lawful for such Trustees to administer such Oaths; provided always, that no Order which shall be made by Seven or more Trustees shall be revoked or altered, unless Fifteen Trustees shall be present and the major Part of them concur therein at a Meeting to be held for that Purpose, of which intended Alteration Twenty Days' Notice shall be given at a previous Meeting of the Trustees and entered in a Book or Books of Proceedings, and such Notice shall also be inserted in one or more of the *Bath* and *Bristol* Newspapers Fourteen Days at least before such Meeting.

Trustees to pay their own Expences.

Orders to be made at Meetings only, and Majority to concur.

Trustees may act as Justices.

To administer Oaths.

Trustees may revoke Orders.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, the Clerk to the said Trustees, upon an Order in Writing signed by Seven or more of the said Trustees, although not assembled at a Meeting of the said Trustees, mentioning the Time and Place of such Meeting, shall forthwith give Seven Days' Notice at least in one or more of the *Bath* and *Bristol* Newspapers of the Time and Place of such Meeting which shall be mentioned in the Order of the said Trustees, and in which Notice shall be specified the particular Business intended to be done and transacted at such Special Meeting; and all Proceedings of the Trustees at such Special Meeting shall be as valid and effectual, to all Intents and Purposes, as they would have been in case the said Trustees had met and transacted the same Business in pursuance of any Adjournment.

General Meetings may be called on Emergency.

IX. And be it further enacted, That all Orders and Proceedings of the Trustees at their several Meetings shall be entered in a Book or Books

Books for entering Proceedings.

[Loc. & Per.]

to be kept for that Purpose, and all such Orders and Proceedings so entered shall be signed by Seven at least of the Trustees present at the respective Meetings; which Book or Books, and also the Book or Books hereinafter directed to be kept for the registering Mortgages and Assignments, shall be deemed to be originals, and shall be admitted as Evidence in all Courts whatsoever touching or concerning any Thing done in pursuance of this Act.

Turnpikes
to be con-
tinued and
erected.

X. And be it further enacted, That the said Trustees or any Twenty-one or more of them shall and may, as they shall think most proper, continue or remove all or any of the Turnpikes or Toll Bars already erected by virtue of the said recited or any former Acts, and cause others to be erected in and upon or across any Part or Parts of the several and respective Roads included in and directed by this Act to be widened, amended, improved and kept in Repair, and upon the Side or Sides thereof, and also in, upon, or across any Lane, Road or Way whatsoever now leading or which shall at any Time hereafter lead into the same respectively, except as hereinafter mentioned, any Thing in this or any other Act of Parliament contained to the contrary notwithstanding; and may also continue, erect or provide a Toll House, with suitable Out-buildings and other Conveniences, at or near each Turnpike or Toll Bar, and may from Time to Time afterwards remove, alter or discontinue the Turnpike Gates, Toll Bars or Toll Houses, or any of them, as they the said Trustees or any Twenty-one or more of them shall think expedient (except as hereinafter is mentioned); but no such Gate or Bar shall be erected, altered, removed or discontinued but by an Order of the said Trustees or any Twenty-one or more of them to be made at a Meeting to be held for that Purpose, of which Fourteen Days' previous Notice shall be given in one or more of the *Bath* Newspapers; and that the respective Tolls following shall be demanded and taken at every such Turnpike Gate or Toll Bar of the Person or Persons attending any Cattle or Carriage, by such Person or Persons as the said Trustees or any Seven or more of them shall from Time to Time appoint for that Purpose, before any Cattle or Carriage shall be permitted to pass through the same, except as hereinafter mentioned; (that is to say),

Tolls.

For every Stage Coach or Machine (being a double-bodied or long Coach) and drawn or worked by more than Four Horses or other Cattle or Beasts of Draught the Sum of Three Shillings:

For every such Stage Coach or Machine drawn or worked by Three or Four Horses or other Cattle or Beasts of Draught the Sum of Two Shillings and Threepence:

For every other Stage Coach or Machine drawn or worked by more than Four Horses or other Cattle or Beasts of Draught the Sum of Two Shillings:

For every such Stage Coach or Machine drawn or worked by Four Horses or other Cattle or Beasts of Draught the Sum of One Shilling and Sixpence:

For every such Stage Coach or Machine drawn or worked by Three Horses or other Cattle or Beasts of Draught the Sum of One Shilling and Threepence:

For every such Stage Coach or Machine drawn or worked by Two Horses or other Cattle or Beasts of Draught the Sum of One Shilling:

For

For every such Stage Coach or Machine drawn or worked by one Horse or other Cattle or Beast of Draught the Sum of Ninepence :

For every other Coach, Berlin, Chaise, Landau, Landaulet, Barouche, Chariot, Hearse, Calash, Caravan, Chaise-Marine, Fish-Machine, Litter Bed Carriage, Phaeton, Car or other Vehicle drawn or worked on more than Two Wheels by more than Four Horses or other Cattle or Beasts only the Sum of One Shilling and Sixpence :

For the like Carriages drawn or worked by Four Horses or other Cattle or Beasts only the Sum of One Shilling :

For the like Carriages drawn or worked by three Horses or other Beasts only the Sum of Ninepence :

For the like Carriages drawn or worked by Two Horses or other Cattle or Beasts only the Sum of Sixpence ;

For the like Carriages drawn or worked by one Horse or other Cattle or Beast only the Sum of Fourpence Halfpenny :

For every Two Wheel Chaise, Curricule, Chair or other such Carriage drawn or worked by more than Two Horses or other Cattle or Beasts only the Sum of Ninepence :

For every such Carriage drawn or worked by Two Horses or other Cattle or Beasts only the Sum of Sixpence :

For every such Carriage drawn or worked by One Horse or Beast only the Sum of Threepence :

For every empty Coach, Chaise or other such Carriage drawn on more than Two Wheels at the Tail of any Waggon or other Carriage the Sum of Sixpence :

For every empty Two Wheel Chaise or Chair or other such Carriage drawn at the Tail of any Waggon or other Carriage the Sum of Threepence :

For every Waggon or Wain, Dray or such like Carriage drawn or worked upon more than Two Wheels of less Breadth than Six Inches (including the additional Toll imposed by the General Turnpike Act on Carriages with Wheels of less Breadth than Six Inches) the Sum of Two Shillings and Threepence :

For every Waggon or Wain, Dray or such like Carriage drawn or worked upon more than Two Wheels of the Breadth of Six Inches and less than Nine, by any Number of Horses or other Cattle or Beasts not exceeding Six the Sum of Three Shillings :

For every Waggon or Wain, Cart, Dray or such like Carriage, drawn or worked on more than Two Wheels of the Breadth of Nine Inches or more by Horses or other Cattle or Beasts the Sum of Three Shillings and Ninepence :

For every Cart, Dray or Wain, or other similar Carriage drawn or worked on Two Wheels only, or One Roller, by more than Three Horses or other Cattle or Beasts only the Sum of One Shilling and Sixpence :

For every such Cart, Dray or Wain, or other similar Carriage drawn or worked by Three Horses or other Cattle or Beasts only the Sum of One Shilling and Twopence :

For every such Cart, Dray or Wain, or other similar Carriage drawn or worked by Two Horses or other Cattle or Beasts the Sum of One Shilling :

For every such Cart, Dray or Wain, or other similar Carriage exceeding the

the Weight of One Ton, and drawn or worked by One Horse or other Beast only the Sum of One Shilling :

For every such Cart, Dray or Wain, or other similar Carriage drawn or worked by One Horse or other Beast only, and not exceeding the Weight of One Ton, the Sum of Ninepence :

For every empty Waggon or Wain, Cart or Dray, or other similar Carriage drawn at the Tail of any other Waggon, Cart or Dray, or other Carriage, Half the Toll that would otherwise by this Act be payable for the same :

For every Horse, Mare or Gelding, Mule or Afs, or other Beast of Burden, laden or unladen and not drawing, the Sum of One Penny :

For every Drove of Oxen or Neat Cattle the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number : and

For every Drove of Calves, Sheep, Lambs, Hogs or Pigs the Sum of Fivepence *per* Score, and so in proportion for any greater or less Number :

On Neglect
or Refusal to
pay Toll,

to be re-
covered by
Distress.

Which said respective Sums of Money shall or may be demanded and taken in the Name of or as Toll, and if any Person or Persons subject or liable to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same or any Part thereof to the Person or Persons appointed as aforesaid to collect such Tolls, and shall also neglect or refuse to deposit or leave with the Person or Persons so appointed as aforesaid a reasonable Pledge or Security for paying such Toll, in the Event of and as soon as the same is ascertained and determined by Two Justices of the Peace as hereinafter mentioned, to be due and payable, in case such Person or Persons so refusing shall think proper to appeal to such Justices thereon, by virtue of the Power hereinafter contained, then it shall be lawful for such Person or Persons so appointed as aforesaid, by himself or themselves, or taking such Assistance as he, she or they shall think necessary, to seize and distrain any Horse or Horses or other Cattle, together with their Bridles, Saddles, Gears, Harness or Accoutrements or their Loading, or to stop or seize and distrain any Carriage with its Loading upon which such Toll is by this Act imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay the same ; and if the Person or Persons so leaving such Pledge or Security shall omit or neglect so to appeal to the said Justices within Seven Days next after leaving such Pledge, or to pay the said Toll in the Event of such Appeal being disallowed, or in the Event of any such Seizure and Distress, and such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Goods, Chattels or other Things so seized or distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be) and what shall remain unsold upon Demand to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress and Sale shall be deducted and paid ; and that all the Tolls and Monies so to be collected and levied, or the Money borrowed or to be borrowed on the Credit thereof, and all other Money to arise by virtue of this Act, shall be and the same are hereby vested in the said Trustees, and shall

be

be paid, applied and disposed of to and for the several Uses, Intents and Purposes and in such Manner as is herein mentioned.

XI. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due or the Charges of taking and keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same or the Money arising from the Sale thereof, as the Case may happen, until the Quantity of Tolls due and the Charges of seizing, distraining, keeping and selling the Distress, as the Case shall happen, shall be ascertained by Two Justices of the Peace for the County or Place wherein the Dispute shall arise, who upon Application made to them for that Purpose shall examine the said Matter upon the Oath of the Parties or other Witness or Witnesses, and determine the Quantity of the Tolls due, and also assess the Charges of such Seizure Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose on the said Justices; all which Sums so determined or assessed shall be paid to the said Collector or other Person, before he shall be obliged to return the said Distress or the Overplus after the Sale thereof, or of any Part thereof; Provided further, that if upon any Decision of Two Justices as aforesaid that such Distress was improperly or illegally taken, the Collector or Person so distraining shall refuse to return the same, or to make adequate Compensation to the Party aggrieved in lieu thereof, it shall and may be lawful for such Justices to issue a Warrant or Warrants of Distress to be levied on the Goods and Chattels of such Collector or Person so refusing; and in case no sufficient Distress can be found, then to commit such Collector or Person to the Common Gaol or House of Correction of the said County of *Somerset*, for any Term not exceeding Three Calendar Months.

Matters of Dispute respecting Tolls to be settled by Justices.

Collectors refusing to return Toll on an Order of Justices to be punished.

XII. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent by reason of his, her or their being so appointed to collect the said Tolls, or acting under the Authority of the said Trustees, to give Evidence in any such Dispute, Suit or Litigation.

Collectors of Tolls not incompetent Witnesses.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to enable the said Trustees, or any of them, to erect any Gate, Turnpike or Bar whereat to collect Tolls across any Part of the *Upper Wells* Road hereinbefore described, to the Southward of a certain Bridge called *Radstock Bridge*, in the Parish of *Radstock* aforesaid, for or in respect of Waggons, Wains or Carts going to and from any Coal Pit or Pits of his Royal Highness the Prince of *Wales* and of *John James* Earl of *Waldegrave*; provided the Proprietors or Lessees for the Time being of the *Radstock* and *Welton* Collieries, or either of them, do and shall on the First Day of *January* in each and every Year during the Continuance of this Act, or within Twenty-one Days then after, pay or cause to be paid to the Treasurer or Treasurers of the said Roads for the Time being the Sum of Forty Pounds, to be applied towards the Repairs of the said Roads, but if Default shall be made in the Payment of the said Sum of Forty Pounds within the Time aforesaid, it shall be lawful for the said Trustees to erect and continue a Gate or Bar on any Part of the said Road to the Southward of *Radstock Bridge* aforesaid,

Radstock and *Welton* Works.

aforesaid, in the same and as large a Manner as they are hereby empowered so to do on any other Part of the said Roads not herein particularly excepted; Provided nevertheless, that if the said Trustees shall, at the End of the first Seven Years of the Term of Twenty-one Years by this Act granted, be dissatisfied with the Payment of the said Sum of Forty Pounds, and shall give Twenty-one Days' Notice in Writing previously to the Expiration of the said Seventh Year of the said Term to the said Proprietors or Lessees of such their Dissatisfaction, then and in such Case the Sum to be paid by the said Proprietors or Lessees to the Treasurer or Treasurers of the said Roads shall be increased to Fifty Pounds for the then Residue of the said Term of Twenty-one Years, unless the said Trustees shall at the End of the Fourteenth Year of the said Term be also dissatisfied with the Payment of the said Sum of Fifty Pounds, and shall give the like Notice to the said Proprietors or Lessees of such their Dissatisfaction previously to the Expiration of the said Fourteenth Year of the said Term, in which last-mentioned Event the Sum to be paid by the said Proprietors or Lessees to the said Treasurer or Treasurers shall be further increased to Sixty Pounds for the then Residue of the said Term of Twenty-one Years; and that upon Payment of the said annual Sum of Fifty Pounds or Sixty Pounds (as the Case may be, in the Manner hereinbefore directed as to the Payment of the said Sum of Forty Pounds, the said Trustees shall be restrained from erecting any Gate, Turnpike or Bar across the said *Upper Wells Road* to the Southward of the said *Radstock Bridge*, in the same Manner and as effectually, to all Intents and Purposes, as they will be so restrained by virtue of the Clause hereinbefore contained by the Payment of the said annual Sum of Forty Pounds.

Clutton
Works.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to enable the said Trustees, or any of them, to erect any Gate, Turnpike or Bar whereat to collect Tolls at or between the End of a certain Lane leading from the said Turnpike Road called the *Lower Wells Road* to the Coal Works in the Possession of *Thomas Broadribb*, in the Parish of *Clutton*, and the Junction of the said Road with the *Bristol Road*, at a certain Place called *White Cross*, in the Parish of *High Littleton*, for or in respect of Waggons, Wains or Carts going to and from the said Coal Works; Provided the Proprietors or Lessees for the Time being of the *Clutton Collieries* do and shall on the First Day of *January* in each and every Year during the Continuance of this Act, or within Twenty-one Days then after, pay or cause to be paid to the Treasurer or Treasurers of the said Roads for the Time being the Sum of Twenty Pounds, to be applied towards the Repairs of the said Road, but if Default shall be made in Payment of the said Sum of Twenty Pounds within the Time aforesaid, it shall be lawful for the said Trustees to erect and continue a Gate or Bar on any Part of the said Road between the End of the said Lane and the Junction of the said Road, in the same and as large a Manner as they are hereby empowered so to do on any other Part of the said Roads not herein particularly excepted.

Power to in-
crease the
annual Al-
lowance if
the Trustees
should be
dissatisfied,
&c.

XV. Provided nevertheless, and be it further enacted, That if the said Trustees shall at the End of the first Seven Years of the Term of Twenty-one Years by this Act granted be dissatisfied with the Payment of the said Sum of Twenty Pounds, and shall give Twenty one Days' Notice in Writing previously to the Expiration of the said Seventh Year of the said Term

Term to the said Proprietors or Lessees of such their Dissatisfaction, then and in such Case the Sum to be paid by the said Proprietors or Lessees to the Treasurer or Treasurers of the said Roads shall be increased to Twenty-five Pounds for the then Residue of the said Term of Twenty-one Years, unless the said Trustees shall at the End of the Fourteenth Year of the said Term be also dissatisfied with the Payment of the said Sum of Twenty-five Pounds, and shall give the like Notice to the said Proprietors previously to the Expiration of the said Fourteenth Year of the said Term, in which last-mentioned Event the Sum to be paid by the said Proprietors or Lessees to the said Treasurer or Treasurers shall be further increased to Thirty Pounds for the then Residue of the said Term of Twenty-one Years; and that upon Payment of the said annual Sum of Twenty-five Pounds or Thirty Pounds (as the Case may be) in the Manner hereinbefore directed as to the Payment of the said Sum of Twenty Pounds, the said Trustees shall be restrained from erecting any Gate, Turnpike or Bar at or between the End of the said Lane and the Junction of the said Turnpike Road, in the same Manner and as effectually, to all Intents and Purposes, as they will be so restrained by virtue of the Clause hereinbefore contained by the Payment of the said annual Sum of Twenty Pounds.

XVI. And whereas *Benjamin Wingrove* of the City of *Bath*, Gentleman, having some Estate or Interest in the *Cross Keys Inn* in the Parish of *Lyncomb* and *Widcomb*, hath in Behalf of himself, his Heirs, Executors, Administrators and Assigns, contracted and agreed to pay unto the said Trustees on the First Day of *May* annually, for so many Years as he or they may think proper and approve, the Sum of Five Pounds, as and for a Compensation or Consideration to the said Trustees, for and in lieu of their erecting or continuing a Gate, Turnpike or Bar at which to collect Tolls on the Road hereinafter mentioned; be it therefore further enacted, That for and during so many Years as the said *Benjamin Wingrove*, his Heirs, Executors, Administrators or Assigns, or any other Person or Persons by and with his or their Authority, or on his or their Behalf, do and shall continue to pay to the said Trustees, or their Treasurer or Clerk for the Time being, at or in the Guildhall of the City of *Bath*, annually on the First Day of *May*, or within Three Calendar Months afterwards the Sum of Five Pounds, then and in that Case nothing in this Act contained shall extend or be construed to extend to enable the said Trustees, or any of them, to put up and erect or cause or authorize to be put up and erected any Gate, Turnpike or Bar at which any Toll or Tolls shall be collected or payable on or upon that Branch of the said Road hereinbefore mentioned and described as lying within the Parishes of *Lyncomb* and *Widcomb* and *Southstoke* in the County of *Somerset*, and denominated the *Warminster* and *Frome* Road, as extends from the Cross Roads near the *Glass House Farm*, along the Front of the *Cross Keys Inn*, to the Termination or Point where the said Branch of Road, called the *Warminster* and *Frome* Road, unites with the Road comprised within the *Warminster* or *Frome* Trusts, being the whole Branch of the said Road called the *Warminster* and *Frome* Road which intersects the publick or general Highway leading from *Warminster*, *Frome* and other Places to *Bristol* by the Way of *Newton*; but upon Default being made in Payment of the said annual Sum of Five Pounds at the Time and Place aforesaid, then the aforesaid Restriction against erecting such Gate and collecting

Compensation by J. B. Wingrove to the said Trustees not to erect a Turnpike at a certain Place.

collecting such Tolls as by this Act are authorized shall cease and have no Effect, until the said annual Sum and all Arrears thereof shall be wholly paid up and discharged, any Thing herein contained to the contrary notwithstanding.

Turnpikes
not to be
erected at cer-
tain Places.

XVII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to enable the said Trustees, or any of them, to erect any Gate, Turnpike or Bar whereat to collect Tolls for or in respect of Waggons, Wains or Carts going to and from any Coal Pit or Coal Pits in the several Parishes or *Camerton, Dunkerton, Paulton, Timbury, Clutton, High Littleton* or *Farmborough*, in the said County of *Somerset*, or any Part of the said Road situate between the *Swan* at *Dunkerton* and the Southward Side of the said Bridge called *Radstock Bridge*, or between the Parish of *Farmborough* in the said County and the Top of *Rush Hill* in the Parish of *Stoneaston* in the same County; provided the Proprietors or Lessees for the Time being of the said Coal Pits, or any or either of them, do and shall pay or cause to be paid to the Treasurer or Treasurers of the said Roads for the Time being such Sum or Sums of Money to be applied towards the Repairs of the said Road as shall be considered fair and reasonable, and in the same Proportion as the Compensation hereinbefore enacted and required to be paid by the Proprietors or Lessees for the Time being of the *Radstock* and *Welton* Collieries, or as near thereto as the same can be apportioned and ascertained, under and subject to such and the same Provisions and Agreements in case of Default of Payment of such Sum and Sums of Money by way of Composition as the Proprietors or Lessees of the said *Welton* and *Radstock* Collieries are subject liable to.

Trustees may
compound
for Toll with
the Proprie-
tors of Pub-
lick Works.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or the Majority of any Twenty-one or more of them, assembled at a Meeting to be convened by Advertisement for that Purpose, and of which Fourteen Days' Notice at the least shall be given by the Clerk in the *Bath* Newspapers, to compound and agree for a Time or Term to be expressed for an annual Sum, or other Composition or Allowance to be paid or made by any Person or Persons having any publick Work or Works near to the said Roads or any of them, for and in lieu of Tolls payable or that may arise or become due in respect of Waggons or Carts going or passing to and from such Works to and on the said Roads; and in the Event of any such Agreement being so entered into, all such Waggons and Carts and the Horses employed therein shall be exempt from the Tolls hereby made payable during the Term of such Agreement.

Powers of
Proprietors
of Collieries
not to be
affected.

XIX. Provided nevertheless, and be it further enacted That nothing herein contained shall prejudice or affect or be construed or adjudged to prejudice or affect the Power hereinbefore given to the Proprietors or Lessees for the Time being of the several Collieries to prevent the Erection of any Gate, Turnpike or Bar across any part of the said *Upper Wells* Road to the Southward of the said *Radstock* Bridge, by the Payments of the several annual Sums in Manner hereinbefore particularly mentioned and provided.

To prohibit
the Trustees
from erect-

XX. Provided also, and be it further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to enable

enable the said Trustees, or any of them, during the First Seven Years after passing of this Act, to erect any Gate, Turnpike or Bar whereat to collect any Tolls between a Place called *White Cross*, from a Stone there erected, in the Tything of *Hallatrow* in the Parish of *High Littleton*, and the Top of *Rush Hill* in the Parish of *Stoneaston*, in the said County of *Somerset*, being the Termination of the said Road intended to be repaired under and by virtue of this Act towards the Turnpike Roads of *Shepton Mallett* and the City of *Wells*, and where a Stone is likewise erected.

ing any Gate on the lower Wells Road between White Cross and Rush Hill.

XXI. And whereas the Road situate between *White Cross* in the Tything of *Hallatrow*, in the Parish of *High Littleton*, and the Top of *Rush Hill*, in the Parish of *Stoneaston*, in the said County of *Somerset*, being the Termination of the said Road intended to be repaired under and by virtue of this Act towards the Turnpike Roads of *Shepton Mallett* and the City of *Wells*, forms Part of the High Road leading to and from *Shepton Mallett* and *Wells* aforesaid to and from the City of *Bristol*, and the Erection of any Turnpike Gate thereon whereat to demand and take Toll as hereby authorized may be prejudicial to the Publick travelling to and from the Places aforesaid; be it therefore enacted, That it shall be lawful for, and the said Trustees or any Seven or more of them are hereby authorized and empowered to compound, contract and agree with the Trustees appointed or to be appointed for the Care and Management of the *Wells*, *Shepton Mallett* and *Bristol* Districts of Turnpike Road, or any or either of them, respecting the Reparation and Maintenance of the said Road so situate, for or in lieu of the Trustees hereby appointed erecting any Gate or Gates on the said Road so situate after the Expiration of the said Term of Seven Years.

Trustees may compound for Repair of Road between White Cross and Rush Hill, in lieu of erecting a Gate thereon.

XXII. Provided always, and it is hereby further enacted and declared, That no Horse, Mare, Gelding, Mule or other Cattle or Beast, or any Carriage whatsoever, nor any Person or Persons in respect thereof, (except as hereinafter is mentioned), shall be subject to or charged with the Payment of any of the Tolls by this Act granted more than once in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for passing and repassing through all or any One of the Gates or Bars erected or to be erected whereat Toll is to be taken by virtue of this Act, but that all and every Person and Persons, after having paid Toll once as aforesaid, and producing a Note or Ticket or Notes or Tickets, denoting the Payment of such Toll, shall afterwards pass with the same Horse or Horses, Cattle, Beasts and Carriages except as hereinafter is mentioned, but not otherwise, Toll free during such Day, to be computed as aforesaid, through each and every Gate or Bar continued or to be erected by virtue of this Act: and all the respective Collectors of the Tolls at the said respective Gates or Bars are hereby required to tender such Notes or Tickets *gratis* and immediately on Receipt of the Toll, whether the same be demanded or not by the Person or Persons so having paid Toll, or in Default thereof to be liable to a Penalty not exceeding Forty Shillings, to be sued for and recovered in the same Manner as other Penalties under this Act.

Tolls to be taken but once a Day.

XXIII. Provided also, and it is hereby further enacted, That in all Cases of Carriages (except Stage Coaches, Stage Carriages and Machines drawn by the same Horses or Cattle) travelling for Hire or Pay, such

Carriages travelling for Hire and re-

[Loc. & Per.]

39 E

Carriages

passing with
different
Passengers to
pay Toll.

Carriages drawn by fresh or different Horses or Cattle shall be liable to pay the Toll as if such Carriage had not before passed that Day, any Thing herein contained to the contrary notwithstanding.

Tolls may be
lessened and
raised again.

XXIV. And be it further enacted, That the said Trustees or any Seven or more of them at any Meeting to be held for that Purpose, of which Ten Days' Notice shall be given by advertising the same in One or more of the *Bath* Newspapers, may and they are hereby authorized and empowered from Time to Time as they shall think proper to reduce all or any of the several Tolls hereby granted, and to order such Tolls so reduced to be collected and received in such Manner, Parts and Proportions as they shall think fit; Provided always, that such Reduction or raising of Tolls be made the same at every Gate on the said several Roads hereinbefore enumerated, so as such Reduction be with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money which shall be then due on the Credit of the said Tolls, and to raise the same again or any Part thereof so as the same do not exceed the respective Rates hereinbefore granted; and such Tolls so reduced or raised again shall be collected, recovered and applied in the same Manner as the Tolls hereinbefore granted are directed to be collected, recovered and applied.

Exemption
from Toll.

XXV. Provided always and be it further enacted, That no Person shall be charged with any of the Tolls aforesaid for the passing through any of the Turnpikes or Toll Bars already erected or which shall be erected by virtue of this Act, of any Waggon, Wain, Cart or other Carriage, Horse, Mare, Gelding, Mule, Ass or other Beast conveying or going empty or unladen for, or returning empty after having been employed in conveying any Gravel, Stone or other Materials for repairing any of the said Roads or any other Roads in the Parishes in which any of the Roads hereby directed to be repaired do lie; or going for or conveying any Dung, Mould, Compost or other Manure of any Nature or Kind whatsoever for manuring of Gardens and Lands; or conveying on the Back of any Horse or other Beast any Wheat or other Grain, or any Meal, to or from any Corn Mill situate within Two Miles of any such Turnpike or Toll Bar, provided such Wheat, Grain or Meal be for the private Use and Consumption of the Owner or Owners thereof and not for Sale, but not otherwise; or conveying any Hay, Straw or Corn in the Straw, or any other Agricultural Produce raised by any Person or Persons in their Agricultural Pursuits, to be laid up in the Houses, Outhouses, Barns or Bartons, or to be removed from thence to any Field or Fields, or from Field to Field, for the Use of the Stock of the respective Inhabitants of the several Parishes, Liberties and Divisions in which the said Roads hereby intended to be repaired do lie (except Hay, Straw, Corn or other Agricultural Produce sold or disposed of); or conveying any Ploughs, Harrows or other Implements of Husbandry, or any other Things whatsoever employed in Husbandry, in the respective Parishes through which the said Roads do lead; or of any empty Waggon, Cart, Coach or other Carriage going for the Purpose only of being repaired, so as such Waggon, Cart, Coach or other Carriage do not pass upon any Part of the said Roads hereby intended to be repaired more than the Space of Two Miles in going to or returning from being repaired as aforesaid; or of any Horse, Mare, Gelding, Cattle or any Stock going to or from Water, or for any Purposes of Husbandry, or to and from any Pasture, or to be shod, or returning therefrom, so as such Horse, Mare, Gelding,

Gelding, Cattle or any such Stock do not for any or either of the Purposes aforesaid pass upon any Part of the said Roads more than the Space of Two Miles in going to or returning from Water, Pasture, being shod or any of the Purposes aforesaid; or of any Horses belonging to Officers or Soldiers upon their March or upon Duty, or of any Horses, Cattle or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded or disabled Officers or Soldiers; nor from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of religious Worship tolerated by Law on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the Parishes in which the said Roads lie, nor for any Clergyman going to or returning from visiting any sick Person, or upon any other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Horse, Cattle or Carriage of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-general, either when employed in conveying, fetching or guarding such Mails or Expresses, or in returning back from conveying the same, nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or of Horses, Carts or Waggon travelling with Vagrants sent by Passes; or of any of the Coaches, Chariots or other Carriages of His Majesty, the Prince of *Wales*, or any of the Royal Family, or of any of the Horses of His Majesty's Guards, Coaches, Chariots or other Carriages attending His Majesty, the Prince of *Wales* or any of the Royal Family; or of any Coach, Landau, Berlin, Chariot, Calash, Chaise or Chair, or any Person on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Somerset*, *Gloucester* and *Wilt*s, or of Citizens for the Cities of *Bath* and *Bristol*, or any or either of them, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; nor shall any Toll be demanded of or paid by any Person or Persons going to or returning from his, her or their proper Parish or Parochial Church, Chapel or other Place of religious Worship on *Sundays*; nor for any Horse, Mare or Gelding not drawing a Carriage nor carrying any Sort of Goods, Wares or Merchandizes, nor for any Coach, Chariot, Barouche, Landau, Landaulet, Chaise, Chair, Phaeton or Curricule belonging to any Person or Persons resident within the Parishes of *Walcot* and *Lyncomb* and *Widcomb*, or on the eastward Side of *Locksbrook* in the Parish of *Weston*, which are going for the Purpose of or conveying such Resident or Residents to the said City or returning from the said City or the Habitation or Place of Residence of such Person or Persons within the Limits aforesaid; and that no other Person or Persons, Carriage or Carriages, Horse or other Cattle, which are not hereby exempted from Payment of Tolls, shall be entitled to any Exemption therefrom; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person for every such Offence shall forfeit and pay the Sum of Forty Shillings.

Carriages
employed in
the publick
Service not
to be subject
to Penalties
for Over-
weight, or
for addi-
tional Num-
ber of
Horses.

XXVI. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance Barrack or Commissariat or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act to the contrary notwithstanding.

Penalty on
evading
Tolls.

XXVII. And be it further enacted, That if any Person or Persons shall at any Time unload or cause to be unladen any Sort of Goods, Wares or Merchandize, or shall take off or cause to be taken off any Horse, Beast or Cattle from any Carriage at or before the same shall come to any Gate or Turnpike continued or erected by virtue of this Act, or shall put to or add any Horse or Beast of Draught after the same hath passed through any such Gate or Turnpike, or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, Litter Waggon, Wain, Cart or other Carriage, Horse, Gelding, Mare, Ass, Mule or any other Cattle or Beast liable to the Payment of the said Tolls or Duties, or shall pass with any such Carriage, Horse, Gelding, Mare, Ass, Mule or other Cattle through any Ground, Field, Yard, Gate, Passage or Way, with Intent to avoid Payment of any Toll or Part of any Toll by this Act granted, or whereby the same Toll shall or may be designedly lessened or avoided; or shall forge, counterfeit or alter, or shall deliver to or receive of any Person or Persons any Note or Ticket, with Intent to avoid the Payment of any or any Part of the said Tolls; or if any Person or Persons owning or occupying any Land, Ground or Place (not being a publick Highway) shall knowingly and willingly permit and suffer any Person or Persons to go or pass with any Cattle or Carriage through or over such Land, Ground or Place, in order or with Intent that the Payment of any of the said Tolls or any Part thereof may be avoided; such Persons and every of them for every Offence shall forfeit a Sum not exceeding Five Pounds, to be recovered in such Manner as is hereinafter mentioned and provided for the Recovery of Penalties and Forfeitures; which Penalties when raised shall be paid and applied in such Manner as the other Penalties and Forfeitures are hereinafter directed to be applied.

Power to
take addi-
tional Tolls
in case the
before-men-
tioned Tolls
shall be
found in-
sufficient.

XXVIII. And be it further enacted, That in case it shall at any Time (after the said Tolls and Duties so granted and made payable under and by virtue of the said recited Act of the Twenty-ninth Year of the Reign of His present Majesty shall cease and be no longer payable) appear to a Majority of the said Trustees to be assembled at any special Meeting to be convened for that Purpose, of which One Month's Notice at the least shall be given in all the *Bath* Newspapers, that the Tolls and Duties hereinbefore granted and made payable are insufficient for the Purposes of this Act, then and in such Case the respective Tolls following shall or may be demanded and taken at such of the said Turnpike Gates or Toll Bars as aforesaid as the Majority of the said Trustees may from Time to Time order and direct, over and above and in Addition to the Tolls hereinbefore granted

granted and made payable, before any Cattle or Carriage hereby charged with such additional Toll shall be permitted to pass through the same; (that is to say)

- For every Stage Coach or Machine (being a Double-bodied or Long Coach) and drawn or worked by more than Four Horses or other Cattle or Beasts of Draught the Sum of One Shilling and Sixpence: Tolls.
- For every such Stage Coach or Machine drawn or worked by Three or Four Horses or other Cattle or Beasts of Draught the Sum of One Shilling and One Penny Halfpenny:
- For every other Stage Coach or Machine drawn or worked by more than Four Horses or other Cattle or Beasts of Draught the Sum of One Shilling:
- For every such Stage Coach or Machine drawn or worked by Four Horses or other Cattle or Beasts of Draught the Sum of Ninepence:
- For every such Stage Coach or Machine drawn or worked by Three Horses or other Cattle or Beasts of Draught the Sum of Sevenpence Halfpenny:
- For every such Stage Coach or Machine drawn or worked by Two Horses or other Cattle or Beasts of Draught, the Sum of Sixpence:
- For every such Stage Coach or Machine drawn or worked by One Horse or other Cattle or Beast of Draught the Sum of Fourpence Halfpenny:
- For every other Coach, Berlin, Chaise, Landau, Landaulet, Barouche, Chariot, Hearse, Calash, Caravan, Chaise-Marine, Fish-Machine, Litter Bed-Carriage, Phaeton, Car or other Vehicle drawn or worked on more than Two Wheels by more than Four Horses or other Cattle or Beasts only the Sum of Ninepence:
- For the like Carriages drawn or worked by Four Horses or other Cattle or Beasts only the Sum of Sixpence:
- For the like Carriages drawn or worked by Three Horses or other Cattle or Beasts only the Sum of Fourpence Halfpenny:
- For the like Carriages drawn or worked by Two Horses or other Cattle or Beasts only the Sum of Threepence:
- For the like Carriages drawn or worked by One Horse or other Cattle or Beast only the Sum of Twopence Halfpenny:
- For every Two-wheel Chaise, Curricule Chair or other such Carriage drawn or worked by more than Two Horses or other Cattle or Beasts only the Sum of Fourpence Halfpenny:
- For every such Carriage drawn or worked by Two Horses or other Cattle or Beasts only the Sum of Threepence:
- For every such Carriage drawn or worked by One Horse or Beast only the Sum of One Penny Halfpenny:
- For every empty Coach, Chaise or other such Carriage drawn on more than Two Wheels at the Tail of any Waggon or other Carriage the Sum of Threepence:
- For every empty Two-wheel Chaise or Chair or other such Carriage drawn at the Tail of any Waggon or other Carriage the Sum of One Penny Halfpenny:
- For every Horse, Mare or Gelding, Mule or Ass or other Beast of Burden, laden or unladen and not drawing, the Sum of One Halfpenny:
- For every Drove of Oxen or Neat Cattle the Sum of Fivepence *per* Score, and so in proportion for any greater or less Number: And,

[Loc. & Per.]

39 F

For

For every Drove of Calves, Sheep, Lambs, Hogs or Pigs, the Sum of Twopence Halfpenny *per* Score, and so in proportion for any greater or less Number.

Trustees may apportion the Payment of the additional Tolls at several Gates.

XXIX. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees or the Majority of them, to be assembled at any Meeting to be holden for the Purpose (of which Ten Days' Notice shall be given in the *Bath* Newspapers), to collect, receive and apportion the said last-mentioned Tolls, when the same shall become payable, at such One or more of the Turnpike Gates or Toll Bars erected or to be erected by virtue of this Act, as to them from Time to Time shall appear most expedient, so as that at the whole Number of the said Gates there be not collected or received more than the whole Amount of such additional Toll hereby imposed on such Horses or Carriages,

Powers, &c. relative to the first-mentioned Tolls to apply to the additional Tolls.

XXX. Provided, and be it further enacted, That all and every the Powers, Provisoos, Penalties, Exemptions, Forfeitures, Restrictions and Regulations herein enacted respecting the Tolls first herein granted and made payable, shall apply, attach, extend and be used on all Occasions respecting the said last-mentioned and additional Tolls, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in respect of such last-mentioned additional Tolls.

Trustees may lease Tolls.

XXXI. And be it further enacted, That the said Trustees or any Eleven or more of them shall be and they are hereby empowered, after giving Fourteen Days' Notice thereof in One or more of the *Bath* and *Bristol* Newspapers, and also by Writing to be affixed upon the Turnpike Gate the Tolls whereof are intended to be leased, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts of such Tolls, as also the additional Tolls for Overweight to be collected or received at such Gate, by open and publick Auction for any Term of Years not exceeding Three Years at a Time, for the best Price that can be gotten for the same, payable at such Times and under such Covenants and Restrictions as the said Trustees or any Eleven or more of them shall think fit, the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security from the Person or Persons to whom any such Tolls shall be leased and demised for Payment of such Rents and Performance of the Covenants to be reserved and comprised in such Lease or Leases as the said Trustees shall think fit; Provided always, that no such Lease shall be valid if granted to any of the said Trustees, or in which any of the said Trustees shall have any Interest or Concern, unless such Trustee shall previous to any Offer made by him or on his Account declare, in Writing to be delivered to the said Clerk, that he declines in future to act as a Trustee.

Leases, &c. under former Acts to remain valid.

XXXII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice, determine and make void any Lease of the Tolls, or any Contract or Agreement made or entered into by the said Trustees under and by virtue of the Powers contained in the said recited Act, or any of the Powers, Provisoos, Covenants, Clauses, Matters or Things therein respectively contained, nor any Bond or Obligation made and entered into by the Lessee of such Tolls or other Person or Persons in respect thereof; but the same and every Part thereof shall be of the same Force and Effect, and as valid in every

every Respect, as if such Lease, Contract or Agreement, Bond or Obligation were made and entered into, under and by virtue of the Powers in this Act contained.

XXXIII. And be it further enacted, That the Right and Property of all the Turnpikes, Posts, Bars, Gates, Rails, Fences, Toll-Houses and Buildings now belonging to the said Roads, or that shall be continued, erected or provided by virtue of this Act, and the Right and Property of the Materials provided for erecting, building or repairing the same or any of them respectively, and also of all the Tools, Materials and other Requisites got, provided or collected for any of the Purposes of this Act, shall be and are hereby vested in the said Trustees, and they or any Seven or more of them are hereby authorized and empowered to dispose thereof as they shall think fit; and also to bring or cause to be brought any Action or Actions, or to prefer or order the preferring of any Bill or Bills of Indictment against any Person or Persons who shall steal, take, carry away, break down, destroy, injure, spoil or damage the same, or any Part thereof respectively, or disturb the Trustees, their Agents or Servants in the Possession thereof.

Turnpikes,
&c. vested in
Trustees.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees or any Seven or more of them at any Meeting to be held for that Purpose, of which Fourteen Days' Notice shall be given in One or more of the *Bath* Newspapers, and also affixed on all the Turnpike Gates then erected on the said Roads, by any Writing or Writings under their Hands and Seals, to borrow and take up at Interest, upon the Credit of the Tolls arising by virtue of this Act, such further Sum or Sums of Money as they shall think fit, so as the Monies already borrowed under the said former Acts, and which may be borrowed under and by virtue of this Act, do not exceed in the whole the Sum of Thirty thousand Pounds; and they may and are hereby empowered, by such Writing or Writings as aforesaid, to demise or mortgage the said Tolls or any Part or Parts thereof and the Turnpikes and Toll Houses for collecting the same (subject and without Prejudice to all prior Mortgages and the Money thereby secured), the Charges of mortgaging or assigning the same to be paid out of the said Tolls, for any Term during the Continuance of this present Act, as a Security to any Person or Persons or their Trustee or Trustees for such Sum or Sums of Money so to be borrowed and the Interest thereof, by the following Words or by any other Words to the like Effect, viz.

For borrow-
ing Money.

‘ BY virtue of an Act made and passed in the Fiftieth Year of the Reign of His Majesty King George the Third, for [*here set forth the Title of this Act*] We whose Names are hereunto set and Seals affixed, being Seven of the Trustees for putting the said Act in Execution, in Consideration of the Sum of _____ to the Treasurer of the said Tolls in Hand paid by *A. B.* of _____ do grant, bargain, sell and demise unto the said *A. B.* his Executors, Administrators and Assigns, such Proportion of the Tolls arising and payable by virtue of the said Act, and of the Turnpikes and Toll Houses with their Appurtenances for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum advanced on the Credit of the same; to be had and holden from the Date hereof for and during the Continuance of the said Act, unless the said Sum of _____ with Interest for the same at the Rate of _____

Form of
Mortgage.

per

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

Certain
Accounts to
be previously
laid before
Trustees.

Provided always, That before such Meeting shall be so advertised, an Account shall be laid before Fifteen or more of the said Trustees of the Total Amount of the Tolls for the last Three Years, and of the Money already borrowed on the Credit of the said Tolls, and of the Expenditure of the last Three Years, and the several Contracts then subsisting for the Repairs of the said Roads and the Rates paid for the several Repairs, and the Amount of any Sum proposed to be borrowed, and stating the Purpose intended by such new Loan and Estimates of the several Works intended to be carried on, which several Accounts and Estimates shall be verified upon Oath by the Person or Persons producing the same; and if the said Trustees shall be of Opinion that the Contracts or other Expences of keeping the said Roads in Repair, and the Interest paid for the former Debt, are as low as can fairly be obtained, that the Works proposed are for the publick Benefit, and the Estimates fair and reasonable, and shall certify the same in Writing, then the said Trustees may proceed to make the said Loan, but not otherwise; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but nothing in this Act contained shall extend or be construed to extend to charge or subject the said Trustees or any of them, or the Persons appointed to receive the said Money or any Part thereof, to any Payment of the same by reason of their or any of their signing such Mortgages, Assignments or other Securities to be made in pursuance of this Act, or heretofore made in pursuance of the said former Acts or any of them; and all and every such Person or Persons to whom any such Mortgage shall be made as aforesaid or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her or their Right, Title, Interest or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security before One credible Witness, in the following Words, or Words to the like Effect; viz.

Form of
Transfer.

I *A. B.* in Consideration of now paid to me by *C. D.* of
do hereby assign and transfer the Mortgage hereunto annexed
bearing Date the Day of made by the Trustees whose
Names are thereunto subscribed to me [*or, to*] and now
my Property for securing the Principal Sum of and Interest
and all my Right and Title to the said Principal Money and all Interest
due and to grow due for the same unto the said *C. D.* his, [*or, her,*]
Executors, Administrators and Assigns. Dated this Day
of of

Which said Transfer or Assignment shall be made and prepared by the Clerk to the said Trustees, and the said Clerk or Treasurer shall cause an Entry to be made thereof, containing the Dates, Names of the Parties and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said original Mortgages or Assignments, for which Entry the said Clerk or Treasurer shall be paid such Sum as the said Trustees or any Seven or more of them shall appoint, not exceeding the Sum of Two Shillings and Sixpence, and after such Entry made, but not till then, every such Assignment shall entitle such Assignee, his, her or their

their Executors, Administrators or Assigns to the Benefit thereof and Payment thereon, and every such Assignee may in like manner assign and transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except such to whom the same shall be last transferred) to make void, release or discharge the original Security, or any Monies thereby due or any Part thereof; which said Monies so borrowed shall (after paying the Expences of procuring this Act) be applied and disposed of for the Purposes of this Act, according to the true Intent and Meaning thereof, and to no other Use or Purpose whatsoever: Provided also, that the Treasurer or Treasurers to the said Trustees shall and he and they is and are hereby required every Six Calendar Months to discharge, out of the Monies that shall come into his or their Hands by virtue of this Act, the Interest that shall have become due within the preceding Six Calendar Months upon all Mortgages made or secured by virtue of any of the said former Acts or this Act.

Treasurer to
pay Interest
on Mort-
gages.

XXXV. And be it further enacted, That it shall be lawful for the Treasurer or Treasurers of the said Trustees for the Time being and he and they is and are hereby authorized, directed and required, yearly and every Year during the Term of this Act, to deduct and retain from and out of the Tolls and Monies arising or to arise and to be by him or them received in pursuance of this Act, the Sum of Five Pounds *per Centum* upon the Net Receipts of the said Tolls, to be applied for the Purpose of redeeming or reducing the Debt already incurred or hereafter to be incurred by the said Trustees on the said Roads, or so much and such Part thereof as the Powers herein contained will enable them to do; and for that Purpose the said Trustees, or any Seven or more of them, shall and they are hereby required to hold a Special Meeting annually to ballot for a Creditor or Creditors to receive the said Sum of Five Pounds *per Centum*, or such Part thereof as will be sufficient to pay off and redeem such Sum or Sums of Money as shall be then due and owing to him, her or them from the said Trustees, and the said Trustees assembled at such Meeting shall provide a Box or Glass, and shall put therein the Names of all the said Creditors together with the Principal Sums due to them respectively, written on Paper and rolled up, and which shall be drawn thereout by some indifferent Person and entered on a List in order as they are drawn by the Clerk to the said Trustees, or such other Person as they may appoint, and such Persons whose Names shall be first drawn thereout and entered on such List as aforesaid, shall have Priority and Preference of Payment of his, her or their Debt or Debts, or so much thereof as the said Five Pounds *per Centum* will enable the said Trustees to pay; and the said Trustees shall, as soon after the said Ballot as conveniently can be, give or cause to be given Notice thereof in Writing to the Person whose Name shall be first drawn and entered on such List as aforesaid, or leave the same at his or her last or usual Place of Abode, and if within the Space of Fourteen Days from and after the Time of such Notice so given or left as aforesaid, such Person shall not signify to the said Trustees his or her Assent to receive such Debt, or such Part thereof as the said Five Pounds *per Centum* will enable them to pay off and discharge, then and in such Case the said Trustees shall give or cause to be given the like Notice to the second Person whose Name shall have been drawn and entered on such List as aforesaid, and to continue the same through such List until such Assent shall be signified as aforesaid; and if the Monies due to the

For redeem-
ing the Debt
incurred on
the Roads.

Person whose Name shall be first drawn, or who shall first signify his Assent to receive the same, shall not amount to the said Five Pounds *per Centum*, then the Overplus thereof shall be paid to the next Person whose Name shall have been drawn and entered on such List, on his or her having such Notice and signifying such Assent as aforesaid within the Time aforesaid, in Discharge of his or her Debt or so much thereof as the said Overplus will enable the said Trustees to pay; such Payments to continue and be made in Rotation until the said Five Pounds *per Centum* shall be disposed of.

Application
of Monies
arising by
virtue of this
Act.

XXXVI. And be it further enacted, That out of the Monies already raised by virtue of the said recited Act, and out of the First Monies that shall be raised by virtue of this Act, the said Trustees or any Seven or more of them shall pay and discharge all the Expences and Costs relative to the procuring and passing this Act in preference to any other Payment whatever; and the Remainder of the Money so raised or to be raised by virtue of this Act, together with the several Tolls arising on the several Roads respectively, shall from Time to Time be applied in paying the Principal Monies by this or any former Act charged or borrowed, and the Interest due and to grow due thereupon, and also all such Sums of Money as have been borrowed of the Treasurers by the said Trustees and now due and owing to them, and also in widening, amending, improving and repairing the several and respective Roads by this Act directed to be repaired and for other the Purposes of this Act, and for no other Purpose whatsoever.

For appoint-
ing Officers.

XXXVII. And be it further enacted, That the said Trustees or any Fifteen or more of them, at their First or any subsequent Meeting assembled, shall and may and they are hereby empowered and authorized to elect and appoint a Clerk, Treasurer or Treasurers, General Surveyor or Surveyors of the said Roads, Working Surveyors, Collectors of the Tolls, and other Officers to be employed under and by virtue of this Act, and from Time to Time to remove and displace all or any of such Officers, and in his or their Room or when any of them shall die or resign their Office, or be incapable of performing it, or misbehave therein, they the said Trustees or any Fifteen or more of them may by Writing under their Hands appoint One or more fit Person or Persons to be their Clerk, Treasurer or Treasurers, General Surveyor or Surveyors of the said Roads, Working Surveyor or Surveyors on the said Roads, Collector or Collectors of the Tolls by this Act granted, and such Officers as they the said Trustees or any Fifteen or more of them shall think necessary in the Room of such of the said Officers as they may think proper to remove, or as shall die or resign their Office, or be incapable of performing it, or who shall misbehave therein, and shall take such sufficient Security for the due Execution of such respective Offices as they the said Trustees or any Fifteen or more of them shall think proper; and may by and out of the Tolls allow and pay to such Clerk, Treasurers, Surveyors and Collectors, and to such Person and Persons as shall be aiding or assisting to them in their respective Offices, or that shall any ways be employed in the Execution of this Act, such Salaries, Rewards and Allowances for their respective Attendance, Care and Service as to the said Trustees or any Fifteen or more of them at a General Meeting to be called for that Purpose, on Fourteen Days' Notice to be given in One or more

Officers to
give Secu-
rity.

Salaries to
be allowed.

more of the *Bath* and *Bristol* Newspapers, shall seem reasonable; but no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer or Spirituous Liquors by retail; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees or any Seven or more of them, deliver to such Trustees, or to such Person or Persons as the said Trustees or any Seven or more of them shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands of all Monies which shall have been by them respectively had, collected or received, and how, when and to whom and for what Purposes the same and every Part thereof have or hath been applied or disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath if thereunto required, which Oath the said Trustees or any Seven or more of them are hereby empowered to administer; and all such Officers and Persons shall and they are hereby required to pay all such Monies as upon Balance of such Account or Accounts shall appear to be in their respective Hands, to such Person or Persons as the said Trustees or any Seven or more of them shall appoint to receive the same; and if any such Officers or Persons shall refuse or neglect to render or give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or to pay the Balance remaining in his, her or their Hands when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees or to any Seven or more of them, or to any Person or Persons as they or any Seven or more of them shall appoint, within Ten Days next after being thereunto required by the said Trustees or any Seven or more of them, all Books, Accounts, Papers and Writings in their respective Custody or Power anyways relating to the Execution of this Act, or to the said Roads or any or either of them, and Complaint shall be made of any such Refusal or Neglect to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live and reside, such Justice may and he is hereby authorized and required by Warrant or Warrants to cause such Officer or Officers, Person or Persons to be brought before him, and upon his, her or their appearing or not being to be found 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 Trustees or any Seven or more of them might have done; and if upon Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), or upon the said Accounts, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required upon Non-payment thereof by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling 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 for that Purpose,

Victuallers
not to hold
Places of
Profit.
Officers to
account
upon Oath,

or be punished.

or

or if appearing shall refuse or neglect to give and deliver to such Justice an Account or Accounts of Receipts and Payments as aforesaid, or to verify the Truth of such Accounts and of the Articles thereof on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers and Writings in his, her or their Custody or Power, relating to the Execution of this Act, or to the said Roads, then and in either of the Cases aforesaid the said Justice may and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons to the Common Gaol of the County or Place where he, she or they shall live or reside, there to remain without Bail or Mainprize until he, she or they shall have delivered and settled his, her or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his, her or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he, she or they shall have compounded with the said Trustees or any Fifteen or more of them for the same, and shall have paid the Composition Money to the said Trustees or any Seven or more of them, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees or any Fifteen or more of them are hereby empowered to make), provided that such Composition shall be approved at a subsequent Meeting of the said Trustees to be held at the Distance of at least Fourteen Days, or until he, she or they shall deliver up such Books, Accounts, Papers and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or any Seven or more of them; but no Person who shall be committed for want of sufficient Distress shall be detained in Prison upon any such Commitment for any Time longer than Three Calendar Months.

Persons employed under the former Act to account with Trustees under this Act.

XXXVIII. Provided always, and be it further enacted, That all Persons who shall have been employed or who shall have received any Tolls or other Money by virtue or on account of the said recited Act, or shall have in their Custody or Power any Books, Papers, Accounts, Writings or other Things relating to the Roads included in the said Act, which are now included in this Act, shall account for the same and every Part thereof to the Trustees in this Act named and appointed, in like Manner and under the like Penalties as the several Officers to be continued or appointed by virtue of this Act are hereinbefore directed to account.

Trustees to appoint temporary Collectors.

XXXIX. And be it further enacted, That upon the Death, Incapacity absconding or Absence of any Collector or Receiver of the Tolls, any Three 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 a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond or absent himself; which Person so 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 who shall so die, become incapable, abscond or absent himself would have had or been subject to; and

and that if any Collector or Receiver of the said Tolls who shall be discharged from the said Office by the said Trustees, or the Wife or Widow or any of the Children, Family or other Representative of any Collector or Receiver who shall die, abscond, absent himself or be discharged, or any other Person who shall refuse to deliver up the Possession of any Toll House or Building to be continued or 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 Three or more of the said Trustees, or by their Clerk or Treasurer then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County or Place in which such Toll House or Building shall be, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County or Place, 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 Three or more of them, or their new appointed Officer, in the Possession thereof.

XL. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors of the said Roads for the Time being, and such Person or Persons as shall be employed by him or them, or by the said Trustees, or any Seven or more of them, and they are hereby empowered and authorized to search for, dig, gather, take and carry away any Stones, Gravel, Sand and other Materials proper for the making or repairing of the said respective Roads, out of or from any Waste Ground, Common Down, River or Brook, in any Parish, Town or Place in or adjoining to which any Part of such Roads doth lie, without paying any Thing for the same, such Surveyor or Surveyors, or other Persons, filling up the Holes, Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Holes, Pits or Quarries, not only when finished but during the Time of digging and quarrying, so and in such Manner that the same may not be dangerous to Passengers or Cattle, and paying for the Damages done by going through or over any Lands or Grounds for or with such Materials (such Damages to be ascertained as hereinafter mentioned); and also that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order from any Seven or more of the said Trustees for that Purpose), to search for, dig, gather, take and carry away any such Materials as aforesaid, except Gravel, in any Parish, Township or Place in which the said Roads or any Part thereof do or doth lie, or in any adjoining Parish, Township or Place, in, upon, out of or from and over the Lands or Grounds of any Person or Persons (not being an Orchard, Garden, Yard, Park, planted Walk or Avenue to any House, or an inclosed Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Materials and for the Damage done to the Owners or Occupiers respectively of such Lands or Grounds where or from whence the same shall be dug, gathered, taken or carried away, or upon, over or through which the same or any other Materials so dug for repairing the said Roads, and gathered as aforesaid, shall be conveyed, as any Two Justices of the Peace for the said respective Counties shall adjudge reasonable; and in case the said Trustees, Surveyors or other

Surveyors
may dig
Gravel, &c.
from Waste
Ground,

without pay-
ing for the
same;

or in private
Grounds,
making
Satisfaction
for Damages
done.

[Loc. & Per.]

39 H

Persons

Persons appointed and employed as aforesaid, or the Owners or Occupiers of private Lands or Grounds, or any of them, shall be dissatisfied with such Determination concerning such Payments and Damages as aforesaid, the Justices of the Peace of the said respective Counties, at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden for the respective County or Place where the Cause of Dispute shall arise, on Fourteen Days' Notice thereof being given in Writing by either Party to the other, shall hear, settle and determine the Matter of such Damages and Payments, and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

Surveyor not
to carry
away Mate-
rials out of
private
Grounds
without giv-
ing Notice.

XLI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, or any other Statute now in being, to take and carry away Materials for repairing the said Roads from any inclosed Lands or Grounds until Twenty-one Days' Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees or any Seven or more of them, or Two Justices of the Peace acting for the County or Place where such Lands are situated, to shew cause why such Materials shall not be had from such Lands or Grounds; and in case any such Occupier shall attend pursuant to such Notice and shall not shew any sufficient Cause against the same, the said Trustees or any Seven or more of them or such Justices shall, if they think meet, authorize such Surveyor or other Person to dig, gather, take and carry away such Materials at such Time or Times as to such Trustees or any Seven or more of them or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent (the Service of the said Notice being first duly proved on Oath) the said Trustees or any Seven or more of them and such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Removing or
taking away
Materials.

XLII. And be it further enacted, That if any Person whatsoever shall remove or take away any Materials which shall have been dug or gathered for the Purpose of making or amending any of the said Roads, without the Leave or Consent of the General Surveyor or Surveyors of the said Roads, every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Surveyor to
remove An-
noyances.

XLIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors for the Time being, and such Person or Persons as he or they shall appoint, from Time to Time to remove all Annoyances by Timber, Stone, Bricks, Mortar, Saw-pits, Carriages, Hovels, Filth, Dung, Ashes, Rubbish, Straw or other Things whatsoever, being laid on or by the Side of the said Roads or within Twenty Feet of the Centre thereof, in case the same are not removed within the Space of Six Hours next after Notice thereof shall have been given by such Surveyor or Surveyors for that Purpose to the Owners or Occupiers thereof, and to dispose of the same for the Benefit of the said Roads respectively; and to remove any Carriage, Stone, Timber or other Thing that shall be left

rest in any Part of the said Roads, so as to obstruct the passing thereon immediately, if the Case shall require it, provided that the same be done with as little Injury as may be to the Owner of the said Carriage or other Thing, and the Expence of such Removal shall be paid by the Owner of such Carriage or other Thing, to be settled in case of Dispute by any One Justice of the District or Place where such Obstruction shall happen.

XLIV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Persons as he or they shall appoint, and he and they is and are hereby directed and required, by Order of the said Trustees or any Seven or more of them, to make or cause to be made Causeways or Footways, where the same can be conveniently made by the Side of the said Roads, or any of them, for the Accommodation of Foot Passengers, (except in the said City of *Bath* and the Liberties thereof, and the Parish of *Walcot* aforesaid, or such Parts thereof where Provisions are made by other Laws for making and repairing such Footways,) and from Time to Time to keep the same in Repair; and also to make or cause to be made Drains and Ditches, and to erect Arches and Bridges where the same shall be necessary in, or upon, or on the Sides of the said Roads or any of them, or in any Grounds lying contiguous or near thereto, and from Time to Time to keep in Repair such Bridges and Arches, and to scour such Ditches and Drains; and also to make or cause to be made a Road through the Grounds adjoining to any narrow or ruinous Part of the said Roads, (not being the Ground whereon any House or Houses or other Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Avenue to any House, or an inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, Carriages or otherwise as a publick Highway whilst the Old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such reasonable Satisfaction to the Owners and Occupiers of such Grounds respectively through which any such Drain or Ditch shall be made or cut, or on which any such Arch or Arches, Bridge or Bridges shall be made, or through which any such temporary Road shall be made, for the Damages which such Owners and Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees or any Seven or more of them; and in case of any Difference concerning the same, between such Owners or Occupiers and the said Trustees, that then it shall be lawful for the Justices of the Peace at any Petty Session to be holden for the Division or Place where the Cause of Dispute shall arise, or at any Adjournment thereof, to hear, settle and adjudge the Recompence which shall be made to such Owners or Occupiers for the Damages they shall have sustained as aforesaid.

Surveyors to
make Foot-
ways and
Drains, and
erect Bridges.

XLV. And be it further enacted, That it shall be lawful for the said Trustees, or any Fifteen or more of them, and they are hereby fully authorized and empowered from Time to Time as they shall see fit, to widen and enlarge any Part or Parts of the Roads comprised in this Act; and for that Purpose it shall be lawful for the said Trustees, or any Fifteen or more of them, from Time to Time to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by widening and enlarging

Trustees may
widen the
Roads.

Trustees and
in capacitated
Persons may
contract for
the Sale of

Lands wanted
for Purposes
of this Act.

Where Per-
sons shall
neglect or
refuse to
treat.

Damages
and Recom-
pence to be
settled by a
Jury.

larging any such Part or Parts of the said Roads, and it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees and Committees, not only for and on behalf of themselves, their Heirs, Successors and Assigns, but also for and on behalf of their Infant Wards, Cestique Trusts, Lunatics, Idiots or Persons of unsound Mind, Memory and Understanding, and to or for all Females Covert, who are or shall be seised or interested in their own Right, and to and for all and every Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, or of any of the Messuages, Cottages, Shops, Lands, Grounds, Tenements or Hereditaments in this Act after specified and described, as allowed to be contracted and agreed for and taken by the Trustees under this Act, to contract with the said Trustees or any Seven or more of them, for Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell and convey unto them or any Seven or more of them, all or any of such Lands or Hereditaments or any Part thereof for any the Purposes aforesaid; and all Contracts, Exchanges, Sales and Conveyances which shall be so made shall be valid to all Intents and Purposes without Fine or Recovery, any Law, Statute, Usage or other Matter whatsoever to the contrary notwithstanding, and all such Bodies Politick, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees and all other Persons shall be and are hereby indemnified for what they shall do by virtue of this Act; and if any such Body Politick, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees or any other Person or Persons, interested in any such Lands or Hereditaments, upon Notice to him, her or them given, or left in Writing at the Dwelling-house or Houses or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments, on which Part any such Roads is to be widened or enlarged, shall for the Space of Six Calendar Months next after such Notice given or left neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; that then and in every such Case the said Trustees or any Seven or more of them, of whom at least Two shall be Justices of the Peace for One of the said respective Counties, shall cause such Damage and Recompence to be enquired into and ascertained, by a Jury of Twelve indifferent Men of the County or Place wherein such Lands or Hereditaments do lie, not being Trustees under this Act, or holding any Office or Employment under the said Trustees, and in order thereto the said Trustees or any Seven or more of them, are hereby empowered and required, from Time to Time as Occasion shall be, to summon and call before such Jury and examine any Person or Persons whomsoever upon Oath, or in case such Person or Persons shall be of the People called Quakers, then on his, her or their solemn Affirmation (which Oath or Affirmation any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees or any Seven or more of them shall, by ordering a View or otherwise, use all Ways and Means as well for their own as for the said Jury's Information in the Premises, and after such Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge and determine the Sum or Sums of Money,

to assessed by the said Jury, to be paid to the said Owners and other Persons interested in such Lands and Hereditaments, according to the Verdict and Inquisition of such Jury; which said Verdict or Inquisition, and Judgment, Order or Determination thereupon, shall be final, binding and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, Remainder or otherwise, their Heirs and Successors as well absent as present, Infants, Females Covert, Lunatics, Idiots and Persons under any Disability whatsoever, Bodies Politick, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Juries, the said Trustees or any Seven or more of them are hereby empowered to issue their Warrant or Warrants to the Sheriff of the respective County or Place, requiring him to empanel, summon and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies, is and are hereby required to empanel, summon and return such Number of Persons accordingly, and out of the Persons so summoned, empanelled and returned, or out of such of them as shall appear upon such Summons, the said Trustees or any Seven or more of them, shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said respective Sheriff, or his Deputy or Deputies, or any Seven or more of them the said Trustees, shall return such other honest and indifferent Men of the Standers-by, or that can be speedily procured, to attend that Service to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees or any Seven or more of them, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such respective Sheriff, his Deputy or Deputies, Bailiff or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, or appearing shall refuse to be sworn or examined or give Evidence, so as no such Fine be more than Ten Pounds on any One such Person for One Offence.

XLVI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest or Property of any Person or Persons, in any Lands or Hereditaments for any Loss or Damage to be by them sustained, than what shall have been agreed to and offered by the said Trustees or any Seven or more of them, of whom at least Two shall be Justices of the Peace as aforesaid, or by any Person or Persons appointed by them for that Purpose before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid

[Loc. & Per.]

paid by the Treasurer or Treasurers to the said Trustees out of the Money in his or their Hands, or to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assessment, for no more or for less Money than shall have been agreed to and offered by the said Trustees or any Seven or more of them, or by any Person or Persons appointed by them for that Purpose before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining such Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby required to examine 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 or 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 or adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees by such Ways and Means as hereinafter provided for Recovery of Penalties and Forfeitures; provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating about such Recompence and Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Trustees may
contract with
Owners for
their respec-
tive Pre-
mises.

Bladud's
Buildings.

Axford
Buildings.

XLVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them, and they are hereby authorized and empowered to purchase and take and contract and agree with the several Owners, Proprietors and Occupiers of, and Persons entitled to any Messuages, Cottages, Shops, Lands, Grounds, Tenements or Hereditaments hereinafter mentioned for the Purchase of the same, or of so much and such Part or Parts of the Ground thereof, as shall be necessary for widening, enlarging and making more commodious and convenient to the Publick any of the Roads included in this Act, (that is to say) with the Owner and Owners, Proprietors and Occupiers of a Piece of Ground and Vaults under the same, lying before the Fronts of the several and respective Messuages or Tenements forming or making a Row or Pile of Buildings called *Bladud's Buildings*, in the Parish of *Saint Michael*, in the City of *Bath*, and now or late in the several Tenures or Occupations of *Anthony Smith*, *Mary French*, *Edmund Hay*, *Ann Reeves*, *Doctor Alexander Milson*, *John Plumpton*, *Ann Worrall*, *John Morris*, *Margaret Farquharson*, *Rochforth Donnellan*, *George Watts*, *James Thompson Murray*, *William Crowden*, *Jane Thorpe*, and *Ann Collins*; a Messuage or Tenement and Hereditaments, with the Court and Yard thereunto belonging, being the Parsonage House of and belonging to the said Parish of *Walcot*, and now in the Occupation of the Reverend *Gaius Barry*; a Piece of Ground and Vaults under the same, lying before the several Messuages or Tenements forming or making a Row of Buildings called *Axford Buildings*, in the said Parishes of *Walcot* and *Saint Michael*,
or

One of them, and now or late in the several Tenures or Occupations of *Charlotte Bracken, John Oakes, Benjamin Wingrove, Ann Marriott, Noah Chivers, Amelia Harris, Mary Gillum, Ann Kidd, Wilson, Bridget Hellyar, Joseph Phillott, Mary Goodden, Jane Phillips, James Field, Anthony Botet, Huntley* and the Reverend *Richard Lloyd*, which said several Messuages or Tenements, Vaults, Hereditaments and Premises above mentioned adjoin to the South Side of the said *London Road*; a Piece of Ground and Vaults lying under the same, before the Vineyards. several Messuages or Tenements forming a Row of Buildings called the *Vineyards*, in the said Parish of *Walcot*, likewise adjoining to the said *London Road* on the North Side, and now or late in the several Tenures or Occupations of *Frederick Mayhew, Mary Derham, Edward Clarke, Margaret Brown, Matthias Miller, Phæbe Ford, Charles Davis, Jane Holmes, Julius Belzons, Rebecca Mager, Williams, Elizabeth Russell, Joshua Seely Lawton, Conrad John Matthieffon, Timothy O'Brien, Hugh Percy Kidpath, Samuel Rogers, Hannah Freemie, Charles Kelson, and Blennerhasset*, for so much and such Part of the Ground, Vaults or Areas adjoining the said *London Road*, in front of the respective Premises above mentioned, and situate in *Bladud's Buildings, Axford Buildings*, and the *Vineyards* aforesaid, as may be requisite for the Purpose of widening the said Road so situate; and also with the Owner and Owners, Proprietors and Occupiers of a Stable Yard and Hereditaments on the North Side of the said Road, and now or late in the Tenure or Occupation of *John Wiltshire Esquire*; and a Messuage or Tenement and Hereditaments adjoining the last mentioned Premises, and now or late in the Tenure or Occupation of *Francis Gunning*; a Range of Messuages or Tenements and Hereditaments called *Somerset Buildings*, and a Court or Yard, now or late in the several Tenures or Occupation of *John Dyer, James Banks, Thomas Marsh, Thomas White, William Brown, George Britten, Jabez Angel, William Jenkins, and Stephen Rawlings*; Three Messuages or Tenements and Hereditaments opposite to *Walcot Water Cock*, likewise adjoining to the said *London Road*, and now or late in the several Tenures or Occupations of *James Greenaway, John Trent, and John Crocker*; Eight Courts, Yards or Gardens belonging to and in the Fronts of certain Messuages or Tenements in a Row of Buildings called *Margaret's Place*, and now or late in the several Tenures or Occupations of *John Selman, John Deverell, John Milson, Isaac Jacques, James Lilly Pinker, John Earl, and Charles Hibbert*, so far as respects the setting back the Front of any of the said Messuages or Buildings from the said Road, in the Event of any of the said Messuages or Buildings being taken down, or to be rebuilt on the Ground in front of the said Messuages against the said Road; Two Messuages or Tenements and Hereditaments called *Mirtle Place*, and now or late in the Tenure or Occupation of *Edward Wingate* and *Henry Toogood Lane*; Three other Messuages or Tenements and Hereditaments, and a Workshop and Yard, called *Bedford Place*, and now or late in the several Tenures or Occupations of *William Webb* and *Edward Burton*; Two Courts and a Yard, in front of Three Messuages or Tenements called *Chelsea Buildings*, now or late in the several Tenures or Occupations of *George Brunt, John Gibbons, and Robert Vezey*; a Range of Messuages or Tenements and Hereditaments called *Iron House Place*, and now or late in the several Tenures or Occupations of *Benjamin Smith, Thomas Howse, Mark Maggs, Richard Jones, Ann Greenaway, Sarah Friend, John Evans* and *Robert Owens*, which said

several Messuages or Tenements, Hereditaments and Premises last above-mentioned are situate on the North Side of the *London Road* aforesaid, and in the Parish of *Walcot* aforesaid; a Range of Courts in the Fronts of certain Messuages or Tenements lying between the *Bell Inn* in *Cornwall Buildings*, in the Parish of *Walcot* aforesaid and *Walcot Church*, also on the North Side of the said *London Road* and now or late in the several Tenures or Occupations of *Thomas Bullock*, *Elias Edgecumb*, *William Seward*, *Jonathan Gibbs*, *George Sloper*, *Edmund Biggs*, *George Sheppard*, *Thomas Reynolds*, *William Smith*, *George Date* and *Edgecumb*; a Range of Courts and Gardens in front of certain Messuages or Tenements and Hereditaments situate in *Ladymead* aforesaid, and now or late in the several Tenures or Occupations of *John More'y*, *James Davies*, *George Jeffery*, *John Greenway*, *James Child*, *John Portus*, *Thomas Parfitt*, *Joseph Selway*, *Thomas Hall*, *Thomas Andrews*, *Ann Smith*, *Mary Palmer*, *John Way*, *Thomas Linnel*, *John Harris*, *William Lewis*, *Edmund Starr*, and *Ann Taylor*, so far as respects the Ground in Front of the said Messuages; a Yard, Stables and Hereditaments in *Ladymead* aforesaid, and now or late in the several Tenures or Occupations of *George Watts* and *William Evenis*; a Court or Yard in Front of a certain House called the *Bath Penitentiary*, situate in *Ladymead* aforesaid, and now or late in the Occupation of *Ann Kenny*; a Messuage or Tenement and Hereditaments called the *Carpenters Arms*, and now or late in the Occupation of *John Milson*, and several other Hereditaments and Premises, Workshops and Yards near thereto, and now or late in the several Tenures or Occupations of *Daniel Aust* and *John Phillips*; Two Stables, a Court and Garden called *Cornwall Parade*, and now or late in the several Tenures or Occupations of *Thomas Watkins*, *Samuel Gay* and *Mary Gordon*; Two Messuages or Tenements and Hereditaments now or late in the several Tenures or Occupations of *Mary James* and *Peter Fisher*; a Plot of Ground, Court and Garden in Front of certain Houses called *Cornwall Place*, and now or late in the several Tenures or Occupations of *Thomas Penny*, *Harry Hully* and *Samuel Martin*; a Range of Courts or Gardens in Front of certain Houses adjoining *Cornwall Place* aforesaid, and now or late in the several Tenures or Occupations of the Reverend *Joshua Shaw Cross*, *Thomas Harris*, and *Samuel Jefferies*; a Range of Tenements or Hereditaments opposite to *Walcot Church*, and now or late in the several Tenures or Occupations of *John Jacobs*, *James Jefferies*, *William Aires*, *Elizabeth Watts*, *Sophia Sheppard*, *Mary Newman*, *Thomas Deyer*, and *William Rodway*; the Ground in front of several Messuages or Tenements and Hereditaments in *London Street*, and now or late in the several Tenures or Occupations of *Robert Davis*, *Samuel Mason*, and *John Dyer*; and also with the Owners or Occupiers of several other Messuages or Tenements adjoining the last mentioned, and now or late in the several Tenures or Occupations of *Isaac Perry*, *John Dunkerton*, *Richard Sweetland*, *John Curwood*, *Thomas Bartlet*, *Robert Gingawill*, and *Samuel Richardson*; a Stable, Workshop, Yards and Hereditaments, now or late in the Tenure or Occupation of *Isaac Perry*; a Plot or Piece of Pasture Ground called *Perryfield*, and now or late in the Occupation of *Thomas White*; a Piece of Garden Ground and Court, adjoining to *Walcot Terrace*, and now or late in the Tenure or Occupation of *Hurst*; a Yard, Workshops, Stable, Courts and Hereditaments, likewise adjoining to the said Terrace, and now or late in the Tenure or Occupation of *Charles Viner* and *William Smith*; Two Tenements, Hereditaments and

Ladymead.

Cornwall
Place.Opposite
Walcot
Church.London
Street.Walcot
Terrace

and Premises adjoining to *Evans's* Brewery, and now or late in the Tenure or Occupation of *William Evans*; a Plot of Ground or Paddock and Hereditaments adjoining to the late *Walcot* Brewery, and now or late in the Tenure or Occupation of *William Clark*, all which said several Messuages or Tenements, Hereditaments and Premises last-mentioned are situate and being on the South Side of the said *London Road*, and in the Parishes of *Saint Michael* and *Walcot* aforesaid, or One of them; a Plot or Piece of Garden Ground and Hereditaments on the South Side of the said *London Road* near *Lambridge*, and now or late in the several Tenures or Occupations of *James and William Eastmead*: a Footpath and Part of a Meadow on the West Side, and One other Meadow on the East Side of *Lambridge* aforesaid, and now or late in the Tenure or Occupation of *James Eades*; a Part of Two Fields or Meadows on the North Side of the said *London Road*, and One other Meadow on the South Side thereof, and now or late in the Tenure or Occupation of *John Smith*; a Plot or Piece of Meadow Ground on the North Side thereof, and now or late in the Tenure or Occupation of *Younge Sturge*; a Plot or Piece of Garden Ground, Yard and a Lamb Nursery on the North Side of the said Road, and now or late in the Tenure or Occupation of *Harriet Hillier*; a Plot or Piece of Meadow Ground on the South Side of the said Road, and now or late in the Tenure or Occupation of *Jacob Collins*; a Piece of Garden Ground on the South Side of the said Road, and now or late in the Tenure or Occupation of *Mordecai Bollings*, all which said Plots or Pieces of Ground, Hereditaments and Premises last above mentioned are situate in the Parishes of *Walcot* and *Swainswick* aforesaid, or One of them; a Range of Gardens and Hereditaments on the South Side of the said Road, and now or late in the Tenure or Occupation of *John Trotman*; a Cottage, Yard, Garden and Hereditaments on the South Side thereof, and now or late in the Tenure or Occupation of *Cyprus Mercer*; Two Tenements, a Yard, Waggon house and Hereditaments on the South Side thereof, and now or late in the several Tenures or Occupations of *Edward Ashton* and *Anthony Lewis*; a Piece of Meadow Ground and Shrubbery growing thereon on the North Side of the said Road called *Bailbrook*, and now or late in the Tenure or Occupation of the Right Honourable Lord *Seaforth*; One other Piece of Ground with a Shrubbery thereon on the North Side of the said Road, and now or late in the Tenure or Occupation of *Francis Rigby Broadbelt*; a Piece of Garden Ground on the South Side thereof, and now or late in the Tenure or Occupation of *Joseph Cannings*; a Court, Yard, Coach-house and Stables on the South Side thereof, and now or late in the Tenure or Occupation of *Madame Bourdoise*; a Messuage or Tenement, Court, Yard, Garden and Hereditaments on the South Side thereof, and now or late in the Tenure or Occupation of *Thomas Bicknell*; a Tenement, Court and Garden Ground on the South Side thereof, and now or late in the Tenure or Occupation of *Thomas Lewis*; a Tenement or Workshop and Garden Ground on the South Side thereof, and now or late in the Tenure or Occupation of *Samuel Wilmot*; a Tenement, Shop, and Garden Ground on the South Side thereof, and now or late in the Tenure or Occupation of *James Lewis*; a Piece of Garden Ground on the South Side thereof, and now or late in the Tenure or Occupation of *Joseph Fry*; another Piece of Garden Ground on the South Side thereof, and now or late in the Tenure or Occupation of *Charles Crook*; a Piece of Garden Ground and a Nursery on the North Side thereof, and now or late in the Tenure or Occupation of *James Stowers*; One other Piece of Garden Ground and

[*Loc & Per.*] 39 K a Nur-

a Nursery on the North Side thereof, and now or late in the Tenure or Occupation of *Charles Crook*; a Piece of Pasture or Meadow Ground on the North Side thereof, and now or late in the Tenure or Occupation of *George Single*; a Tenement and Piece of Garden Ground on the South Side of the said Road, and now or late in the Tenure or Occupation of *Joseph Cannings*; a Row of Messuages, Tenements and Hereditaments on the South Side of the said Road, and now or late in the several Tenures or Occupations of *William Drew*, *Henry Fisber*, *Mary Selman*, *William Lucas*, *Abraham Rutton*, *Elizabeth Ettell*, *Sarah Tiley*, *Daniel Hill*, and *Daniel Bristow*; a Messuage or Tenement, Garden, Yard, Workshop and Hereditaments on the South Side thereof, and now or late in the several Tenures or Occupations of *Markes Lee* and *William Reynolds*; a Range of Courts in the Front of Four Tenements on the North Side of the said Road, and now or late in the several Tenures or Occupations of *George Trotman*, *Joseph Pyett*, *Robert Banks*, and *Elizabeth Edwards*; Two Messuages or Tenements and a Court on the North Side thereof, and now or late in the Tenure or Occupation of *John Wigmore*; a Range of Courts and Messuages or Tenements on the South Side of the said Road, and now or late in the several Tenures or Occupations of *William Dyer*, *Elizabeth Tucker*, *Hannah Brown*, *Ann Butler*, *John Harford*, *Daniel Cattle*, and *John Jones*; a Row of Messuages or Tenements and Hereditaments on the South Side thereof, and now or late in the several Tenures or Occupations of *John Howel*, *John Saxty*, *Joseph Diddens*, *Richard Stone*, *James Brunsden*, *Mark Evill*, *John Portis*, *Jone Williams*, *Richard Miniffee*, *Mary Dennick*, *Jacob Shill*, *John Alford*, *John Banks*, *George Stone*, *Lydia Loveday*, *Benjamin Baker*, *James Weaver*, *Joseph Cook*, and *John Cook*; a Messuage or Tenement on the North Side of the said Road, and now or late in the Tenure or Occupation of *Robert Bryant*; a Piece of Garden Ground, Workshop and Hereditaments on the North Side thereof, and now or late in the several Tenures or Occupations of *John Davis*, *Mary Grant*, *Abigail Jones*, and *John Goodman*; a Timber Yard, Court and Hereditaments on the North Side thereof, and now or late in the Tenure or Occupation of *John Cottle* and *Abigail Cottle*; a Piece of Garden Ground and Hereditaments on the North Side thereof, and now or late in the several Tenures or Occupations of *Thomas Walters* and *Aust*; Part of a Yard and Garden adjoining a Dwelling-house on the South Side thereof, and now or late in the Tenure or Occupations of *Lady Colebrook*, together with a Part of the Meadow thereunto adjoining, and extending to a House called the *Half-way House*, also in the Occupation of *Lady Colebrook*; a Messuage or Tenement and Garden Ground on the North Side thereof, and now or late in the Tenure or Occupation of *Thomas Pinnick*; Four Messuages or Tenements and Gardens adjoining on the North Side thereof, and now or late in the several Tenures or Occupations of *John Fellowes*, *James Bullock*, *John Bolwell* and *James Tiley*; Three other Messuages or Tenements and Gardens on the North Side thereof, and now or late in the several Tenures or Occupations of *John Lewis*, *Thomas Bevan* and *George Gay*; a Piece of Meadow or Pasture Ground on the North Side thereof, and now or late in the Tenure or Occupation of *John Broad*, all which said Messuages or Tenements, Courts, Garden Ground, Lands, Hereditaments and Premises last above-mentioned, are situate, lying and being in the Parish of *Batheaston* aforesaid, in the said County of *Somerset*; a Messuage or Tenement with the Coach-house, Stable, Yard, Garden and Hereditaments thereunto belonging, on the South Side of the said Road called the *Half-way House*, and now or late in the Tenure or Occupation

pation of Major *Rawlinson*, and situate partly in the Parish of *Batheaston* aforesaid, and partly in the Parish of *Bathford*, in the said County of *Somerset*; a Messuage or Tenement, Court, Garden and Meadow Ground on the South Side thereof, and now or late in the Tenure or Occupation of Captain *Pownell*; Part of an Orchard, Garden, Barn and Dwelling-house, Meadow and Hereditaments on the North Side thereof, and now or late in the Tenure or Occupation of *William Kemp*; a Meadow called the *Mill Holms*, and a Coach-house and Stable on the North Side thereof, and now or late in the Tenure or Occupation of *Samuel Pritchard* and *George Yeeles*; a Row of Houses called *Poorhouses*, with a Stable and Shop on the South Side thereof, and now or late in the several Tenures or Occupation of *William Hawkins* and *Elizabeth Haskell*; One Orchard on the South Side thereof, and now or late in the Occupation of *James Goodchild*; Three Messuages or Tenements and Gardens on the South Side thereof, and now or late in the several Tenures or Occupations of *Davis Chapman*, *John Ruffel* and *Abraham Salter*; a Dwelling-house and Stables on the South Side thereof called the *Old Inn*, and now or late in the Tenure or Occupation of *Thomas Evil*; a Piece of Land on the North Side thereof called *May's Leaze*, and now or late in the Occupation of *Samuel Pritchard*; Four Messuages or Tenements and Garden Ground on the North Side thereof, and now or late in the several Tenures or Occupations of *John Shewring*, *John Neat*, *Robert Reeves* and *Edward Hiscox*; a Piece of Ground and Shrubbery on the North Side thereof, and now or late in the Tenure or Occupation of *George Yeeles*; Two Messuages or Tenements on the North Side thereof, and now or late in the several Tenures or Occupations of

Greenaway and *Henry Bolwell*; two Messuages or Tenements and a Garden on the North Side thereof, and now or late in the several Tenures or Occupations of *Jeremiah Withy* and *Hannah Hodge*; Two Messuages or Tenements and Garden on the North Side thereof, and now or late in the several Tenures or Occupations of *John Axford* and *Abraham Strange*, all which said Messuages or Tenements, Garden Ground, Lands, Hereditaments and Premises last above-mentioned are situate, lying and being in the Parish of *Bathford* aforesaid; a Row of Buildings on the North Side of the Lower *Bristol* Road near the Old *Bath* Bridge, containing Two Stables, and now or late in the several Tenures or Occupations of *William Fracknell* and *Isaac Pye*; Twelve Messuages or Tenements and Hereditaments on the North Side of the said Lower *Bristol* Road, and now or late in the several Tenures or Occupations of *Thomas Ridewood*, *Sarah Poulston*, *William Fracknell*, *Samuel Jefferies*, *Nehemiah Wilkins*, *James Freeman*, *George Smith*, *James Young*, *James Wise*, *William Wilmot*, *Edward Matthews* and *Thomas Ponting*; a Messuage or Tenement, Warehouses and Hereditaments on the North Side thereof, and now or late in the Tenure or Occupation of *George Stothert*; Three Messuages or Tenements and Hereditaments on the North Side thereof, and now or late in the several Tenures or Occupations of *John Raikes*, *Robert Hill* and *Elizabeth Marsh*; a Range of Warehouses and Hereditaments, and a Strip of Land near thereto, on the North Side thereof, and now or late in the several Tenures or Occupations of *Euclid Shaw* and

Parsons; a Messuage or Tenement and Hereditaments on the North Side thereof, and now or late in the Tenure or Occupation of *John Shepherd*; a Plot or Piece of Meadow or Pasture Ground adjoining to *Westmoreland Place*, and now or late in the Tenure or Occupation of *Samuel Vickery*, which said several Plots of Ground, Messuages or Tenements, Hereditaments and Premises last above-mentioned

Lower
Bristol Road,

Twerton.

tioned are situate in the Parish of *Lyncomb* and *Widcomb*, in the said County of *Somerset*; a Messuage or Tenement and Hereditaments called the *White Hart*, situate on the South Side of the said Road, and now or late in the Tenure or Occupation of *William Wilkins*; a Plot or Piece of Garden Ground and Hereditaments, with two Messuages or Tenements at the West End thereof, situate on the South Side of the said Road, and nearly opposite to a Place called the *Ferry*, and now or late in the Tenure or Occupation of *Thomas Hayward*; a Plot or Piece of Garden Ground and Hereditaments on the West Side of the Messuages last-mentioned, and now or late in the Occupation of *Isaac Watts*; a Plot or Piece of Pasture Ground and Hereditaments on the South Side of the said Road, and adjoining to a Lane on the West Side thereof, and now or late in the Tenure or Occupation of *Jacob Littlejohn*; a Plot or Piece of Garden Ground and Hereditaments on the North Side of the said Road, and now or late in the Occupation of *Francis Naish*; a Plot or Piece of Ground in front of Two Messuages or Tenements, on the North Side of the said Road, and now or late in the several Tenures or Occupations of *William Pearce* and *Samuel Challenger*; a Plot or Piece of Garden Ground and a Barn at the West End thereof, situate on the North Side of the said Road, and now or late in the Tenure or Occupation of *Thomas Fothergill* Doctor in Divinity; several Cottages, Gardens and Hereditaments on the North Side of the said Road, extending in a Line with a Garden Wall at the East End thereof, belonging to the said *Thomas Fothergill*, and now or late in the several Tenures or Occupations of *William Treasurer* the Elder and *William Treasurer* the Younger, *Samuel Weaver*, *Samuel Newman*, *Martha Vowles* and *William Brown*; a Plot or Piece of Garden Ground and Hereditaments, extending in a Line with a Brewery belonging to *Smith*, situate on the South Side of the said Road, and now or late in the Tenure or Occupation of *Charles Wilkins*; a Plot or Piece of Garden Ground and Hereditaments on the South Side of the said Road, and adjoining to the Westward Side of a Dwelling-house belonging to *Ebenezer Brown*, and now or late in the Tenure or Occupation of *Charles Wilkins*; a Plot or Piece of Ground, Orchard and Hereditaments, situate on the North Side of the said Road, and adjoining Eastward to a Piece of Meadow Ground called the *Close*, and now or late in the Tenure or Occupation of *Charles Wilkins*; a Plot or Piece of Meadow Ground called the *Close*, adjoining to the aforesaid Orchard, situate on the North Side of the said Road, and now or late in the Tenure or Occupation of *George Pocock*; a Plot or Piece of Pasture Ground and Hereditaments called the *Wood Ground*, and a Plot or Piece of Meadow Ground thereunto adjoining, situate on the South Side of the said Road, and now or late in the Tenure or Occupation of *John Dafter*, all which said several Plots of Ground, Messuages or Tenements, Hereditaments and Premises last above-mentioned, are situate in the Parishes of *Twerton* and *Newton Saint Loe*, in the said County of *Somerset*, or one of them; a Messuage or Tenement and Hereditaments lately called the *Greyhound*, situate on the North Side of the *Claverton Road*, and now or late in the Tenure or Occupation of *John Salter*; for the same Messuages or Tenements, Gardens, Orchards, Hereditaments and Premises, or for so much and such Part or Parts of the Ground whereon the said Houses, Messuages or Tenements now stand; and of the said other Premises, as shall be necessary for the Purposes aforesaid; and also for the Damages occasioned by taking down any such Buildings, and laying the Ground into the said Roads; and in case of any

Claverton
Road.

any Difference concerning the same between the said Owners, Proprietors or Occupiers of the Messuages, Cottages, Shops, Lands, Grounds, Tenements, Hereditaments and Premises hereinbefore particularly described, and the said Trustees, such Difference shall be adjudged, settled and determined by a Jury, in such Manner and under the same Rules and Orders as are herein prescribed; Provided, that nothing herein contained shall authorize the said Trustees to purchase, take, contract or agree for the said Messuage, Tenement or Hereditament in the Possession of the said *Frances Gunning* during her Life, unless with her Consent in Writing.

XLVIII. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence or Satisfaction to be agreed for, ascertained and assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies already raised by virtue of the said former Acts, or to be raised or borrowed by virtue and upon the Credit of this Act, to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, or upon depositing the same in the Bank of *England* in Manner by this Act directed (as the Case may be), it shall be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen or Agents, to widen and enlarge any such Road on any such Lands, Tenements and Hereditaments, and to do all and every such Act, Matter and Thing, with Relation to such Lands, Tenements or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and the said Trustees, or any Seven or more of them, shall cause such Part of the said Roads as shall be widened and enlarged, or any private Grounds, to be ditched or otherwise fenced from the adjoining Lands in such Manner as the said Trustees, or any Seven or more of them shall direct; and all Lands and Hereditaments which shall have been made a Part of any Road by virtue of the said former Acts, and that shall be made a Part or Parts of any Road by virtue of this Act, shall to all Intents and Purposes be deemed a Common Highway, and shall be repaired and kept in Repair in such Manner as the said Roads hereby appointed to be repaired are by this Act to be amended, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right, Title and Interest in and to such Lands, Tenements and Hereditaments: Provided always, that nothing in this Act shall extend to the taking down any Dwelling-house or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling-house, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to a House, or any Part thereof (except such as are hereinbefore particularly mentioned and described), without the Consent of the Owner or Proprietor thereof respectively.

Money how
to be charged
and tendered.

Not to extend
to the taking
down any
Dwelling-
house, &c.
except parti-
cularly men-
tioned herein.

XLIX. And whereas by reason of the Purchases which the said Trustees are empowered to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads, they may happen to be seized of some Piece or Pieces of Ground, over and above what shall be necessary for effecting the Purposes of this Act, and may also be seized of certain Toll-houses, with the Out-houses, Gardens and Appurtenances thereunto belonging, which may become useless and unnecessary for the Purposes of this Act: be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such

Trustees em-
powered to
sell Ground
not wanted
for the Pur-
poses of this
Act.

Persons whose
Lands adjoin
to have the
Preference.

Pieces or Parcels of Ground, either together or in Parcels as they shall find most convenient and advantageous, and also such Toll-houses and the Ground whereon the same may stand, with the Out-houses, Gardens and Appurtenances thereunto belonging, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground, Toll-houses and the Ground whereon the same may stand, and the Out-houses, Gardens and Appurtenances thereunto belonging as aforesaid, shall offer the same to the Person or Persons from whom they shall have been purchased or taken, or where the same shall arise by reason of diverting any Part or Parts of the said Roads, then to the Person or Persons whose Lands shall adjoin thereunto; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or to re-purchase the same respectively, or cannot be found, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County in which the same shall lie (who are hereby empowered to take the same), by some Person or Persons no way interested in the said Piece or Pieces of Ground, Toll houses, Out-houses, Gardens and Appurtenances, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she or they, and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner hereinbefore directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as is herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of Ground, Toll-houses, Out-houses, Gardens and Appurtenances as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Mis-application or Non-application of such Money; and the said Trustees are hereby empowered to give in Exchange any Part or Parts of the Lands constituting the former Roads for any Part or Parts of such new Road; and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of such Lands or Grounds, being executed by the said Trustees, or any Seven or more of them, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Misnomer or
wrong De-
scription of
Premises not
to prevent the
Execution of
this Act.

L. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Grounds, Hereditaments and Premises hereinbefore mentioned and described, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, and in case it shall appear to any Two or more of His Majesty's Justices of the Peace of the County, City or Place, in which such Messuages, Buildings,

Buildings, Grounds, Hereditaments and Premises shall be situate, that such Misnomer or inaccurate Description has arisen or proceeded from Mistake, then and in such Case such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold, or assessed and valued by a Jury, and conveyed, disposed of and applied to and for the Purposes of this Act, as fully and effectually as if the same were herein more properly named and described.

LI. And be it further enacted, That if any Money shall be agreed or adjudged to be paid for any Lands or Hereditaments, purchased, taken or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick or Person or Persons under any Disability or Incapacity as herein before mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court (to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Hereditaments) in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements and Hereditaments which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Messuages, Lands, Tenements and Hereditaments, which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking Effect; and in the Meantime and until such Purchase shall be made, the said Money, by Order of the said Court of Chancery upon Application thereto, shall be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compens-
ation Money
belonging to
incapacitated
Persons,
where ex-
ceeding 200l.

LII. Provided always, and be it further enacted, That if any Money so agreed or adjudged to be paid for any Lands or Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity

If under 200l.
and exceed-
ing 20l.

as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken or used, or his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy or Lunacy, to be signified in Writing under his or their respective Hands,) be paid into the Bank, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising therefrom may be applied in any Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

If vol. or
under.

LIII. Provided also, and be it further enacted, That where such Money so agreed or adjudged to be paid as before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy, Idiocy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
Refusal to ac-
cept, or of
not making
out Titles,
&c. the Mo-
ney to be paid
into the Bank.

LIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be assessed and adjudged for the Purchase of any Lands, Tenements or Hereditaments to be purchased, taken or used as aforesaid, shall for the Space of Thirty Days after Notice thereof, neglect or refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or be not known or discovered, or cannot be found, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so adjudged to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments, [*describing them*] subject to the Order, Controul and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the

Cashier

Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums into the Bank as aforesaid.

LV. Provided always and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid in to the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements or Hereditaments at the Time of such Purchase, and all Persons claiming under them respectively or under their Possession, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

In case of Dispute, the Persons in Possession of the Lands to be entitled to the Money.

LVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order Expences of Purchases to be paid by the Trustees.

LVII. And be it further enacted, That where any Bridge, Drain or Sewer, being in and upon any Part or Parts of the said Roads, by this Act directed to be repaired, hath been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any of the Lands, Tenements or Hereditaments, or by any County, Township or Place, every such Bridge, Drain or Sewer shall from Time to Time be maintained and kept in Repair by such Person or Persons, Body Politick or Corporate, County, Township or Place, and in such Manner as the same were or ought to have been respectively maintained and kept in Repair before the passing of this Act; and it shall be lawful for the Justices of the Peace for the respective County or Place and they are hereby required and empowered at their

County Bridges, &c. to be maintained as heretofore.

Petty or Special Sessions, upon Application to them made by the said Trustees or any Seven or more of them, or by their Clerk for the Time being, to adjudge and determine in what Manner the said Bridges, Drains and Sewers shall from Time to Time be respectively maintained and kept in Repair.

Trustees may contract for repairing the Roads.

LVIII. And be it further enacted, That the said Trustees, or any Nine or more of them, at a Meeting to be held for that Purpose, of which One Month's Notice at the least shall be given in one of the *Bath* and *Bristol* Newspapers respectively, may and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for the repairing, widening, enlarging and amending the several Roads by this Act directed to be widened, enlarged and repaired, or any Part or Parts thereof, or for doing any other Work to be done under this Act, in such Manner and for such Sum and Sums of Money as the said Trustees or any Nine or more of them shall think proper; provided, that in such Advertisement all Persons willing to contract shall be desired to give in to the Clerk to the said Trustees their Proposals in Writing, with the Names of their intended Sureties sealed up, and at such Meeting the said Offers and Proposals shall be opened, and ordered to be entered in a Book which shall be open to the Inspection of all the Persons who shall have given in such Proposals, and that another Meeting at a Distance of at least Fourteen Days shall be appointed for taking the said Proposals into Consideration; and provided that every such Contract for keeping the said Roads in Repair, shall be for a Term not exceeding Three Years, and that the Contractor who shall be preferred shall execute a Bond with sufficient Sureties for the Performance of every such Contract; Provided also, that all Proceedings of the said Trustees shall from Time to Time be entered by the Clerk of the said Trustees in a Book or Books to be kept for that Purpose, within Six Days after such Meeting, and a fair Entry thereof shall be produced at the next Meeting of the said Trustees, and approved and signed by them; and that at every Meeting of the said Trustees, the Treasurer shall produce a fair Entry of his Accounts in a Book to be kept for that Purpose, brought up to the End of the Week preceding such Meeting, shewing the net Balance on the said Books; and that all Contracts and Agreements in Writing, entered into pursuant to an Order for that Purpose, made at any Meeting by such Trustees, or any Nine or more of them, shall be binding to the said Trustees and their Successors, and to all other Parties who shall sign the same, his, her or their Executors and Administrators respectively, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Proceedings of Meetings to be entered in a Book within Six Days after such Meeting.

Persons liable to Statute Work to continue so.

LIX. Provided always, and be it further enacted, That all Persons, Bodies Politick and Corporate, who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Roads hereby directed to be widened and repaired, or any Part thereof, shall remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace, for the County or Place in which the said Roads shall be situate (as the Case may be), and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, yearly to adjudge and determine

termine what Part or Proportion of the Statute Work, shall every Year be done upon the said Roads, by the Inhabitants of the respective Parishes, Townships or Places in which the said Roads do lie, and also what Proportion of the Money received and to be received by the Surveyor or Surveyors of the Highways of every such Parish, Township or Place, in lieu of or as Composition or Contribution as or for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time, to summon the Surveyor or Surveyors of the Highways, or in case where there is or are no such Surveyor or Surveyors, the Churchwardens or Overseers of the Poor for every such Parish, Township or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after serving of such Summons), of the Names of the several Persons who within such Parish, Township or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition or Contribution as or for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draught or otherwise, and also the Amount of the respective Sums to be so paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days' Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times, (not being Hay-time or Harvest,) and in such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint; and the Surveyor or Surveyors, Churchwardens or Overseers of every such Parish, Township or Place for the Time being, within two Days next after Notice shall be given to him or them in Writing, by the said Trustees or any Seven or more of them, or their Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do their respective Statute Work so directed and appointed as aforesaid, in or upon any Part or Parts of the said Roads, shall summon or give Notice thereof to the said several Persons so chargeable as aforesaid; and the said Justices shall and may also order and direct the Surveyor or Surveyors of the Highways, Churchwardens or Overseers of every such Parish, Township or Place, to pay such Proportion of the Money by him or them received, and to be received of and from the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money, in lieu of or as a Composition and Contribution as and for Statute Work as aforesaid, as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Surveyors, Churchwardens or Overseers making Default in Payment thereof as aforesaid; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, or by any Surveyor
or

or Surveyors, Churchwardens or Overseers of the Parish, Township or Place, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her or them, be subject and liable to such Pains and Penalties and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, or by the Surveyor or Surveyors, Churchwardens or Overseers of any Parish, Township or Place, such Surveyor or Surveyors is and are hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person sending such Labourer, Team or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if such Labourer, Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways, or any such Churchwardens or Overseers of any of the said Parishes, Townships or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or neglect to give such Summonses and Notices as aforesaid, or shall refuse or neglect to pay over the Composition Money aforesaid, every such Surveyor or Surveyors, Churchwardens or Overseers so offending, shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Trustees may
compound
for Statute
Labour.

LX. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, or their Surveyor or Surveyors, (being duly authorized so to do by the said Trustees or any Seven or more of them) to compound and agree with the Inhabitants and Occupiers of Lands, Tenements and Hereditaments, of and in all or any of the Townships, Parishes or Places through which the said Roads lead (their Consent being first signified in Writing at a Vestry or other publick Meeting of such Inhabitants summoned to assemble for that Purpose), or with any of the said Inhabitants respectively, for a certain Sum of Money by the Year or otherwise, or as the said Trustees or any Seven or more of them shall think reasonable, in lieu of the Statute Work to be by them or any of them done on the said Roads; provided such Composition Money be paid by the Surveyor or Surveyors, or other Officers of the Parish, or respective Person so compounding, on or before the First Monday in April next, after such Composition shall have been agreed to.

Affaulting
Persons in
the Ex-
ecution
of this Act.

LXI. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder or disturb the Collectors of the Tolls or any or either of them, or the General or Working Surveyor or Surveyors, or any Person or Persons employed by them or either of them respectively, or by the said Trustees or any of them, in the Execution of any Part of this Act, every such Person for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds.

LXII. And

LXII. And be it further enacted, That the said Trustees or any Seven or more of them, shall and may, and they are hereby required to cause the same respective Roads to be measured and Stones or Posts to be placed on or by the Side of the same, not less than Six Feet high above the Centre of the said Roads, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as they shall think proper, and also Direction Posts with Inscriptions on both Sides for the Assistance of Travellers in proper Places where the Roads are intersected, or where any other Road comes into the said Turnpike Road, and to renew such Inscriptions as often as Occasion shall require; and also Boards on or near each End House in every Town, Village or Hamlet, denoting the Name of such Town, Village or Hamlet; and if any Person or Persons shall wilfully break, damage or pull up any of the Mile Stones or Posts or any of such Direction Posts already erected or hereafter to be erected upon or near any Part of the said Roads, or shall obliterate or deface any of the Letters, Figures or Marks thereon; or if any Person or Persons shall wilfully damage, break, destroy or pull down any Toll Board, Lamp, Window, or Light of and belonging to any Toll House, Bar or Gate on the said Roads; or if any Person shall haul or draw or cause to be hauled or drawn on any Part of the said Roads, any Tree or Piece of Timber, or any Stone or Piece of Metal, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, Stone or Metal which shall be carried upon Wheel Carriages, to drag upon any Part of the said Roads to the Prejudice or Injury thereof respectively; or if any Person shall ride, drive or lead any Mare, Gelding, Mule or Ass, Truck or Wheelbarrow, on any Footway adjoining to the said Roads, and shall be thereof or of either of such Offences convicted before any Justice of the Peace for the respective County or Place, by the Confession of the Party or by the Oath of One or more credible Witness or Witnesses (which Oath the said Justice is hereby empowered to administer,) every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, to be applied to the Purposes of this Act; and in case the Person or Persons so offending and convicted shall not be able or shall refuse to pay the same, then it shall be lawful for any Justice of the Peace as aforesaid, by Warrant under his Hand and Seal, to commit such Person or Persons to the Common Gaol of the County or Place where such Offence shall be committed for any Space of Time not exceeding Two Months, to be reckoned from the Day of Commitment, and such Person or Persons shall not be discharged until he, she or they shall have paid the said Penalty, or until the Expiration of the said Term of Imprisonment.

Mile Stones
and Direc-
tion Posts to
be erected.

Penalty on
damaging
Mile Stones,
&c.

Penalty on
Persons
damaging
Toll Boards,
Lamps, &c.

Dragging
Timber, &c.

Riding or
driving on
Footway.

LXIII. And be it further enacted, That if any Person or Persons having been duly summoned by any Justice or Justices of the Peace of the respective County or Place in which the said Roads shall be situate (as the Case may be) to attend and give Evidence on any Information and Complaint to be made and exhibited to any such Justice or Justices against any Person or Persons, for any Offence which shall be committed against this Act, shall neglect or refuse to attend at the Time and Place appointed in and by such Summons, on being paid or tendered a reasonable Sum of Money for such his, her or their Costs and Charges, Time and Trouble, or attending shall refuse to be examined touching such Complaint, and shall not assign a sufficient Reason to the Satisfaction of

For punish-
ing Witnesses
for Non-at-
tendance,
&c.

[*Loc. & Per.*]

39 N—O

such

such Justice or Justices for such Neglect or Refusal, such Person or Persons shall forfeit and pay any Sum not exceeding Forty Shillings.

Penalties and
Forfeitures
how to be
recovered
and applied.

LXIV. And be it further enacted, That all Penalties, Forfeitures and Fines hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Two Justices of the Peace for the County or Place where the Offence shall be committed, or any Two Justices of the Peace of the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by Oath of One or more Witnesses or Witnessess, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hands and Seals of such Justices (which Warrant such Justices are hereby empowered and required to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures and Fines and the Charges of such Distress and Sale, and all other Charges of convicting such Offender or Offenders are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures and Fines when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers of the said Trustees, and applied in the Repairs of the said Roads; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any Two Justices of the Peace as aforesaid and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months nor less than Fourteen Days, unless such Penalties, Forfeitures and Fines and all reasonable Charges shall be sooner paid and satisfied.

LXV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (*videlicet*)

Form of
Conviction.

‘ **B**E it remembered, That on the Day of in the
‘ Year of our Lord One thousand eight hundred and A. B. is
‘ convicted before me, C. D. One of his Majesty’s Justices of the County
‘ of [*specifying the Offence and Time and Place when and*
‘ *where the same was committed, as the Case shall be*]. Given under my
‘ Hand and Seal the Day and Year first above mentioned.’

Persons
aggrieved
may appeal
to General
Quarter
Sessions.

LXVI. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County, City or Place where the Subject of Appeal shall arise, within Three Calendar Months next after the Cause of such Complaint shall have arisen, such
Appellant

Appellant first giving or causing to be given Ten Days' Notice at least in Writing of his or her Intention to bring such Appeal and of the Matter thereof, to the Clerk or Treasurer to the said Trustees and within Three Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, City or Place, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices, at such Sessions, upon due Proof of such Notice being given as aforesaid and of entering into such Recognizance, shall hear and finally determine the Cause and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding and conclusive to all Intents and Purposes whatsoever.

LXVII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed for want of Form, or be removed or removeable by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; 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 unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress or other Proceedings relating hereto, 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 full Satisfaction for the special Damage (if any) in any Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid if Tender of sufficient Amends hath been made by or on Behalf of the Party distraining before such Action brought.

LXVIII. Provided always, and be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days' Notice thereof shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, and every Action or Suit shall be brought and tried in the County of *Somerset*, *Gloucester*, or *Wilts* respectively where the Matter in question shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit 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 in pursuance and by the Authority of this Act, and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days' Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall

Proceedings
not to be
quashed for
want of
Form, nor be
removeable
by *Certio-
rari*.

Limitation
of Actions.

be

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

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

Commencement and Duration of this Act. LXX. And be it further enacted, That this Act shall commence and take place upon the said Second *Monday* next after the passing of this Act, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1810.