



ANNO TERTIO

GEORGIIV. REGIS.

Cap. xcix.

An Act for amending and repairing the Roads from *Minehead* in the County of *Somerset*, to *Batham Bridge* in the Town of *Bampton* in the County of *Devon*; and for making a new Branch of Road to communicate therewith.

[24th June 1822.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act, for repairing, widening, turning, altering, and keeping in repair the Roads leading from the Port, Town, and Borough of Minehead, through Dunster and Timberscombe to Hele Bridge, and through the Town of Dulverton and by the River and Brushford Green to Exbridge in the County of Somerset, and from thence to Batham Bridge in the Town of Bampton in the County of Devon; and also the Road leading from the said Port, Town, and Borough of Minehead, through Carhampton and Bilbroke to Hartrow Gate in the Parish of Stogumber in the County of Somerset; and also the Road leading from Carhampton aforesaid through the Town of Watchet in the Parish of Saint Decumans in the County of Somerset, to or near the Village of Rydon and by Long Cross Barn to the End of the Bridgewater Turnpike-Road in the Town of Nether Stowey in the County of Somerset; and also from the said Town of Watchet to Tower Hill in the Village of Williton in the said Parish of Saint Decumans, and from the said Town of Watchet by way of Five Bells to Fair Cross, and from thence*

5 G. 3. c. 93.

[Local.]

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to

to Stickle Path over Brendon Hill to Robbery Lane and to Bampton in the said County of Devon: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty King George the

26G.3.c.136. Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act passed in the Fifth Year of His present Majesty's Reign, for repairing and widening several Roads leading from the Port, Town, and Borough of Minehead, and from Dunster and Watchet in the County of Somerset*: And whereas another Act was passed in the Forty-seventh Year of the Reign of His said late Majesty King George the Third, intituled

47G.3.c.27. *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Fifth and Twenty-sixth Years of His present Majesty, for repairing several Roads leading from the Town of Minehead, and from Dunster and Watchet in the County of Somerset; and for improving certain other Roads therein described in the said County*: And whereas the several Roads by the said Acts directed to be repaired were by the said last recited Act divided into several Districts, and the Road leading from the Quay in the Town of Minehead in the County of Somerset, through the Parishes of Minehead, Dunster, Timberscombe, Carhampton, Cutcombe, Exton, Brompton Regis, Dulverton, Brushford, and Morebath, to Batham Bridge in the Town of Bampton in the County of Devon, was declared to be one District of the said Roads to be called *The Minehead District*: And whereas the Trustees appointed in or by virtue of the said Acts have, in the Execution of the said Acts, borrowed a considerable Sum of Money on the Credit of the Tolls authorized to be collected on the said Minehead District of Road, which Money is still owing and cannot be repaid; nor can the said Minehead District of Road be properly improved, amended, and kept in repair unless the Term of the said Acts be enlarged and further Powers granted, and the Tolls increased as far as such Acts relate to such District of Road: And whereas Part of the present Course of the said Road from or near a Dwelling House in the Parish of Timberscombe, the Property of and in the Occupation of Robert Blackmore, or his Under-tenant, through Part of the Parish of Timberscombe towards Couple Cross and Lipe in the said Parish of Cutcombe, and over Brendon Hill through the said Parish of Exton, towards and by Bury Hill unto Hele Bridge in the said Parishes of Brompton Regis and Dulverton, or one of them, is hilly and circuitous, and it would be an Accommodation to the Public, and such Hills might be avoided and the Distance shortened if a new Branch of Road communicating with the other Part of the said Minehead District of Road were made and kept in repair from or near the said Dwelling House the Property of and in the Occupation of the said Robert Blackmore, or his Under-tenant, and extending through Part of the Parish of Timberscombe, and also through the Parishes of Cutcombe, Exton, and Brompton Regis, unto or near the Foot of Grant's Hill in the Parish of Morebath in the County of Devon: And whereas it is desirable that the said Acts so far as the same relate to the Minehead District of Road should be repealed, and that the Powers heretofore granted by the said recited Acts for maintaining the said District of Road, and such further Powers as may be necessary for making, varying, improving and keeping in repair such Road and such new Branch of Road as before mentioned should be granted and comprized in one Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice

and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the Authority of the same, That from and after the Second *Wednesday* next after the passing of this Act the said recited Acts passed in the Fifth, Twenty-sixth, and Forty-seventh Years of the Reign of His late Majesty King *George* the Third, so far as the same relate to the Roads described in the said Act passed in the Forty-seventh Year of the Reign of His said late Majesty, and called the *Minehead* District, shall be and the same are hereby declared to be repealed, and instead thereof this Act shall be put in Execution for and during the Term herein-after mentioned for more effectually repairing, widening, altering, improving, and keeping in repair the several Roads herein-after particularly described; and this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts, or any of them, on the Roads in the said Acts described and called the *Minehead* District of Road, and of all Interest due and to grow due on such Monies by virtue of any Mortgages or Demises made by the Trustees for executing the said Acts, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Certain Parts
of recited
Acts re-
pealed.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Somerset* and *Devon* respectively, and *Thomas Abraham*, *Thomas Abraham* the younger, *Sir Thomas Dyke Acland* Baronet, *Sir John Palmer Acland*, *Thomas Palmer Acland*, *Peregrine Palmer Palmer Acland*, *Charles Acland*, *Hugh Acland*, *Robert Adams*, *Samuel Adams*, *Charles Adams*, *Langley Saint Albyn*, *Charles Alford* Clerk, *William Atkins*, *Daniel Badcock*, *John Badcock*, *Henry Badcock*, *John Bartholomew*, *Francis Bastone*, *Robert Beadon*, *George Beadon*, *George Beadon* the younger, *Richard Beague* Clerk, *John Bere*, *Richard Bere* Clerk, *Richard Bere* the younger, Clerk, *Montague Baker Bere*, *William Bere*, *George Bickham*, *William Blake*, *William Body*, *John Boyse* Clerk, *Warre Squire Bradley* Clerk, *John Brice* Clerk, *John Bryant*, *James Bryant*, *James Bucknell*, *Robert Beadon Buller*, *William Buller*, *John Burcher*, *Thomas Burcher*, *John Burge*, *John Burnall*, *James Bernard* Clerk, *William Bernard* Clerk, *Thomas Mallett Charter*, *John Chester*, *John Chichester*, *William Chorley*, *William Chorley* the younger, *Abraham Clarke*, *James Coles*, *James Coles* of *Charlinch*, *Nathaniel Coles*, *William Coles*, *William Combe*, *Richard Copp*, *James Copp*, *John Cornish*, *William Crang*, *James Crang*, *William Criddle*, *Thomas Cridland*, *John Cross*, *William Darch* Clerk, *Richard Darch* Clerk, *Richard Date*, *Jonathan Date*, *Sir John Davie* Baronet, *Bartholomew Davy*, *John Deake*, *Richard Denham*, *William Dibble*, *Robert Dore*, *Peter Dore*, *Joseph Dore*, *James Edbrooke* the younger, *Nathaniel Edbrooke*, *William Edbrooke*, *Robert Edbrooke*, *Giles Edmonds*, *Giles Edmonds* the younger, *Francis Escott*, *Benjamin Escott*, *Hugh Escott*, *Thomas Sweet Escott* Clerk, *Edward Jefferies Esdaile*, *Thomas Evans*, *James Evatt*, *John Evered*, *Evered* the younger, *John Nicholas Fazakerley*, *John Feltham*, *John Feltham* the younger, *Samuel Feltham*, the Honourable *Matthew Fortescue*, *Matthew Fortescue* the younger, *William Fortescue*, *Henry Fortescue*, *George Sydenham Fursdon*, *Josias Gard*, *Robert Gardiner*, *Joseph Gatchill*, *John Gatchill*, *John Gatchill* the younger, *William Gaye*, *William George*,
Robert

Trustees.

Robert Gibbs, John Gibbs, John Gibson, William Gimblett, George Gooding, John Gooding, Thomas Gooding, Thomas Gordon, Clement Govett, John Govett, William Govier, Thomas Wentworth Gould, Robert Freke Gould Clerk, Richard Greenslade, Francis Greenslade, Francis Greenslade of Blackford, Thomas Greenslade, John Greenslade, Robert Griffith, Joseph Guerin Clerk, William Hagley, Sir Philip Hales Baronet, John Halliday, Robert Harris, Sir Robert Bateson Harvey Baronet, John Harvey, Robert Harvey, Robert Harvey Son of Sir Robert Bateson Harvey, George Hayman, John Hinam, Charles Holcombe, Robert Hole, Robert Hole the younger of Harewood, William Hole, Michael Hole, James Hole, Thomas Hole, Robert Hole the younger, Robert Hole of Timberscombe, Sir Alexander Hood Baronet, William Hook, John Hook, William James, George James, Edward Jefferies, John Jefferies Clerk, Thomas Jenkins, Francis Jenkins, William Jenkins, George Jenkins, James Inman, James Knight, Henry Knight, John Knight, William Langdon, John Langdon, Robert Leigh, Thomas Blackwell Leigh, William Leigh, Henry James Leigh, Thomas Leigh, William Leigh of Stream, William Leigh of Doniford, William Leigh of Poole Farm, Robert Leigh of Carhampton, Robert Leigh of Stream, Robert Leigh of Bardon, Sir Thomas Buckler Lethbridge Baronet, John Buckler Lethbridge, Stucley Tristram Lucas, Francis Fownes Luttrell, Francis Fownes Luttrell the younger, John Fownes Luttrell, Henry Fownes Luttrell, Thomas Fownes Luttrell Clerk, Alexander Fownes Luttrell Clerk, Thomas Cridland Luxton, John Lyddon, Thomas Lyddon, Robert Lyddon, William Lyddon, Murdock Mackenzie, John Matthews Clerk, James Melhuish, Thomas Merchant, Nathaniel Merchant, Francis Merrick, William Merson, Abraham Moore, William Moore, Robert Moore, Richard Morle, Robert Morle, Roger Morle, William Morle, James Newcombe, John Newcombe, John Newton, Robert Newton of Rodhuish, Charles Newton, William Newton Clerk, George Nibbs Clerk, George Notley, George Notley the younger, Richard Oatway, Thomas Oatway, Thomas Oatway the younger, William Oatway, Nicholas Paramore, William Paramore, John Parker, Thomas Pearse, William Pearse, Francis Pearse, Francis Pearse the younger, John Pearse, James Pearse, John Peppin, Henry Phelps, Robert Phelps, John Pitman Clerk, James Poole, Samuel Poole, Thomas Poole, Thomas Poole the younger, Henry Poole Clerk, Clement Poole, Francis Poole, Thomas Evered Poole, Francis Popham, the Honourable Herbert commonly called Lord Porchester, William Potter, John Potter, Thomas Pulman, John Pulman, James Pursey, John Question, Joseph Rawle, Thomas Rawle, John Rawle, James Rawlings, George Risdon, John Risdon, Edward Risdon, George Royall, Edward Sanger, Charles Lionel Scott Clerk, Richard Searle, John Slocombe, Abraham Smith, John Southcombe Clerk, John Bishop Southwood, Thomas Southwood, Thomas Starkey, Anthony Starkey, Joshua Stephenson Clerk, William Stoate, James Stoate, William Stone, William Sully, John Sydenham Clerk, Thomas Tanner Clerk, John Tapscott, Richard Taylor, William Taylor, Lewis Taylor, Philip Taylor, James Taylor, James Thresher, Thomas Thorn, Henry Thorne, Andrew Torrington, William Tovey, Sir John Trevelyan Baronet, Walter Trevelyan, the Reverend Archdeacon Trevelyan, George Trevelyan Clerk, Henry Tripp, Robert Tripp Clerk, John Upton Tripp, Thomas Tudball, John Tudbould, Thomas Ward, William Warren, Henry George Warrington, Thomas Warrington Warrington, John Webber, Thomas Welch, George Welch, John Wells, Robert Wentmore, Richard Wheddon, James White of Skilgate, James White of

of *Cutcombe, Robert Whitefield, James Whitefield, Thomas Young Williams, George Williams, Charles Williams, John Winter, Robert Winter, Thomas Winter, Charles Winter, William Withycombe, John Worth, James Wright, William Yeandle*, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, repairing, widening, altering, improving, and keeping in Repair the several Roads herein-after described; (that is to say), the present Turnpike Road leading from the Quay in the Town of *Minehead* afore-said, through the Parishes of *Minehead, Dunster, Timberscombe, Carhampton, Cutcombe, Exton, Brompton Regis, Dulverton, Brushford, and Morebath*, to *Batham Bridge* in the Town of *Bampton*, in the County of *Devon*; and also for making and keeping in Repair a new Branch of Road from the present Turnpike Road at or near a Dwelling House in the Parish of *Timberscombe*, the said Property of and in the Occupation of the said *Robert Blackmore* or his Under-tenant, through Part of the Parish of *Timberscombe*, and also through the Parishes of *Cutcombe, Exton, and Brompton Regis*, unto or near the Foot of *Grant's Hill*, in the Parish of *Morebath* in the County of *Devon*, and for otherwise putting this Act into Execution.

III. And be it further enacted, That it shall be lawful for the said Trustees at their First Meeting, or at any annual Meeting to be held in pursuance of this Act, to elect any Number of fit and proper Persons not exceeding Five to be Trustees for the Purposes of this Act in addition to the Trustees hereby nominated and appointed.

Power to appoint additional Trustees.

IV. And be it further enacted, That when any of the Trustees hereby appointed or to be appointed in manner herein mentioned shall die, or by Bankruptcy, Insolvency, or otherwise shall become disqualified, or by Writing under their or his Hands or Hand refuse to act in the Execution of this Act, it shall be lawful for the remaining or surviving Trustees, or any Three or more of them, from Time to Time to elect and appoint One or more other fit Person or Persons to be a Trustee or Trustees in the Room of all and every Trustee or Trustees dying, becoming disqualified, or refusing to act as aforesaid; provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election be given by any Two or more of the said Trustees, or the Clerk to be appointed or continued by the said Trustees as herein-after is mentioned, by affixing such Notice in Writing upon all the Toll Gates then erected and being upon the said Roads, Ten Days at least before every such Meeting; and all and every Person and Persons who shall be elected and appointed a Trustee or Trustees pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees in the Execution of this Act to all Intents and Purposes as if he or they had been named or appointed a Trustee or Trustees in and by this Act.

Power to elect other Trustees on Deaths, &c.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seised of Freehold or Copyhold Lands,

Qualification of Trustees.

[Local.]

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Tenements,

Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate alone, or of a Real and Personal Estate together, of the Amount or Value of Four thousand Pounds; and if any Person not being so qualified as aforesaid, or becoming disqualified by Bankruptcy, Insolvency, or otherwise, or not having taken and subscribed the Oath as herein-after mentioned, or being a Quaker, not having made and subscribed the Affirmation as herein-after mentioned, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified or not disqualified as aforesaid, and hath taken and subscribed the Oath or Affirmation by this Act required, or otherwise shall pay the said Penalty upon Proof being given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that all the Acts and Proceedings of any such Person as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of Trustees not qualified valid before Conviction.

Trustees to take an Oath.

VI. Provided also, and be it further enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such, except in administering the Oath or Affirmation next herein-after mentioned at the First or Second Meeting of the said Trustees, shall take an Oath or Affirmation before One or more of the said Trustees, who is and are hereby empowered to administer the same, in the Form or to the Effect following; that is to say,

Oath.

‘ I do swear [*or, being One of the People called Quakers*, do solemnly affirm], That I am in my own Right, or in the Right of my Wife, truly and *bonâ fide* seised or possessed of, and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes; [*and in case of an Heir Apparent*] I do swear [*or, being a Quaker*, do solemnly affirm], that I am Heir Apparent of who, to the best of my Knowledge and Belief, is truly and *bonâ fide* seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes; [*and in case of Personal Estate*] I do swear [*or, being a Quaker*, do solemnly affirm], that I am truly and *bonâ fide* possessed of a clear Personal Estate alone, or of a Real and Personal Estate together, of the Amount or Value of Four thousand Pounds; and that I will truly and faithfully execute the Powers and Trusts reposed in me by an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*].

So help me GOD.

‘ [*Or being a Quaker, omit the Words, ‘ So help me God.’*]’

VII. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit, or shall be interested or concerned in any Contract, or shall be a Lessee or Farmer of the Tolls under this Act; but all such Trustees as are Justices of the Peace may act as Justices of the Peace within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they shall be personally interested; nor shall any Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, be on that account deemed disqualified to act as a Trustee in the Execution of this Act.

Trustees not to act where interested.

Trustees being Justices may act as such.

Mortgagees, &c. may act as Trustees.

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

Victuallers not to be Officers or act as Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the House known by the Name or Sign of the *Luttrell Arms Inn* in the Town of *Dunster* in the said County of *Somerset*, or at some other House in *Dunster* aforesaid, on the Second *Friday* after the Commencement of this Act, or as soon after as conveniently may be, between the Hours of Nine of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then proceed to carry this Act into Execution; and the said Trustees shall then and from Time to Time afterwards adjourn themselves and meet at the same Place or at such other Place, either in the Town of *Dunster* aforesaid or in some one of the said Parishes from, through, or into which the said Roads are made or pass, and at such Times as the said Trustees shall from Time to Time order and direct, provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk to the said Trustees shall, from Time to Time as often as such Case shall happen, by Notice in Writing to be affixed on all the Toll Gates then erected in, upon, across, or on the Sides of the said Roads, at least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held, at such Time as he shall think fit, not being more than Fourteen Days from the Day on which such last Meeting was appointed: Provided always, that no Business shall be done or proceeded upon

Meetings of Trustees.

upon by the said Trustees at any Meeting, except the First Meeting to be held under this Act, before the Hour of Eleven of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Two of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be holden.

Annual Meetings and Meetings on Emergencies.

How Orders of the Trustees are to be made and revoked.

Trustees to pay their own Expenses.

Orders, &c. to be entered.

X. And be it further enacted, That a Meeting of the Trustees for executing this Act shall be held annually on the Second *Friday* in the Month of *September*, at the *Luttrell Arms Inn* in *Dunster* aforesaid, or such other Place as the Trustees may from Time to Time appoint, for carrying this Act into Execution; and if after any Adjournment of any Meeting of the said Trustees it shall at any Time be thought necessary that an earlier Day should be appointed than the Day appointed by such Adjournment, or if for want of proper Adjournment or otherwise it shall be necessary to call a Meeting of the said Trustees, it shall and may be lawful for any Two or more of the said Trustees, or for the Clerk of the said Trustees, upon an Order in Writing signed by Two or more of the said Trustees (although not assembled at any Meeting), to appoint the Time, Place, and Purpose of such Meeting, and to give Notice thereof in the Manner before directed, such Meeting not being less than Seven Days after such Notice, and every such Meeting shall and may be held accordingly; and the said Trustees, or the Majority of them, at all Meetings to be held in pursuance of this Act, the Number present not being less than Three, are hereby empowered (except only in Cases where any greater or less Number of them are herein particularly required or authorized to act), to make all necessary Orders, Determinations, and Agreements in the Execution of this Act, and no such Order, Agreement, or Determination shall be made unless the Majority of the Trustees present at such Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order, Agreement, or Determination; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Ten Days, by affixing the same in Writing upon all the Toll Gates then erected on the said Roads, nor unless a greater Number of the Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of any such Order, Agreement, or Determination of the said Trustees; and the said Trustees at all their Meetings shall pay their own Expences, but not for the Use of the Room or Rooms where their Meetings shall be held for the Purposes of this Act; and at every Meeting of the said Trustees a Chairman shall and may be appointed, and when and as often as there shall happen to be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

XI. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings shall be signed by the Trustees making the same, or by their Chairman; which Book or Books, and also the Book and Books herein-after directed to be kept for registering Mortgages and Assignments or Transfers thereof, and the Book or Books which may have been kept by the Trustees acting in the Execution of the said recited Acts,

or

or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, shall be admitted as Evidence in all Courts whatsoever touching any thing done in pursuance of this Act.

XII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads; and of the several Articles, Matters, and Things for which any Sum of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Accounts to be kept of Receipts and Disbursements.

XIII. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint any Collectors, Clerk, Treasurers, Surveyors, and other Officers, and may from Time to Time remove any such Officer or Officers, and on Removal, Death, or Resignation of any such Collectors, Clerk, Treasurers, Surveyors, or other Officers, may appoint others in their Stead, and may and they are hereby authorized and empowered, out of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerk, Treasurers, Surveyors, and other Officers, or to such other Person or Persons as shall be assisting them or any of them in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services as the said Trustees shall deem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing under their respective Hands of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Account in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees; all the Books, Accounts, Papers, and Writings in their respective Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Two

Appointing Officers.

How Officers shall account.

or more Justices of the Peace for the County, City, Town, or Place wherein such Officer or Officers, or Person or Persons so refusing or neglecting shall be or reside, upon Complaint being made to them by any One or more of the said Trustees, by Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers or Person or Persons to be brought before them; 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; and if upon Confession of the Officer or Officers, or 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 Justices within their respective Jurisdictions are hereby empowered and required to administer without Fee or Reward, or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers or Person or Persons, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers or 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 or Person or Persons shall not appear before such Justices unless for some sufficient Excuse at the Time and Place by them appointed for that Purpose, or if appearing, shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his 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 such Justices may and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to commit such Officer or Officers or Person or Persons to the Common Gaol or House of Correction of the County, City, Town, or Place where such Offender or Offenders shall be or reside, there to remain without Bail or Mainprize until he, she, or they shall have given and made a true and perfect Account and Payment as aforesaid, or until he, she, or they shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint; which Composition the said Trustees are hereby empowered to make, or until he, she, or they shall have delivered up such Books, Papers, and Writings as aforesaid, or made a Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for Want of sufficient Distress, shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Old Officers
to continue
until new
ones elected.

XIV. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer (other than the Treasurer), appointed and now acting under and by virtue of the former Acts, or any of them, for or in respect of the said *Minehead* District of Road, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing

this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

XV. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices; and no such Treasurer, Receiver, Collector, or other Officers shall be permitted to enter upon or continue in their respective Offices respectively unless they shall have given such Security.

Treasurer,
&c. to give
Security.

XVI. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Five or more of the Trustees, though not assembled at a Meeting appointed by virtue of this Act, by Writing under their respective Hands, shall and 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.

Trustees may
appoint tem-
porary Col-
lectors in cer-
tain Cases.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been, or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending 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 at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed.

Offices of
Clerk and
Treasurer not
to be held by
one Person.

XVIII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Roads called the *Minehead* District, by virtue of the said Acts, or who have or shall have in their Custody or Possession, any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for, pay, and deliver over the same, and every Part thereof, to the Trustees in and by this Act named and appointed,

Books, &c.
relative to
former Acts
to be deli-
vered to the
Trustees.

appointed, in like Manner and under the like Penalties as the several Collectors or other Persons receiving any Money by virtue of this Act, are herein-before required to pay or account for the same.

Arrears and Property belonging to former Trustees vested in the Trustees named in this Act.

XIX. And be it further enacted, That all Arrears of Tolls or Rents or other Monies due to and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the said Trustees under or by virtue of the said recited Acts or any of them, for or in respect of the said *Minehead* District of Road, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act, who shall be and they are hereby enabled to receive and take Possession of the same, and to recover the same, or any Part or Parts thereof, which shall or may be withheld from them, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had vested in them under and by virtue of this Act; or such Arrears of Tolls or Rents, or other Monies so due to the Trustees under the said recited Acts, or any of them as aforesaid, by virtue of any Deed or Specialty, shall or may be sued for and recovered in the Name of the Trustee or Trustees, or other Person or Persons to or with whom such Deed or Specialty shall have been so made or entered into, or the Survivors or Survivor of them, at the Option or Election of the said Trustees named or to be appointed by virtue of this Act; and that all the Costs to be incurred by the said Trustees, or Persons in whose Names such Proceeding shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act; and the Monies when recovered, shall be paid over to the Treasurer of the said Trustees, to be applied for the Purposes of this Act.

Actions to be brought in the Name of the Treasurer, Clerk, or One of the Trustees, who are not to be personally liable to Costs.

XX. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name or Names of any one of the said Trustees, for or on Behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name, or against whom the said Action shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees at a Meeting to be holden in pursuance of this Act: Provided always, that every such Treasurer, Clerk, or Trustee, shall always be reimbursed and paid forthwith out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Action he shall be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Power to erect Toll Gates.

XXI. And for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized to continue all or any of the Toll Gates and Toll Houses which have been erected in, upon, or across any Part of the said Roads called the *Minehead* District, by virtue of the said recited Acts, and shall and may erect or cause to be erected such and so many other Toll Gates and Toll Houses in, upon, or across any Part of the said Roads by this Act directed to be made, widened, improved, or kept in repair; and also such and so many Toll Gates and Toll Houses on the Sides of the said Roads, and in, upon, or across any Street,

Street, Lane, or Bye-way that does or shall lead into or out of the same, as they the said Trustees shall think proper and expedient, subject nevertheless to such Restrictions and Directions as are herein-after mentioned concerning the same; and also shall or may erect or provide a Toll House with suitable Buildings and Gardens, and other Conveniences not exceeding One-eighth of an Acre of Land, at or near each of the said Toll Gates.

XXII. And it is hereby enacted and declared, That the Right and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Milestones, Posts, Rails, and Fences already erected on the said Roads called the *Minehead* District by virtue of the said Acts, and which shall be erected and provided in pursuance of this Act, with the several Grounds, Conveniences, and Appurtenances thereto respectively belonging, and the Materials of which the same shall consist, and all Materials, Tools, and Implements which have been or shall be provided for making and repairing the said Roads by this Act directed to be made, widened, improved, or kept in Repair, shall be vested in the said Trustees for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute or order and direct the preferring and prosecuting of any Informations or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Milestones, Direction Boards, Posts, Rails, and Fences, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials, Tools, or Implements aforesaid, in which Action or Actions, Bill or Bills of Indictment it shall be sufficient to state generally such Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Milestones, Direction Boards, Posts, Rails, and Fences, Tools, or Implements to be the Property of the Clerk for the Time being to the said Trustees.

Toll Houses,
&c. vested in
Trustees.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, from Time to Time when and as often as they shall think proper, to cause any of the Toll Gates or Toll Bars already erected or which shall be continued or erected in, upon, across, or on the Side or Sides of any Part of the said Roads by virtue of this Act, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Roads, as the said Trustees or any Five or more of them shall from Time to Time order and direct, subject to the Restrictions aforesaid; provided that none of the said Toll Gates or Toll Bars shall be removed as aforesaid, unless Notice in Writing of the Intention to remove the same shall have been affixed Twenty-one Days at least upon all the Toll Gates then standing upon the said Roads.

Power to re-
move Toll
Gates.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected upon the said Roads called the *Minehead* District by virtue of the said Acts, or hereafter to be erected by virtue of this Act, and the

Power to sell
the present
Toll Houses.

[Local.]

37 E

Ground

Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same, and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees or their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Non-application thereof: Provided always, that such Preference of purchasing shall be given to the Person or Persons whose Land may adjoin any such Toll House, as is herein directed to be given where any Piece or Pieces of Land or old Road not wanted for the Purposes of this Act is authorized to be sold and disposed of.

Power to
take Tolls.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors, to demand and take the several Tolls following, subject to the Restrictions herein-after contained, at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bars or Side Gates erected upon the said Roads called the *Minehead* District, by virtue of the said Acts hereby repealed, and which by virtue of this Act shall be continued, or which shall be erected in, upon, or across, or on the Side or Sides of the said Roads by this Act directed to be made, widened, improved, and kept in repair, Once on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; that is to say,

Tolls.

For every Horse, Mule, or Ass drawing any Coach, Chariot, Landau, Berlin, Vis-a-Vis, Barouche, Phaeton, Curricule, Calash,¹ Chaise, Chair, Gig, Whiskey, Taxed Cart, Caravan, Hearse, Litter, or other such Carriage, the Sum of Eight-pence:

For one Horse, Mule, or Ass only, drawing any Waggon, Wain, Cart, or other such Carriage with whatever Dimensions of Wheels, the Sum of Sixpence:

For every Horse, Mule, or Ass, if more than one, drawing any Waggon, Wain, Cart, or other such Carriage having Wheels of the Breadth of Six Inches in the Fellies or Sole thereof, the Sum of Sixpence:

For every Horse, Mule, or Ass drawing any Waggon, Wain, Cart, or other such Carriage having Wheels of less Breadth than Six Inches, the Sum of Eight-pence:

For every Horse, Mule, or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage going for and returning with Lime only, having Wheels of the Breadth of Six Inches in the Fellies or Sole thereof, the Sum of Three-pence:

For every Horse, Mule, or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage going for and returning laden

with Lime only, having Wheels of less Breadth than Six Inches, the Sum of Four-pence Halfpenny :

For one Yoke of Oxen only, drawing any Waggon, Wain, Cart, or other such Carriage with whatever Dimensions of Wheels, the Sum of Eight-pence :

For every Yoke of Oxen (if more than one) drawing any Waggon, Wain, Cart, or other such Carriage with Wheels of less Breadth than Six Inches, the Sum of One Shilling :

For every Yoke of Oxen (if more than one) drawing any Waggon, Wain, Cart, or other such Carriage with Wheels of the Breadth of Six Inches, the Sum of Eight-pence :

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

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number : And,

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

Whichsaid respective Tolls hereby granted and made payable, or any of them, shall not be increased in respect of Narrow Wheels by the Provisions of any general Statute or Act of Parliament now in force ; and the said respective Tolls shall, subject to the Restrictions in this Act contained, be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Hogs, Sheep, or Lambs, be permitted to pass through any Toll Gate erected or continued upon the said Roads by virtue of this Act, or in, upon, or across any Lane, Street, or Way leading into the same ; and upon Payment of any of the Tolls the Collector or Receiver shall and he is hereby required to deliver to the Person paying such Tolls a Note or Ticket denoting such Payment, on which Note or Ticket shall be named and specified the several Toll Gates freed by such Payment.

Tolls to be paid before Cattle pass the Gates.

XXVI. And be it further enacted, That there shall be demanded and taken at each and every Toll Gate erected or to be erected or continued by virtue of this Act an additional Toll equal to the Toll then otherwise payable for every Horse or other Beast of Draught drawing any Carriage employed in carrying or conveying any Timber Tree or Trees which shall exceed in Weight One Ton and an Half, provided such Carriage shall not have the Sole or Bottom of the respective Wheels thereof of the Breadth of Seven Inches, and which shall be deemed and considered of such respective Breadths only as such Wheels shall roll a flat or level Surface, or a Surface so flat or level as not to deviate more than Half an Inch from a flat or level Surface.

No Timber Carriage shall carry more than One Ton and a Half, unless with Seven-Inch Wheels, and determining how Breadth of Wheels not rolling a flat Surface shall be ascertained.

XXVII. And be it further enacted, That from the First Day of *November* in any one Year, to the last Day of *February* in the succeeding Year, there shall be demanded and taken at each and every Toll Gate erected or to be erected or continued by virtue of this Act, an additional Toll equal to the Toll then otherwise payable for every Horse or other Beast of Draught drawing any Carriage employed in carrying or conveying any Timber Tree or Timber Trees. (except Carriages with One Horse or

Carriages employed in carrying Timber between certain Periods subjected to an additional Toll.

other

other Beast of Draught, which shall not be liable to the Payment of such additional Toll or any Part thereof).

Limiting the
Number of
Tolls.

XXVIII. Provided also, and be it further enacted, That no more than Four full Tolls on the whole Line of Roads to be kept in Repair by virtue of this Act, shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beast or Cattle, or Carriage or Carriages as aforesaid, in any one Day, for passing and repassing through all or any of the said Toll Gates or Toll Bars erected or continued, or to be erected on the said Roads, such Days to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Tolls vested
in Trustees,
and Manner
of Recovery
in case of
Non-pay-
ment.

XXIX. And be it further enacted, That all the said respective Tolls, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned, in such Manner as is herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls, shall after Demand thereof made by the Person or Persons so authorized to receive the same, neglect or refuse the Payment thereof or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize and distrain any Horse or other Cattle, together with their Bridles, Saddles, Harness, or Accoutrements, or any Carriage, together with its Lading, upon which any Toll is by this Act imposed (but no such Bridles, Saddles, Harness, or Accoutrements, shall be so seized, without detaining and seizing the Horse or other Beast bearing the same), or any of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls and the reasonable Charges of such Distress and keeping the same, shall not be paid within the Space of Five Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, Goods, and Chattels so distrained, and out of the Money which shall arise by such Sale pay such Tolls and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold, if any, on Demand, to the Owner or Owners thereof.

Exemptions
from Tolls.

XXX. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages conveying or attending His Majesty or any of the Royal Family, or returning after having been so employed; or for any Horse or Cattle drawing any Carriage passing through any of the Toll Gates or Toll Bars erected or continued, or to be erected by virtue of this Act, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials, to be used on or about the said Roads; or for repairing any of the Highways or Bridges in the Parishes, Districts, or Places which are liable to perform Statute Duty upon any Part of the said Roads, or on returning empty having been so employed; or carrying or conveying Hay, Straw, or Corn in the Straw only, not sold or disposed of, or not going to be sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, or any Ploughs, Harrows, or other Implements of Husbandry, Gates, or Hurdles, or to be taken to any Place for the Purpose of the same being repaired,

or

or to be brought back from such Place after the same shall have been repaired; or any Dung, Mould, Ashes, Soot, Horn, Bones, Soil, or Compost, of any Kind whatsoever, to be used in the Cultivation or manuring of Lands (except Lime); nor for any Wood, Coppice Wood, Straw, Heath, Furze, Turf, or Fern, for the Purposes of Fuel only, unsold and not for Sale, or for Potatoes not sold or disposed of, or not going to be sold or disposed of; or for the Horses of any Clergyman going to or returning from visiting any of his sick Parishioners, or going to or returning from Church or Divine Service, or any other his parochial or ministerial Duty; or from any other Person or Persons residing in any of the said Parishes, Districts, or Places, who shall pass through any of the said Toll Gates or Toll Bars to or from his, her, or their proper Parochial Church or Chapel; or from any Person or Persons going to or returning from his, her, or their usual Place of religious Worship, tolerated by Law on a *Sunday*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Districts, or Places; or for any Horse, Mule, Ass, or Cattle, kept within such Parishes, Districts, or Places, going to or returning from Work in cultivating Lands therein; or for any Horse or Cattle going to or returning from Water or Pasture, or going to or returning from being shod; or for any Horse or Carriage of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmasters General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; or for the Horses of Officers and Soldiers on their March or on Duty, or for Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions, and not otherwise; or 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 or Barrack, or other Public or Commissariat Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed; or for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Somerset* and *Devon*, 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; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of the Exemption shall lie upon the Person claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

Exempting
Stores from
Overweight.

XXXI. 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 or Barrack or Commissariat or other Public 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, or the Horse or Horses drawing the same, while so employed, 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 the 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 contained to the contrary notwithstanding.

Exemptions
by 55 G.3.
c. 119. not to
be affected.

XXXII. Provided always, and be it further enacted, That Waggons, Carts, and other Carriages having the Wheels of the Width and Descriptions, and the Axletrees fixed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Subjecting
One-horse
Carts to be
weighed.

XXXIII. Provided also, and be it further enacted, That all Carts and other Carriages drawn by One Horse or other Beast of Draught, and having the Sole, Tire, or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches, shall be liable (if the said Trustees shall think fit to order and direct the same, but not otherwise) to be weighed at any Weighing Machine or Weighing Machines now erected or which may hereafter be erected upon the said Roads, in the same Manner as Carts and other Carriages drawn by any greater Number of Horses or Beasts of Draught are now liable to be weighed by Law; and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to suffer such Carts and other Carriages to be weighed, or for obstructing or hindering the Wheels from being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses are now liable to by Law; and every such Cart or other Carriage drawn by One Horse or other Beast of Draught which, together with the Loading thereof, shall weigh more than One Ton and Five Hundred Weight, shall pay, and it shall be lawful for the said Trustees or any Person or Persons empowered by any Five or more of them to receive the Tolls granted by this Act, to receive and take such and the same additional Toll for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts of Draught are liable to pay by Law.

Tolls may be
reduced.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees at their First Meeting, and at any other Meeting to be held for carrying this Act into Execution, to lessen or reduce all or any of the Tolls hereby granted or made payable, and to raise the same again, so as they do not at any one Time exceed the Tolls by this Act granted and made payable; and so as every Reduction thereof, except any Reduction

which may be made at the First Meeting of the said Trustees, be made with the Consent of the Person or Persons for the Time being entitled to Five-sixth Parts of the Money then due on the Security of the Tolls; but no such Reduction, except at the said First Meeting, shall be made, unless Twenty-one Days previous Notice shall be affixed in Writing upon all the Toll Gates then erected across the said Roads.

XXXV. Provided nevertheless, and be it further enacted, That it shall be lawful for the Trustees at their First Meeting, or at a Meeting to be especially called for that Purpose in the Month of *August*, to fix and determine the Number of Gates to be continued or erected on the old Line of Road from the Point where it communicates with the new Line of Road near *Exbridge*, to the Point where the said new Line will cross the present Turnpike Road near *Hele Bridge*, and also the Proportion of the Tolls (such Proportion to be considered as full Tolls) to be taken at such Gates; and it shall not be lawful for the said Trustees at any Time thereafter to increase the Number of such Gates or the Proportion of Toll so to be fixed and determined on at such Meeting.

Regulation
as to Gates
on an old
Line of Road.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time as they shall see convenient, to compound and agree, for any Term not exceeding One Year at any One Time, with all or any of the Inhabitants of the several Parishes, Hamlets, or Places to or through which any Part of the said Roads do or shall pass or lead, for the passing of all or any Description of their Horses, Cattle, or Carriages through all or any of the Toll Gates erected or continued, or to be erected by virtue of this Act, which Composition shall be paid yearly in advance; and in default thereof the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void, and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

Trustees may
compound
for Tolls.

XXXVII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector so distraining to retain such Distress, or the Money arising from the Sale thereof, till the Amount of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County, Town, or Place where any such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered in case of Non-payment thereof forthwith by Warrant under the Hand and Seal of such Justice, upon the Goods and Chattels of the Person or Persons refusing to pay the same, rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

For settling
Disputes con-
cerning Tolls.

XXXVIII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage whatsoever, in order to avoid

To prevent
Evasion of
Tolls.

avoid Payment of the said Tolls or any of them, pass through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar erected or continued or to be erected by virtue of this Act (except the Owner or Owners, Occupier or Occupiers of such Land or Ground, or his, her, or their Servant or Servants, or any Person or Persons in his, her, or their Family), the same not being a common Road; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Beast, or Cattle to pass through the same (save and except as aforesaid), with Intent to avoid the Payment of any of the said Tolls or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls; or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads; or shall leave or cause to be left upon or near to any Part of the said Roads any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls or any Part or Parts thereof; or shall unload any Goods, Articles, or Things from any Carriage in order that such Carriage may pass empty, or with an exempted Load only; or if any Person or Persons shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, Beast, or Carriage, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

For punishing Gate-keepers misbehaving.

XXXIX. And be it further enacted, That every Toll Collector being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee to collect the Tolls payable at any Toll Gate or Toll Bar to be continued and erected by virtue of this Act, shall and he is hereby required to place the Name of such Toll Gate, and also his own Christian and Surname, painted on a Board in legible Characters on the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Tolls or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in Black Letters on a White Ground or White Letters on a Black Ground, and shall continue the same so placed during the whole of the Time he shall collect such Toll or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer or shall hinder any Person or Persons from reading the Name of such Gate or his own Christian or Surname, or shall refuse to tell the Name of such Gate or his own Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall
in

in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls and naming and specifying the several Gates freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Toll Gate or Toll Bar, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, which the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered as other Penalties are by this Act directed to be recovered.

XL. And be it further enacted, That if any Person or Persons shall assault, obstruct, hinder, or molest, or cause or promote to be assaulted, obstructed, hindered, or molested any Collector of Tolls who shall or may be employed by virtue of or in the Execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for
assaulting
Collectors.

XLI. 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 under the Authority of the said Trustees, or under any Lessee or Lessees of the said Tolls, shall not be incompetent on account of his or their being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

Collectors
declared
competent
Witnesses.

XLII. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, upon Fourteen Days Notice to be given thereof in One of the Newspapers printed and circulated in the Counties of *Somerset* and *Devon*, from Time to Time to demise or let to farm or agree to demise or let to farm all or any of the Tolls or Duties arising by virtue of this Act, and all or any of the Toll Houses and the Conveniences and Appurtenances thereto belonging, and the Weighing Machines, if any thereon, for any Term not exceeding Three Years, upon public Bidding to the best Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable monthly in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions, Provisoes, and Agreements, and with such Sureties for the Payment thereof as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees, or any Three or more of them, to accept a private Tender for the same for

Tolls may be
leased.

[Local.]

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such

such Letting, and to demise or let to farm or agree to demise or let to farm all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been then last let; any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in manner directed by this Act.

Enabling Trustees to take Possession of Toll Houses, &c. in certain Cases.

XLIII. And be it further enacted, That in case all or any of the said Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers shall be in Arrear for the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for demising or leasing thereof; or in case any Collector or Receiver of the Tolls who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow or any of the Children or Family or other Representative of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, with the Buildings, Gardens, and Appurtenances thereto respectively belonging, erected or continued or to be erected by virtue of this Act, for the Space of Four Days next after Demand thereof made in Writing, signed by any Five or more of the said Trustees, or by their Clerk or Treasurer, and left at such Toll House, or in any Toll Houses, Weighing Machine or Weighing Machines, or in case such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Town, or Place in which any such Toll House shall be situated, upon Application made by any one or more of the said Trustees, or by any Person by him or them appointed on his or their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Daytime, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Contract or Agreement (if any) for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers; and the same shall be from that Time utterly void to all Intents and Purposes, save as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reserved, or other Covenants or Agreements on the Lessee's Part, which shall have been broken, as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls

Tolls again to any other Person or Persons, or cause them to be collected, as if no former Demise, Contract, or Agreement had been made relative thereto, any Rule of Law or Right to the contrary notwithstanding.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, at any Meeting to borrow and to take up at Interest, upon the Credit and Security of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, such further Sum or Sums of Money, not exceeding Twelve thousand Pounds, as they or any Five or more of them shall think fit; and for securing the Repayment of all such Sum and Sums of Money with lawful Interest for the same, they the said Trustees, or any Five or more of them, are hereby empowered from Time to Time by any Writing or Writings under their Hands to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Toll Gates, Toll Bars, and Toll Houses for collecting the same during the Continuance of this Act, the Charges of such Mortgages to be paid out of such Tolls, as a Security or Securities to any Person or Persons who have advanced or shall at any Time advance any Money for making, widening, altering, improving, or keeping in repair the said Roads, or any Part thereof, their respective Executors, Administrators, and Assigns for the Money so to be advanced with lawful Interest for the same, which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to say),

For borrow-
ing Money
on Security
of Tolls.

BY virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], we, Five of the Trustees for putting the said Act in Execution, in consideration of the Sum of _____ of _____ in hand, paid by _____ of _____ to the Treasurer of the said Roads, do hereby grant, bargain, sell, and demise unto the said _____ his Executors, Administrators, and Assigns for and during the Continuance of the said Act, such Proportion of the Tolls to arise upon the said Roads, and the Toll Gates, Toll Bars, and Toll Houses already made and erected or hereafter to be made and erected for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum now or hereafter to become due and owing on the Security thereof: To be had and holden from the Date hereof for and during the Continuance of the said Act, unless the said Sum of _____, with legal Interest, shall be sooner paid and satisfied. Given under our Hands and Seals this _____ Day of _____ in the Year of our Lord _____.

Form of
Mortgage.

And all such Mortgages or Mortgage Securities shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; and such Book or Books shall and may at all seasonable Times be perused and inspected by the said Trustees or any Creditor or Creditors of the said Trust, without Fee or Reward; and it shall be lawful for all Persons respectively to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their Right, Title, and Interest in and to such Mortgage and the Principal Money and Interest thereby secured to any other Person or Persons whomsoever; which Assignment

Mortgages
to be entered
in a Book.

signment or Transfer may be made in the following Words, or Words to the like Effect, to be indorsed on such Mortgage Security or to be underwritten or thereunto annexed, and signed in the Presence of and attested by One or more credible Witness or Witnesses; (that is to say),

Form of
Transfer.

‘ I the within named _____ or I,
 ‘ Assignee, Executor, or Administrator of the within named
 ‘ _____ [as the Case may be] do hereby assign and transfer
 ‘ this Mortgage Security, with all my Right and Title to the Principal
 ‘ Money thereby secured, and all Interest now due and hereafter to
 ‘ grow due upon the same, unto _____ of
 ‘ his Executors, Administrators, and Assigns. Dated this
 ‘ Day of _____ in the Year of our Lord
 ‘ Witness to the signing hereof _____

Which must
be entered
with the
Clerk.

Which Transfer shall be produced and notified to the said Clerk within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign and transfer the same, and so *toties quoties*, and it shall not be in the Power of any Person or Persons, except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators, to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid, shall in proportion to the Sum or Sums of Money thereby secured be Creditors on the Tolls by this Act granted, and on the said Toll Gates, Toll Bars, and Toll Houses in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of their respective Securities or otherwise.

An Action of
Ejectment
may be sup-
ported by
One Mort-
gagee.

XLV. And be it further enacted; That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Toll Bars, Chains, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons as shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application
of Money
raised.

XLVI. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts, or any of them, for and in respect

respect of the said *Minehead* District of Road, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed on the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes; and in the Order and Manner following, and not otherwise; (that is to say), in Payment of all the Costs, Charges, and Expences which shall have been incurred in the applying for and obtaining and passing of this Act, and after Payment of all such Expences in paying the Interest of the Principal Monies borrowed or raised by virtue of the said recited Acts on the Credit and on account of the said *Minehead* District of Road, or hereafter to be borrowed or raised on the Credit of this Act, and subject thereto in defraying the Expences of providing Toll Gates, Toll Houses, and other Buildings, and keeping the same in repair, and of making, widening, repairing, improving, and altering the said Roads by this Act directed to be made, improved, repaired, and altered, and otherwise executing the several Purposes of this Act, and lastly in paying off and discharging the Principal Monies borrowed and now due and owing upon the Tolls and Credit of the said *Minehead* District of Road by virtue of the said recited Acts, as well as all Monies which may be borrowed or raised upon the Credit of this Act, or the Tolls hereby granted.

XLVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, and at any Time or Times during the Continuance of this Act, to make, widen, divert, turn, alter, or repair any Part or Parts of the said Roads by this Act directed to be made or kept in repair (subject to the Restrictions herein-after mentioned) in, upon, through, or over any private Lands, Grounds, Tenements, or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Roads or Alterations hereby authorized to be made are intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Roads or Alterations, and also to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Roads, and also to make a temporary Way or Ways through or over any such adjoining Lands or Grounds to be made use of as a public Highway whilst any narrow or ruinous Parts of the said Roads are widening or repairing, and until the said Roads shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages which shall be thereby occasioned, such Damages to be ascertained and

Trustees may form, widen, turn, or alter the Roads.

[*Local.*]

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settled,

settled, in case of Dispute concerning the same; in the same Manner as disputed Value of Lands to be purchased or used by virtue of this Act is herein-after directed to be ascertained and settled; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Roads or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

New Road to be made according to Plan.

XLVIII. And whereas a Map or Plan describing the proposed new Branch of Road, and the Lands through which the same is to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands has been deposited at the respective Offices of the Clerks of the Peace for the Counties of *Somerset* and *Devon*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the respective Clerks of the Peace for the said Counties, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying to the Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and the said Trustees in making the said new Branch of Road shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, nor in altering or diverting any other Part of the said Turnpike Roads deviate more than One hundred Yards of Three Feet each from the present Course thereof, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made, unless otherwise directed by this Act: Provided always, that the said Roads, when made, widened, varied, or altered by virtue of ahis Act, shall be and remain Twenty Feet wide at the least, and shall not be more than Thirty Feet wide.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

XLIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Branch of Road into, through, across, or over the Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Lands or Grounds over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County, Town, or Place, wherein such Lands, Hereditaments, or Premises, shall be situate, and be certified by Writing under their Hands that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County, Town, or Place.

Dwelling Houses, Gardens, &c. not to be damaged.

L. Provided always, and be it further enacted, That nothing in this Act contained shall extend to the taking down of 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 Avenues to any House, or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively,

tively, in Writing, first had and obtained, other than and except such as are in the Line described on the said Map or Plan, and mentioned in the said Book of Reference.

LI. And be it further enacted, That the said Trustees shall and are hereby required, in the first Instance, and before any Money to be borrowed or subscribed for the Purposes of this Act, shall be otherwise expended in making or repairing any other Part of the said Roads, well and completely to form and put into good Repair the said intended new Road from *Timberscombe* to *Hele Bridge*; and that until such new Line of Road shall have been so completed, it shall not be lawful for the said Trustees to commence or make the intended new Road between *Hele Bridge* to *Exbridge*.

Directing where the new Line of Road shall be first commenced.

LII. And be it further enacted, That when and as soon as the said new Line of Road from *Timberscombe* to the Point where the proposed new Road will cross the present Turnpike Road near *Hele Bridge*, shall be completely formed and put into good Repair, and shall have been so certified under the Hands and Seals of any Two of His Majesty's Justices of the Peace for the Counties of *Somerset* and *Devon*, or either of them, and such Certificate shall have been enrolled with the Clerk of the Peace for the County of *Somerset*, so much of the present Turnpike Road as extends from or near a Dwelling House in the Parish of *Timberscombe*, in the Occupation of the said *Robert Blackmore*, or his Under-tenant, through the Parishes of *Cutcombe*, *Exton*, and *King's Brompton*, to the said Point where the proposed new Road will cross the present Turnpike Road near *Hele Bridge* aforesaid, shall no longer be taken to be Turnpike, or to be under the Management of the Trustees for putting this Act in Execution.

Part of the old Road to be discontinued after the new Line shall have been completed.

LIII. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the present Roads, or make any new Road over and through any private Grounds, or shall take away any Fence for widening the said Road, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences on both Sides of such new-made Road, or on the Side upon which any such Fence may be so removed as aforesaid, with sufficient Ditches to the same, and a sufficient Post and Rail or other Fence to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, and Arches, where necessary, out of the said Roads into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Seven Years from the Time that such Fences shall have been made or set up, unless the Owner or Proprietor for the Time being of any such Land or Ground shall agree with the Trustees to keep such Fences in good Repair from any earlier Period.

Trustees to fence the new Road.

LIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to treat, contract, and agree with the Owners of and Persons interested in any private Lands or Grounds or Hereditaments to be taken or made use of by virtue of this Act, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, widening, diverting, altering,

Trustees may contract for purchasing Lands.

OR

or improving the said Roads or any Part thereof, or the Course or Path thereof, or of any Part thereof, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, or Trustees, or any other Person or Persons whomsoever, not only for and on behalf of themselves, but also for and on behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Persons or Person whomsoever who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to treat, contract, and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damage as aforesaid, or to sell and convey unto them, or any Five or more of them, any such Lands or Hereditaments, or any Part thereof, for any of the Purposes of this Act; and all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons neglect or refuse to treat,

Damages to be settled by a Jury.

LV. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, or Trustees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given in Writing, or left at the Dwelling House or Houses or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to the said Roads, or which may be used or taken for the Purpose of making, widening, altering, or improving the said Roads or any Part or Parts of such Roads, shall, by the Space of Ten Days 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, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments shall be situated; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Persons and Person whomsoever, (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways

Ways and Means, as well for their own Information as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired of and ascertained and settled such Damage and Recompence, the said Trustees, or any Five or more of them shall thereupon order, adjudge, and determine the said Sum and Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of the said 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, or Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all other Persons whomsoever.

Verdict of
Jury to be
final.

LVI. And be it further enacted, That for the summoning or returning of such Jury or Juries, it shall be lawful for the said Trustees or any Five or more of them, and they are hereby empowered to issue their Warrant or Warrants to the Sheriff of such County, thereby commanding and requiring the said Sheriff to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear on such Summons, the said Trustees, or any Five 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 Sheriff or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff or his Deputy or Deputies, Bailiffs or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, without showing any reasonable or sufficient Excuse, 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, or on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without any reasonable or sufficient Excuse, or appearing shall refuse to be sworn or examined or to give Evidence, so as no such Fine be more than Twenty Pounds upon any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person for One Offence.

Trustees to
issue their
Warrants to
the Sheriff to
summon the
Jury.

Jurors may be
challenged.

Sheriff, &c.
may be fined
on Neglect
of Duty.

[*Local.*]

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LVII. And

How Expences of Jury, &c. are to be paid.

LVII. 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, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, before the impannelling of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, Loss, or Damage as aforesaid, then and in such Case the Costs and Charges of summoning and maintaining the Jury and Witnesses, shall be ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall have arisen, not interested in the Matter in question, who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested to attend him for that Purpose, and shall be borne and paid by the Treasurer or Treasurers to the said Trustees out of any Money arisen or to arise by virtue of this Act; and in default of Payment thereof by the said Treasurer within Ten Days after the said Costs shall be so settled, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the said Treasurer, by Warrant under the Hand and Seal of such Justice; but if such Jury shall give in 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 before the impannelling of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall arise, not interested in the Matter in question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose, 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 or Tender of the whole Sum or Sums so assessed and 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 are herein-after provided for the Recovery of Penalties and Forfeitures: Provided that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Costs and Expences shall be paid by the said Trustees out of the Money to be raised or received by virtue of this Act.

Upon Payment of the Purchase Money the Lands to be taken for the Road.

LVIII. And be it further enacted, That every Sum of Money, Consideration, Recompence, or Satisfaction, to be agreed for or ascertained or assessed as aforesaid, shall be paid by the Treasurer or Treasurers to the said Trustees out of any Money arisen or to arise by virtue of this Act, either into the Bank of *England*, as herein-after mentioned, or as the Case may require, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof in

Manner aforesaid, or upon depositing the same in the Bank of *England* in manner by this Act directed, such Lands or Hereditaments shall be used and taken for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched and fenced off from the Lands adjoining thereto; and shall to all Intents and Purposes become and be deemed a common Highway, and shall thenceforth for ever be deemed Part of the Roads by this Act directed to be improved, amended, and kept in repair, and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

LIX. And whereas by means of the Purchases which have been made by virtue of the Acts herein-before recited, and hereby repealed, with respect to the said *Minehead* District of Road; or which the Trustees for executing this Act are empowered and authorized to make, or by diverting or altering the Course of some Part or Parts of the Roads by this Act directed to be made and kept in repair, the Trustees may be seised of some Piece or Pieces of Land over and above what may be necessary for effecting the Purposes of this Act, or of some Piece or Pieces of old Road; be it therefore further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, from Time to Time to sell and dispose of such several Pieces of overplus Land, or of such Pieces or Parcels of old Road, together or in Parcels, and either by public Sale or private Contract, as they shall find most advantageous and convenient, and to convey the same for the best Price which can or may be reasonably had or gotten for the same, 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 or dispose of any such Piece or Pieces of Land or old Road as aforesaid, not wanted for the Purposes of this Act, shall first offer such Piece or Pieces of the same Land or old Road to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Town, or Place where such Land or old Road shall lie (who is hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the Premises, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused, or not agreed to 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 such Piece or Pieces of Land or old Road, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner by this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to such Purchases made

Trustees empowered to sell Land not wanted for the Purposes of this Act.

First Offer to whom to be made.

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 Pieces of Land or old Road 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 Misapplication or Non-application of such Money; and every Conveyance of such Piece or Pieces of Land or old Road, being executed by any Five or more of the said Trustees, shall be good and effectual in the Law to all Intents and Purposes.

Application
of Money
when
amounting to
200*l.*

LX. And be it further enacted, That the Money agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, of any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Feme or Femes Covert, or other incapacitated Person or Persons, or if any Person or Persons seised for Life or Lives, or any other Estate in strict or other Settlement, shall, in case the same shall amount to or exceed 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 and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any other Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the 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 the 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 shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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 of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement were made.

LXI. Provided

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

Where less than 200*l.* and exceeding 20*l.*

LXII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned, shall not exceed 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where not exceeding 20*l.*

LXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall 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 in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said 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, shall be and is hereby empowered in

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery.

a summary way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public 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 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, mentioning and 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 of Money into the Bank as aforesaid.

Where Title to Purchase Money is disputed.

LXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery in pursuance of this Act, 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 such Person or Persons, or under the Possession of such Person or Persons, 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.

The Court may order reasonable Expences of Purchasers to be paid by the Trustees.

LXV. 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 said 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 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.

For getting Materials for repairing the Roads.

LXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Person and Persons as he or they shall appoint, to search for, dig, gather, get, take, and carry away any Furze, Heath, Stone, Flint, Sand, Gravel, and other Materials, proper

proper and convenient for making, widening, altering, improving, or repairing the said Roads, or for other the Purposes of this Act, out of any waste Land or common Ground, common River or Brook, not being within the Distance of One hundred Yards from any Bridge, Dam, Weir, or Jetty, in any Parish, Town, Village, Hamlet, or Place, within which the said Roads or any Part or Parts thereof lie or is or are intended to be made or pass, or in any adjoining Parish, Town, Village, Hamlet, or Place, without making any Recompence for the same, the said Surveyor or Surveyors, or other Person or Persons filling up, fencing, and levelling or sloping down the Banks of all such Pits and Holes as shall be made or occasioned by digging for or taking away such Materials, and making such Allowances or Satisfaction to the Person or Persons through whose Lands or private Ways such Materials shall be brought or carried, for the Damages done and occasioned thereby as the said Trustees shall judge fit and reasonable; and in case sufficient Materials cannot be gotten in such waste Lands, common Grounds, common Rivers, or Brooks as aforesaid, it shall be lawful for such Surveyor or Surveyors and such Person or Persons as he or they shall appoint, by Order of any Two or more Justices of the Peace for the County in which the Land may be situated, to dig for and take away the like Materials out of the private Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Paddock, Park, planted Walk, or Avenue to any House or inclosed Grounds, planted and set apart or used as a Plantation or Nursery for Trees) in any Parish, Hamlet, or Place in which any Part of the said Roads lies or is situate, or where such Materials are or may be found, and from Time to Time to carry away such and so much of the said Materials respectively, as the said Surveyor or Surveyors shall judge necessary for making, improving, and repairing the said Roads, paying such Recompence for the same and for the Damages done to the Owners and Occupiers of the respective Grounds where, through, and whence the same shall be dug and carried away, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners and Occupiers or any of them, and the said Trustees, touching the Damages aforesaid, then the Amount thereof, to be settled by any Two or more Justices of the Peace for such County, but subject to such Appeal to the General Quarter Sessions of the Peace to be holden in and for the said County as is hereinafter directed.

LXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to dig for or open any Quarry for the Purpose of getting Stone or other Materials for the Repairs of any of the said Roads in *Bury Wood* or *Little Bury Wood* in the Parish of *King's Brompton* aforesaid, without the Consent of the Earl of *Carnarvon*, or the Proprietors of the said Woods for the Time being, first had and obtained in Writing under his or their Hands: Provided also, that it shall not be lawful for the said Trustees, or any Surveyor or other Person, to lop or top any of the Trees in the said Woods or Fences of the said Woods, or to cut down or injure any of the Plantations, Trees, or Shrubs on any of the Lands belonging to the said Earl of *Carnarvon*, adjoining to the proposed Line of new Road; any thing in this Act contained to the contrary notwithstanding.

No Quarry to be opened or Materials taken in certain Woods of the Earl of Carnarvon without his Consent in Writing.

LXVIII. And

Notice to be given before Materials taken.

LXVIII. And be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any Person or Persons acting under the Authority of this Act, to dig, gather, take, or carry away any Materials for making, repairing, and improving the said Roads out of or from any inclosed Lands or Grounds, without the Consent in Writing of the Owner or Occupier thereof first had and obtained for that Purpose, or until Ten Days previous Notice in Writing signed by the Surveyor of the said Roads, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owner or Occupier, to appear before Two or more Justices of the Peace acting in and for the County, Town, or Place, in which such Lands or Grounds shall be situate, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, gather, get, take, and carry away such Materials, in such Manner, and at such Time or Times, as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justices may upon Proof on Oath of the Service of such Notice, (which Oath any One of such Justices is hereby empowered to administer) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

Penalty on taking away Materials got by Surveyors.

LXIX. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act, or if any Person or Persons shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty-one Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only and not for Sale), all and every such Person and Persons so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds, over and above the Value of the Materials so taken away.

Surveyors may remove Annoyances.

LXX. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Roads, or by the Sides thereof, by Timber, Stones, Carriages, Sawpits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains, running into the same to the Prejudice thereof, and to open, scour, cleanse, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse, adjoining or near to the said Roads, or any Part or Parts thereof, and to cut down or lop any Branches of Trees, Shrubs, or Bushes, growing on or over the said Roads, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Trees being an Ornament or Shelter to a House), and to take and carry away the

the same, and to cut and reduce all such Hedges in such Manner as the Surveyor of the said Trustees shall think proper; and in case the Owners or Occupiers of the Premises shall for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Water-courses or Ditches, or remove such other Annoyances in such Manner as the said Trustees or the said Surveyor or Surveyors shall require, the Charges whereof to be settled by the said Trustees or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered; and if after the Removal of any such Annoyances any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXI. And be it further enacted, That it shall be lawful for such Surveyor or Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Footpaths or Causeways in or along the Sides of the said Roads, and to cut or make Drains or Water-courses upon and through any Grounds lying contiguous to the said Roads, not being a Yard, Garden, Orchard, planted Walk, or Avenue to any House, and to erect and keep in repair the Bridges and Arches thereupon; and also to make Ditches or Trenches in such Places and in such Manner as such Surveyor or Surveyors shall judge necessary, and as the said Trustees shall order, and to make sufficient Fences, Barriers, and other Erections on any Part or Parts of the said Roads, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary, and as the said Trustees shall order.

Surveyors may make Causeways, &c. and cut Drains.

LXXII. And be it further enacted, That the said Trustees may if they think fit cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, and also cause to be erected Direction Posts upon such Parts of the said Roads where the same are crossed or joined by other Roads, as they shall think proper.

Roads may be measured and Mile-stones erected.

LXXIII. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Bridge or Bridges, Culvert or Culverts, Direction or Mile Post or Stones erected or fixed in, across, or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footpath or Causeway formed upon or on the Side of or adjoining the said Roads, or shall drive or lead any Horse, Beast, or Swine, or wheel any Hand-cart, Barrow, or other Carriage upon, or cause any Damage to be done to any Footpath or Causeway; or if any Person shall cause to be hauled or drawn upon any Part of the said Roads any Timber, Stone, or other Thing (except upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the same, or the Fences on either Side thereof; or if any Person shall turn or suffer any Horse, Cow, Mule,

Penalties for injuring the Roads and Works thereon.

Ass, Beast, Sheep, or Swine to be turned on or to be or remain upon the said Roads to graze or depasture on the Sides thereof; or if any Higler, Hawker, Pedlar, Gipsy, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass shall pitch any Tent or encamp upon or by the Side of any Part of the said Roads; or if any Person driving any Carriage upon the said Roads shall ride on the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the said Roads, and also keep on the same Side himself, or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her or any Carriage under his or her Care upon the said Roads; or if any Person shall kill or singe any Hog, Pig, or Swine, or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Fireworks whatsoever, within Eighty Feet from the Centre of any Part of the said Roads; or play at Foot Ball, or any other Game or Games to the Annoyance of any Passenger or Passengers on any Part of the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop having Windows to the Front of the said Roads shall not by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Roads; or if any Person after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, shall not immediately afterwards take away or remove from the said Roads the Stone or other Thing made use of in so blocking or stopping such Waggon, Cart, or other Carriage; or if any Person shall leave any Carriage, (except in Cases of Accident) upon or on the Sides of the said Roads longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereunto, and then such Carriage shall be placed as near to the Side of the said Roads as conveniently may be; or shall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Thing whatsoever upon the said Roads, or on any Side or Sides thereof between the said Roads and the Fences now standing or hereafter to be erected on the Sides thereof; or shall plough up, dig up, or break up any of the Soil between any Part of the said Roads and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Roads or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, or shall carry Rods or Bars of Iron across the Back of any Horse, Mule, or Ass passing along the said Roads; or if the Surveyor or Surveyors of the said Roads, or any Contractor or Contractors for the Repairs of the said Roads, or any Part thereof, or any Person or Persons acting by or under their Authority, shall lay or cause to be laid upon the said Roads, or the Sides thereof, or upon any Part of the said Roads, any Heaps of Stones or other Materials for repairing the said Roads, or any Part thereof, and shall permit and suffer the same to remain in Heaps longer than shall be necessary for spreading or laying such Stones and Materials over or upon the said Roads, every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed.

LXXIV. And

LXXIV. And be it further enacted; That if any Horse, Ass, Sheep, Cattle stray-
Swine, or other Beast or Cattle of any Kind, shall at any Time be found ing.
grazing, wandering, straying, or lying upon the said Roads, or any Part
thereof, or by the Sides thereof, it shall be lawful for the Surveyor of
the said Trustees for the Time being, or for any other Person or Persons
whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine,
or other Beast or Cattle in the Common Pound of the Parish, Township,
or Place where the same shall be, or in such other Place as the said
Trustees, or any Five or more of them, shall appoint, and the same there
to detain until the Owner or Owners thereof shall for each and every
Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded pay the
Sum of Ten Shillings to the Person impounding the same, together with
the reasonable Charges and Expences of impounding and keeping the
same; and in case the said Penalty, Charges, and Expences shall not be
paid within Five Days after such impounding, it shall be lawful for the
said Trustees, or any Five or more of them, to sell or cause to be sold
every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the
Money arising from such Sale, after deducting the said Penalty and Charges
and Expences of impounding, keeping, and selling every such Horse,
Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person
whose Property the same so sold shall appear to have been.

LXXV. And be it further enacted; That no Gate of any Park, Paddock, Gates to open
Field, or Inclosure whatsoever shall be made to open into or towards any inwards.
Part of the said Roads, or be suffered to continue so to open, except the
hanging Post thereof shall be so far removed from the Centre of the said
Roads that no Part of such Gate shall when open project over any Part
of the said Roads or any of the Footpaths thereof; and the Occupier or
Occupiers of every Park, Paddock, Field, or Inclosure having any Gate
opening contrary to the Directions of this Act, shall within Ten Days
after Notice to him, her, or them given, either personally or in Writing,
from the Surveyor of the said Roads, cause such Gate to be hung so that
no Part of the Gate when open shall project over any Part of the said
Roads, or any Footpaths belonging thereto; and in default thereof the
Surveyor of the said Roads is hereby authorized to cause such Gate to be
so hung; and the Person or Persons guilty of such Neglect or Default
shall, upon Complaint made before any Justice or Justices of the Peace
acting in and for the County in which such Gate shall have been erected,
and upon Conviction thereof, upon the Oath of one or more credible
Witness or Witnesses, pay to such Surveyor such Sum as the said Justice
or Justices shall direct, to defray the Expence of making the Alteration
and hanging such Gates, and shall also forfeit and pay a further Sum not
exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed
by and at the Discretion of the Justice or Justices before whom such Con-
viction shall be made as aforesaid.

LXXVI. And be it further enacted, That it shall be lawful for the said Trustees may
Trustees, or any Five or more of them, from Time to Time to contract contract for
and agree with any Person or Persons for widening, altering, improving, Repairs, or
or repairing the said Roads, or any Part or Parts thereof, or for doing any other Work.
any other Work in pursuance or Execution of this Act in such Manner
and for such Sum or Sums of Money or otherwise as the said Trustees
or any Five or more of them shall think proper, but no Contract for
repairing

repairing any Part of the said Roads shall be made for a longer Period than One Year.

Persons liable to repair the Road to continue so.

LXXVII. And be it further enacted, That all and every Person and Persons, Hundreds, Parishes, Townships, Hamlets, Villages, and Places, and the Inhabitants thereof respectively, Bodies Politic and Corporate, who, before the passing of this Act, were liable to the maintaining or amending of any Part or Parts of the said Roads, or any Bridge or Bridges or other necessary Things thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repair thereof in such Manner and to the same Extent as they were liable and chargeable before the passing of this Act.

Statute Duty.

LXXVIII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Somerset* and *Devon* within their respective Jurisdictions, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Treasurer, Clerk, or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlets, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place in lieu of or as a Composition for such Statute Work as aforesaid shall be by him, her, or them paid to the said Trustees or to 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 for every such Parish, Hamlet, or Place within their respective Jurisdictions, to bring in Lists before such Justices at some Place to be expressed in such Summons within Ten Days after the serving of such Summons of the Names of the several Persons who within such Parishes, Hamlets, or Places respectively are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in force and effect for the Repair of public Highways, and out of such Lists such Justices shall or may appoint and order such and so many Persons who shall appear to be subject and liable to do 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 on such Parts of the said Roads as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion

tion thereof as the said Justices shall think proper to the Surveyor or Surveyors of every such Parish, Hamlet, or Place for the Time being, to be by him or them paid over to the said Trustees, or to their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof in like Manner as any Penalty is by this Act authorized or directed to be recovered, and each and every Person who shall neglect or 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, signed by the Surveyor or Surveyors of the said Trustees), 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, 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 public Highways; and if any Person or Persons who shall come to work as a Labourer or Labourers, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any 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 for any of the said Parishes, Hamlets, or Places respectively shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition or any Part thereof in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXIX. And whereas the making of the new Line of Road from *Timberscombe* to *Exbridge* may be productive of additional Burthens to the Inhabitants of the Parishes through which the same will pass, and it is reasonable that such Parishes should be relieved from such Burthen, as far as may be consistent with the public Interest and Convenience; be it therefore further enacted, That so long as there shall be a Fund arising from the Tolls to be collected by virtue of this Act sufficient to pay Interest at Four Pounds *per Centum per Annum* on the Sum Total to be borrowed by virtue of this Act, and Interest to that Amount on such Sum Total shall be actually paid, it shall not be lawful for the said Trustees to demand or require any of the Inhabitants of the several Parishes through which the intended new Line of Road shall be made or pass, to do Statute Duty thereon, or to pay any Contribution in lieu thereof for the Repair of such Road, or any Part thereof; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Provision in favour of certain Parishes relative to Repairs of new Line of Road.

Statute Work
may be com-
pounded for.

LXXX. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate for the Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes, Hamlets, or Places in which the said Roads are situate, for a certain Sum of Money by the Year or otherwise as the said Trustees shall think reasonable, in lieu of the Whole or of any Portion of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Parish, Hamlet, or Place, or by the Person or Persons so compounding, to the Treasurer to the said Trustees, in advance, on or before the First Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Hamlet, or Place shall not be permitted to compound for that Year.

Enabling the
Trustees to
enter into
Agreement
with Trus-
tees of Dun-
ster District
of Road.

LXXXI. And whereas it may be desirable to erect a Toll Gate on the present Turnpike Road between the Towns of *Minehead* and *Dunster*, contiguous to a certain other Toll Gate already erected in the Parish of *Carhampton*, on a District of Road comprized in the said recited Act of the Forty-seventh Year of the Reign of His said late Majesty, and called the *Dunster* District, in which Case it may be desirable, on account of the Shortness of the Distance between such Gates, to relieve the Persons using the said Roads from the Payment of the Tolls, or a Proportion of the Tolls authorized to be collected at such Toll Gates; be it therefore further enacted, That it shall be lawful for the Trustees for carrying this Act into Execution to enter into any Agreement or Agreements from Time to Time with the Trustees of the said *Dunster* District of Road for the Purpose of exempting either in Part or in the Whole from the Payment of Toll at any Toll Gate erected or to be erected in the Parish of *Carhampton* on the said *Dunster* District of Road, such Persons as may have paid Toll at any Toll Gate to be erected between the said Towns of *Minehead* and *Dunster*, and also to exempt in like Manner from the Payment of Toll at any Toll Gate to be erected between the Towns of *Minehead* and *Dunster*, such Persons as may have paid Toll at any Toll Gate erected or to be erected in the Parish of *Carhampton* on the said *Dunster* District of Road, and every such Agreement so to be made and entered into shall be valid and effectual for the Purposes thereby intended.

Subscribers
compellable
to pay their
Subscrip-
tions.

LXXXII. And be it further enacted, That if the several Persons who have become Subscribers towards the Expence of making the said new Branch of Road, or any one or more of them, or any Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purposes aforesaid, shall, after Twenty Days previous Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees, in the Name of their Clerk or Treasurer for the Time being, to sue for

and recover the same by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

LXXXIII. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they shall call to their or his Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace of the County, Town, or Place where the Offence or Offences shall be committed, to be dealt with according to Law.

For securing
transient Of-
fenders.

LXXXIV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not otherwise particularly directed) may in case of Non-payment thereof be recovered in a summary Way by the Order and Adjudication of any one Justice of the Peace for the County, Town, or Place in which such Penalty shall be incurred, on Complaint to him for that Purpose exhibited, and afterward be levied, as well as the Costs of such Proceedings on Non-payment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath, of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Penalty or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned upon Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice or any other Justice of the Peace for such County as aforesaid, and he is hereby authorized and required by Warrant under his Hand and Seal to cause such Offender or Offenders to be committed to the Gaol of such County, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied, and such Penalties and Forfeitures when so levied (the Application whereof is not otherwise directed), shall

Recovery of
Penalties.

shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Offenders
against the
Act.

LXXXV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and 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 (as the Case shall happen), or in any other Form of Words to the same Effect:

Form of Con-
viction.

‘ . } BE it remembered, That on the
‘ to wit. } Day of in the Year of our
‘ Lord is convicted before me
‘ of His Majesty’s Justices of the Peace for the said County, Town, or
‘ Place [*as the Case may be*] by virtue of an Act passed in the Third Year
‘ of the Reign of King *George* the Fourth, intituled [*here insert the Title*
‘ *of this Act, and specify the Offence, and when and where committed.*]
‘ Given under my Hand and Seal the Day and Year first above
‘ written.’

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

LXXXVI. 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, either by the said Trustees or by any One or more of His Majesty’s Justices of the Peace, or by any other Person or Persons whomsoever, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County in which the Cause of Complaint shall have arisen, if there be sufficient Time after the Cause of such Complaint shall have arisen, first giving or causing to be given Ten Days Notice at least in Writing of his or her Intention of bringing such Appeal and of the Matter thereof, to the Clerk to the said Trustees, or other the Person or Persons whose Act or Determination shall be so appealed against, and within Four Days next after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for want of sufficient Time for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the said County, and the Justices at such First or Second Sessions upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for want of sufficient Distress commit such Person or Persons to the
Common

Common Gaol or House of Correction for such County, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

LXXXVII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and 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 any other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed 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 an 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.

Proceedings
not to be
quashed for
Want of
Form.

LXXXVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty Days Notice thereof shall be given to the Clerk of 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 such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen and not elsewhere; and the Defendant or Defendants in every such Action shall, or may at his or their Election plead specially or the General Issue Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty Days Notice thereof was given as aforesaid, or after sufficient Satisfaction shall be made or tendered as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants upon such Verdict; or if the Plaintiff or Plaintiffs shall 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 have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

Limitation
of Actions.

General
Issue.

Treble Costs.

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

Public Act.

Commence-
ment and
Continuance
of this Act.

XC. And be it further enacted, That this Act shall commence on the Second *Thursday* 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.

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