

ANNO SEXTO

GEORGII IV. REGIS.

Cap. xciii.

An Act for more effectually repairing several Roads leading from and through the Town of Wiveliscombe in the County of Somerset, and the Roads adjoining thereto, in the Counties of Somerset and Devon, and for making a new Line of Road to communicate therewith. [20th May 1825.]

HEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Third, intituled An Act for amending and widening several Roads leading from and through the Town of Wiveliscombe in the County of Somerset, and other Roads adjoining or near thereto, whereby it was amongst other things enacted, that in making the Road from Pitsford Hill to the Turnpike Road leading from Hartrow to Dunster, no Watercourse should be diverted or stopped to the Prejudice of the Occupier or Occupiers for the Time being of Comb Sydenham Barton, or the Lands thereto adjoining and belonging, but that, after making and completing the said Road, all and every the Occupier and Occupiers of the said Barton and Lands should at all Times have and enjoy the same Privilege and full Benefit of all such

Waters and Watercourses, for watering, manuring, and improving his and their Lands, in manner as they had usually then hitherto enjoyed the same: And whereas another Act was passed in the Forty-sixth Year of the same 46 G.3.c.52. Reign, intituled An Act for continuing the Term and altering the Powers of an Act passed in the Twenty-sixth Year of His present Majesty, for amending and widening several Roads leading from and through the Town of Wiveliscombe in the County of Somerset, and other Roads therein mentioned, and for amending and widening certain other Roads adjoining thereto: And whereas a considerable Sum of Money has been borrowed and is now due and owing on the Credit of the said Acts, and the said Roads are much out of Repair, and cannot be sufficiently amended, widened, altered, improved, and kept in repair, nor can the Money so borrowed, with the Interest thereon, be discharged, unless further Provisions are made for those Purposes: And whereas, the Roads from the Town Hall of Wiveliscombe to Radington Mill, and from thence by Gamlyn Cross in the Parish of Skilgate to and through the Village of Bury, and to the Minehead and Dulverton Turnpike Road at or near Hele Bridge in the Parish of Kingsbrompton in the County of Somerset, and from the Town of Dulverton aforesaid to the Southmolton and Tiverton Turnpike Road at or near Bish Mills in the Parish of Bishops Nympton, and from Radington Mill aforesaid to Way Farm in the Parish of Bampton in the County of Devon, being Parts of the Roads comprised in the said Acts, are hilly and circuitous, and such Hills might be avoided if in lieu thereof a new Line of Road were made and maintained from the Town Hall of Wiveliscombe aforesaid by Shillingford, and through the Town of Bampton to the Southmolton and Tiverton Turnpike Road at or near Bish Mills aforesaid: And whereas an Act was passed in the Third Year of the Reign of His present

3G. 4.c. 126. Majesty, intituled An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England: And whereas another Act was passed in the Fourth Year of the Reign of His 4G.4.c. 95. present Majesty, intituled An Act to explain and amend an Act passed in

the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England: And whereas another Act was passed in the Fifth

5 G. 4. c. 69. Year of the Reign of His said present Majesty, intituled An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads: And whereas it would be convenient that the said Two first-recited Acts should be repealed, and that Provision should be made for repairing, maintaining, and improving the several Roads herein-after described in manner herein-after mentioned: 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 pre-Recited Acts sent Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Acts of the Twentysixth and Forty-sixth Years of the Reign of His said late Majesty King George the Third shall be and the same are hereby declared to be repealed, and this Act shall from thenceforth commence and take Effect, and be put in execution for and during the Term herein-after mentioned, for the Purpose of amending, altering, turning, widening, improving, and keeping in repair the several Roads herein-after mentioned; (that is to say),

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of 26 and 46 G. 3. re-

pealed.

the Road from the Town Hall of Wiveliscombe aforesaid to Radington Mill in the Parish of Radington, and from thence by way of Gamlyn Cross in the Parish of Skilgate to and through the Village of Bury, and to the Turnpike Road leading from Minehead to Dulverton at or near Hele Bridge in the Parish of Kingsbrompton in the County of Somerset, and from the Town of Dulverton aforesaid to the Turnpike Road leading from Southmolton towards Tiverton at or near Bish Mills in the Parish of Bishops Nympton in the County of Devon; the Road from Radington Mill aforesaid to Way Farm in the Parish of Bampton in the said County of Devon; the Road from the Town Hall in Wiveliscombe aforesaid to a Place called Coxburrow, from thence to Fitzhead, and from Fitzhead to and through the Village of Halse, and by way of Ash Common, to the Turnpike Road leading from Taunton to Handy Cross, in the said County of Somerset, at a Place now called The Lethbridge Arms Inn, but lately known by the Name of The Gore Inn, in the Parish of Bishops Lydiard, in the said County of Somerset; the Road from the Town Hall of Wiveliscombe aforesaid, by way of Ford, to Pitsford Hill in the Parish of Brompton Ralph, and from thence to Elworthy Cross in the said Parish of Elworthy, and from thence by way of Combe Sydenham to the Turnpike Road leading from Taunton to Minehead, at or near the Village of Monksilver in the said County of Somerset; the Road from the Town Hall of Wiveliscombe aforesaid, to and over Milverton and Langford Heathfields, and to the Turnpike Road leading from Taunton aforesaid to Whiteball in the Parish of Sampford Arundell in the said County of Somerset, at a Place called Homebames; the Road from Coxburrow aforesaid to Slapebridge, and from thence to Rock Corner in the Town of Milverton in the said County of Somerset; the Road from Ford Bridge in Milverton aforesaid, by way of Parish's Barn; unto the before-described Road leading from Wiveliscombe aforesaid, through Fitzhead and Halse, to the Turnpike Road leading from Taunton to Handy Cross; the Road from Rock Corner aforesaid to the beforedescribed Road leading from Wiveliscombe to Whiteball aforesaid, at or near Langford Heathfield aforesaid; the Road from Parish's Barn aforesaid to Pitsford Hill aforesaid; and the Road from the Town Hall of Wiveliscombe aforesaid to Cruwys's Cross, and from thence by Whitefield to Holcombe Water; in the Parish of Brompton Ralph aforesaid, and also from Cruwys's Cross aforesaid to the Turnpike Road leading from Watchet in the said County of Somerset, to the Town of Bampton in the said County of Devon; the Road leading from Langford Turnpike Gate, in the Parish of Langford Budville, to Sandy Lane in the Parish of Runnington in the said: County of Somerset, and from thence to Tone Bridge in the same Parish; and from Sandy Lane aforesaid, to and over Part of Langford Heathfield, to join the Turnpike Road leading from Wiveliscombe to Homebames, in the Parish of Sampford Arundell; and the Road leading from the Foot of Brendon Hill, in the said Parish of Elworthy, to and beyond Elworthy Cross, to join the Minehead Turnpike Road opposite to Hartrow Gate, in the Parish of Stogumber in the said County of Somerset; and also for making and maintaining the aforesaid new Line of Road from the Town Hall of Wiveliscombe aforesaid by Shilling ford in the Parish of Bampton, through the Town of Bampton, to the said Southmolton and Tiverton Turnpike Road at or near Bish Mills aforesaid.

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New Term and Tolls liable to old Debts.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the said Roads by virtue of the said former: Acts hereby repealed, and of all Interest due and to grow due thereon, 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 Tollschereby authorized to be collected; and all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said former Acts hereby repealed, shall be liable to the Payment thereof to the Trustees for executing this Act.

Bonds, former Acts to remain in force.

Enter the Control of III. And be it further enacted, That all Conveyances, Bonds, Cove-Agreements, nants, Agreements, Contracts, and Securities, entered into by any Person or Persons to or with the Trustees for executing the said former Acts hereby repealed, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed on account and for the Benefit of the Trusts under this Activitand all Bargains, Contracts, Agreements, or Notices, made, entered into; or given by the Trustees for executing the said former Acts hereby repealed; with or to any Person or Persons, for any Purpose relating to the said Roads, or to the Execution of the said Acts, or any of them, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable. Intent and Meaning thereof. with the first first the said and a substitution of the first test that the first test is

Books used under former Acts to be Evidence.

IV. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said former Acts hereby repealed, and made Evidence thereby, or by any. Act heretofore in force, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said former Acts had not been repealed.

Powers of 3 & 4 G: 4. extended to this Act.

. V. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied; altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for sby this Act), and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts, thereof as are expressly varied, altered, nor otherwise provided for by this Act), and also the said recited Act passed in the Fifth, Year of the Reign of His present. Majesty, shall respectively be as goods valid, and effectual for carrying into Execution the Purposes of this Act as if the same had been repeated and re-enacted in the Body of this Act: Provided always, that nothing in this Act: contained shall authorize or justify the diverting or stopping of any Watercourse to the Little III

Prejudice of the Occupier or Occupiers for the Time being of Comb Sydenham Barton aforesaid, or the Lands thereto adjoining and belonging, but that all and every the Occupier and Occupiers of the said Barton and Lands shall at all Times have and enjoy the same Privilege and full Benefit of all such Waters and Watercourses, for watering, manuring, and improving his and their Lands, in like Manner as they have usually hitherto enjoyed the same.

VI. Provided always, and be it further enacted, That each and every Old Officers Treasurer who shall have been appointed consistently with the Provisions to continue of the said recited Act passed in the Third Year of the Reign of His until new present Majesty, and such Appointment being according to the Directions ones elected. and Provisions of this Act; and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said former Acts hereby repealed, 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 Officers, 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

VII. And be it further enacted, That all His Majesty's Justices of the Appointment Peace acting for the Counties of Somerset and Devon respectively for the of Trustees. Time being, together with Sir Thomas Dyke Acland Baronet, Thomas Dyke Acland, William Adair, Alexander Adair, Richard Beadon, Daniel Badcock, the Reverend Richard Bowden Beague, Charles Hurd Beague, William Boucher of Langley, William Boucher of Ford, Thomas Broadmead, Phillip. Broadmead, Montague Baker Bere, the Reverend Richard Bere, John Bere, the Reverend Richard Bere the younger, the Reverend William Baker Bere, Edward Baker Bere, Benjamin Boucher, Joseph Buck, William Bruton, John Meddon Bruton, Humphrey Bawden, Joseph Bawden, Charles Courtenay, the Reverend Loftus Anthony Cliffe, the Reverend Thomas Rivetts Carnac, the Reverend William Cornius, Thomas Cornius, Edward Cornius, John Cridland, John Cridland the younger, Bishop Cranmer, Thomas Edward Clarke, George Llewellin Cross, James Chappell, Richard Chappell, Richard Codrington, John Culverwell, the Reverend Thomas Cornish, John Day, John Day the younger, Alexander Day, the Reverend William Darch, Sir William Elford Baronet, Thomas Sweet Escott, Bickham Sweet Escott, Thomas Sweet Escott, George Sweet Escott, William Sweet Escott, Charles Sweet Escott, Hay Sweet Escott, Jonathan Elford, the Honourable Matthew Fortescue, the Honourable Newton Fellowes, the Reverend John Froude, John Follett, Thomas Follett, John Featherstone, the Reverend Robert Freke Gould, Thomas Wentworth Gould, John Smith Gould, Robert Gardiner, William Gregory Gardiner, Ambrose Goddard, William Gimblett, the Honourable Edward Charles Hugh Herbert, Henry Daubney Harvey, the Reverend William Moore Harrison, William Hancock, Phillip Hancock, Christopher Harding, Lewis Halse, Lewis Halse the younger, William Hole, William Hole the younger, Thomas Handford, James Handford, John Hancock, John Hunt, Phillip Hancock -Casta Local.

the younger, William Hancock the younger, John Hancock the younger, Richard Hancock, William Jenkins, the Reverend Walker King, the Reverend James King, James King, Edward Botton King, William Brewse Kersham, the Reverend Richard Keats, Sir Thomas Buckler Lethbridge Baronet, John Hesketh Lethbridge, Ambrose Goddard Lethbridge, Thomas Browse Lethbridge, William Leigh, Robert Leigh, John Lutley, James Lean, John Lean, John Stuckey Lean, John Lean the younger, James Upington Lean, Thomas Langdon, William Barber Langdon, Stuckley Tristram Lucas, Stuckley Tristram Lucas the younger, Thomas Mogridge, James Mogridge, James Mogridge the younger, Walter Palk Mogridge, Robert Palk Mogridge, Robert Palk Mogridge, John Milner, John Milner the younger, George Notley, John Nurton, the Right Honourable Henry John George Herbert commonly called Lord Porchester, James Partridge, Francis Quartley, the Reverend James Randolph, the Reverend Charles Randolph, George Royall, James Rogers, Francis Rogers, the Reverend William Roe, William Ayshford Sanford, Edward Ayshford Sanford, the Reverend John Sunderland, Henry Sully, Bishop Cranmer Sully, the Reverend Charles Barter Sweet, Charles Sweet, George Sweet, William Fort Sweet, Henry Sweet, Thomas Sweet, Lamock Swift, John Spurway, James Surrage, Thomas Lyddon Surrage, Henry Tripp, John Upton Tripp, Peter Tripp, Robert Throckmorton, Nicholas Throckmorton, Jervis Throckmorton; the Venerable Archdeacon Trevelyan, George Trevelyan the younger, John Trevelyan the younger, Otto Trevelyan, William Trevelyan, John Tyler, John Gore Tudball, the Reverend Thomas Tudball, the Honourable Percy Charter Wyndham, the Honourable Charles Percy Wyndham, the Honourable William Wyndham, William Wyndham, the Reverend Thomas Wodehouse, Thomas Wheddon, Richard Wheddon, Lawrence Wood, William Webber, Thomas Worthington, Levi West, Henry Waldron, John Speed Waldron, James Waldron, William Pollard Waldron, Henry Waldron the younger, Sir Walter Yea Baronet, and Lacey Tea, (being duly qualified according to the Provision's of the said recited Acts made in the Third, Fourth, and Fifth Years of the Reign of His present Majesty), shall be and they are hereby appointed Trustees for repairing, amending, improving, making, maintaining, and keeping in repair the several Roads herein-before particularly described, and otherwise putting this Act in execution.

Power to tees.

VIII. And be it fürther enacted, That it shall and may be lawful for appoint addi- the said Trustees, and they are hereby authorized and empowered, from tional Trus- Time to Time, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed) to be Trustees for the Purposes of this Act; and such Trustees so elected and appointed, and being duly qualified according to the Provisions or Directions of the said recited Acts made in the Third and Fourth Years of the Reign of His said present Majesty, and having taken and subscribed the Oath, or being a Quaker, having made and subscribed the Affirmation in the said last-recited Act mentioned, shall be and they are hereby invested with the same Powers and Authorities as if they had been named and appointed Trustees in and by this

IX. Provided always, and be it further enacted, That it shall not be Treasurer and lawful for the said Trustees to continue or appoint the Person or Persons Clerk not to who has or have been or may be appointed their Clerk or Clerks in the Person. Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons) who has or have been or may be appointed Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, 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 Table to the many the state of the state of

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X. And be it further enacted, That the Trustees for executing this Meetings of Act shall meet together at the Town Hall of Wiveliscombe aforesaid, or at Trustees. some other convenient Place within the said Town of Wiveliscombe, upon the Wednesday Three Weeks next after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed to put the said Two last-recited Acts and this Act into Execution.

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XI. And be it further enacted, That it shall be lawful for the said Trus- Power to tees, if they think proper, to continue or remove all and every or any of continue and the Toll Gates or Turnpikes, and Toll Houses and Weighing Machines now standing and being in or upon or across the said Roads, or on the Sides thereof, and also to erect or set up or build, or cause to be erected, set up, and built, upon, in, or across the said Roads by this Act directed or authorized to be repaired and amended or made, or any Part thereof, or on the Sides thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for the same respectively, not exceeding One-eighth Part of a Statute Acre each, as they shall think necessary, and

erect Toll. Gates, &c.

from Time to Time to take down and remove, or alter or discontinue the same, or any of them, as they the said Trustees shall think proper and direct or appoint.

For putting up Lamps.

XII. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time, to order and direct One or more Lamp or Lamps to be placed or erected on, or against, or in front of each and every or such One or more of the Toll Houses to be continued or erected by virtue of this Act; and also to order and direct at what Times of the Year and during what Hours such Lamps or any of them shall be kept. lighted; and all and every Toll Collectors and Collector appointed by the said Trustees, and also all and every Lessees or Farmers, Lessee or Farmer of the Tolls authorized by this Act to be taken and collected, and all and every Person and Persons appointed by any such Lessees or Farmers, Lessee or Farmer, who shall neglect or omit to observe and fulfil the Orders of the Trustees in respect to the keeping and lighting of such Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission.

made.

New Line of XIII. And be it further enacted, That it shall be lawful for the said Road may be Trustees, and they are hereby authorized and empowered to make the said new Line of Road from the Town Hall of Wiveliscombe aforesaid, by Shilling ford, and through the Town of Bampton aforesaid, to the said Southmolton and Tiverton Turnpike Road at or near Bish Mills aforesaid, and of such Width as they shall think proper, not exceeding Forty-two Feet, together with such Footpaths, Causeways, Culverts, Fences, Ditches, and Drains, as they shall think necessary or expedient, making Satisfaction to the Owners thereof and other Persons interested therein for the same, or for the Damage they may respectively sustain thereby.

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XIV. And whereas a Map or Plan, describing the Line of the said new made accord- Line of Road, and the Lands through or over which the same is to be made or carried, together with a Book of Reference containing the Name deposited at of each and every Owner and Occupier of such Lands, have been deposited the Offices of at the respective Offices of the Clerks, of the Peace for the said Counties of Somerset and Devon; be it therefore enacted, That the said Maps or the Peace. Plans and Books of Reference shall remain in the Custody of the Clerks have not not of the Peace for the said Counties respectively, 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 thereof at their Will and Pleasure, paying the respective Clerks of the Peace the Sum of One Shilling for every such, Inspection, and at the Rate of Four-pence for every Seventy-two Words, of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Road shall not deviate more than One hundred Statute Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviation shall be made.

Lands marked in the Plan may be

XV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Line of Road into, through,

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across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of Lands over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Book of Re-Names of such Person or Persons may happen to be omitted or mis-stated ference. in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said Counties of Somerset and Devon, or either of them, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

used notwithstanding Errors in the

XVI. And whereas the said new Line of Road by this Act authorized to be made from the Town Hall of Wiveliscombe aforesaid by Shilling for d to the Southmolton and Tiverton Turnpike Road at or near Bish Mills aforesaid, might be shortened and rendered more convenient for the Public, if instead of carrying the same by means of a new Line through the several Houses, Gardens, and Orchards as described in the said Map or Plan, such Road was made to pass through the said Town of Bampton, in which Case the said Road would pass for Six hundred and fifty Yards or thereabouts partly on the Road comprised in the Watchet District of an Act passed in the Forty-seventh Year of the Reign of His late Majesty King George the Third, intituled An Act for continuing the Term and alter- 47 G.3. c.27. ing and enlarging the Powers of Two Acts passed in the Fifth and Twentysixth 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, and partly on the Road comprised in an Act passed in the Third Year of the Reign of His present Majesty, intituled An Act for amending and repairing 3 G. 4. c. 99. 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: And whereas there is no Toll Gate upon any Part of the said Six hundred and fifty Yards of Road, and the Trustees of the said Watchet and Minehead Trusts have consented and agreed to relinquish and give up to the Trustees of this Act so much of the Road comprised in their respective Districts as lies within the said Six hundred and fifty Yards, upon Condition that no Toll Gate shall be erected by the Trustees of this Act on any Part of the said Six hundred and fifty Yards; be it therefore enacted, That from and after the passing of this Act, so much of the Road into and through the said Town of Bampton as is comprised in the said Watchet and Minehead Trusts, viz. from the Market Cross in Bampton aforesaid, to the Point where the Shilling ford and Morebath Roads unite, and from Batham Bridge in Bampton aforesaid to or near Lukes Park Nursery, being about Six, hundred and fifty Yards in Length or thereabouts, shall be and become Part of the Roads to be repaired and maintained by virtue of this Act, and cease to belong to or form Part of the said Watchet and Minehead Trusts: Provided always, that it shall not be lawful for the Trustees of this Act to erect or set up, or cause to be erected or set up, any Toll Gate or Turnpike upon such lastmentioned Roads within the said Distance of Six hundred and fifty Yards.

XVII. And whereas for the Purpose of making, widening, altering, For taking diverting, and otherwise improving the Roads comprised in this Act, or down certain some Messuages, [Local.] 26 A:

some of them, it will be necessary to purchase, take, and use the several Messuages, Buildings, Tenements, Gardens, Orchards, Yards, Paddocks, and Plantations specified or mentioned in the Schedule to this Act; be it therefore enacted. That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, for any of the Purposes aforesaid, to purchase, take, and use all or any of the Houses, Buildings, Gardens, Orchards, Yards, Paddocks, Plantations, and other Tenements mentioned in the Schedule to this Act, and to pull down such Buildings, and to lay the Sites thereof into the said Roads, without obtaining any such Consent or Consents as by the said Two recited Acts made in the Third and Fourth Years of the Reign of His said present Majesty, or either of them, is made requisite; but full and ample Compensation shall be made to the several Parties interested therein for the same, and for the Damage they may sussain thereby, as in the said Act of the Third Year of the Reign of His present Majesty is provided in that Behalf: Provided nevertheless, that if the said Trustees shall not within the Space of Five Years (to be computed from the passing of this Act) agree for, or cause to be valued and paid for, in manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, the several Houses, Buildings, Gardens, Orchards, Yards, Paddocks, Plantations, and other Tenements which they are hereby empowered to purchase, take, and use, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers which are hereby given them for such Purpose shall cease, determine, and be utterly void, save and except with the Consent of the Owners or Proprietors thereof.

be made on Sides of Road where necessary.

Fences may ... XVIII. And be it further enacted, That it shall be lawful for the said Trustees to make and erect or place, or cause to be made, erected, or placed, sufficient Fences on the Sides of such Parts of the Roads to be made, altered, turned, widened, or repaired by virtue of this Act, where they shall think it necessary; and they are hereby required to make, erect, and place such Fences wheresoever the said new Line of Road shall be carried over any Land in the Occupation of any Individual, or whereon any Person or Persons shall be entitled to Right of Common of any Kind. and of such Materials in each Case as the said Trustees shall judge proper; and after any such Fences shall be made through or over any private Lands, Fields, or Grounds; the same shall be for ever thereafter the Property of the Persons or Parties on whose Lands, Fields, or Grounds the same shall have been made, erected, or placed, and after having been well and substantially made, shall be supported and maintained by or at the Expence of the Owners or Proprietors of Occupiers of the Lands, Fields, or Grounds whereon such Fences shall have been so made, erected, or placed.

old Road to be disconti-. nued after the new Line shall have been completed.

XIX. Provided and be it further enacted, That when and as soon as the said new Line of Road from the Town Hall in Wiveliscombe aforesaid, by Shilling ford, and through the Town of Bampton to the said Southmolton and Tiverton Turnpike Road at or near Bish Mills aforesaid, 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 or County of Devon (as the Case may be), so much of the said present Turnpike Road as extends from the Town Hall in Wiveliscombe aforesaid to Radington Mill, and from thence by Gamlyn Cross to and through the Village of Bury, and to the Turnpike Road leading from Minehead to Dulverton at or near Hele Bridge aforesaid, and from the Town of Dulverton aforesaid to the Turnpike Road from Southmolton towards Tiverton at or near Bish Mills aforesaid, and the Road from Radington Mill aforesaid to Way Farm aforesaid; shall cease to be under the Care and Management of the Trustees for executing this Act, and from thenceforth the said Trustees for the Time being are hereby accordingly exonerated and discharged from the Care and Management thereof.

XX. And be it further enacted, That it shall and may be lawful for Power to the said Trustees, or any Person or Persons appointed or continued or to take Tolls. be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes, or Toll Houses, or Side, Gates or Side Bars or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the Roads by this Act directed or authorized to be repaired and amended or made, or any of them, or any Part or Parts thereof, except at a certain Gate in the Town of Wiveliscombe called West Gate, and on the new Line of Road authorized to be made by virtue of this Act; (that is to say),

For every Horse or other Beast drawing any Coach, Landau, Berlin, Tolls to be Hearse, Chariot, Chaise, Phaeton, Curricle, Chair, Gig, or other such taken at all Carriage, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Putt, Dray, Gate.

Litter, or other such Carriage, the Sum of Three-pence:

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of One Penny:

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

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

XXI. Provided always, and be it further enacted. That from and after the passing of this Act it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this new Line of Act, to demand and take at the said Gate called West Gate in the Town of Road. Wiveliscombe aforesaid, and at the several Toll Gates or Turnpikes, or Toll Houses, or Side Gates or Side Bars or Chains; to be erected by virtue of this Act in, upon, across, or on the Side or Sides of the said new Line of Road commencing at the Town Hall of Wiveliscombe aforesaid, and ending at Bish Mills in the Parish of Bishops Nympton in the said County of Devon, (when the same shall be completed), all and every the Toll's following; (that is to say);

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For every Horse or other Beast drawing any Coach, Landau, Berlin, Hearse, Chariot, Chaise, Phaeton, Curricle, Chair, Gig, or other such Carriage, the Sum of Sixpence Three Farthings:

For every Horse or other Beast drawing any Waggon, Wain, Putt, Dray, Litter, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

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

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

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast, Cattle, or Carriage whatsoever, shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar or Chain; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Tolls to be paid but Once a Day.

XXII. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any one of such Toll Gates or Turnpikes or Side Gates, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof on that Day being produced; be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate or Gates, if any, as the Ticket for such Payment shall free, at any Time or Times during the same Day; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls.

XXIII. And be it further enacted, That no more Toll or Tolls shall be demanded or taken from any Person or Persons passing and repassing the same Day with or driving the same Horses, Cattle, Sheep, Beasts, or Carriages, through all or any of the Toll Gates or Turnpikes which shall be continued or erected by virtue of this Act upon the several Roads comprised in this Act, than the respective Tolls herein-after mentioned, (that is to say), only One Toll upon the Roads from the Town Hall in Wiveliscombe to the said Turnpike Road from Taunton to Handy Cross, at the said Place now called The Lethbridge Arms Inn, but lately known by the Name of The Gore Inn; the Roads from the Town Hall in Wiveliscombe to the said Turnpike Road from Taunton to Minehead at or near the Village of Monksilver aforesaid; the Roads from the Town Hall in Wiveliscombe to the said Turnpike Road leading from Taunton to Whiteball aforesaid; the Roads from Coxburrow to Rock Corner in the Town of Milverton aforesaid; the Road from Ford Bridge aforesaid unto the before-described Road from Wiveliscombe to the said Turnpike Road from Taunton to Handy Cross; the Road from Rock Corner to the Road from Wiveliscombe to Whiteball aforesaid; the Road from Parish's Barn to Pitsford Hill aforesaid; the Roads from the Town Hall of Wiveliscombe to Holcombe

Holcombe Water in the Parish of Brompton Ralph aforesaid, and from Cruwys's Cross aforesaid to the said Turnpike Road leading from Watchet to the Town of Bampton aforesaid; the Roads from Lang ford Turnpike Gate aforesaid to Tone Bridge aforesaid, and from Sandy Lane aforesaid to the said Turnpike Road from Wiveliscombe to Homebames aforesaid; and the Road from the Foot of Brendon Hill aforesaid to the Minehead Turn-. pike Road opposite to Hartrow Gate aforesaid; and only Three full Tolls upon the new Line of Road from the Town Hall of Wiveliscombe aforesaid, by Shilling ford, and through or near Bampton aforesaid; to the said Southmolton and Tiverton Turnpike Road at or near Bish Mills, near Southmolton aforesaid.

XXIV. Provided also, and be it further enacted, That the Tolls hereby Stage made payable shall be paid for or in respect of all Horses or other Beasts Coaches, &c. drawing any Stage Coach, Van, Caravan, or Stage Waggon, Cart, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, ing, and Post every Time of passing or repassing along the said Roads, and also for and in respect of all Horses or other Beasts let out for Hire, and drawing any Post Chaise or other Carriage, every Time of passing along the said Roads, whenever a new Hiring thereof shall take place.

to pay every Time of pass-Chaises upon every new Hiring.

XXV. And be it further enacted, That out of the Monies already Application received by virtue of the said former Acts hereby repealed, and now in the Treasurer's Hands, or in the Hands of the Agent of the Creditors, or out of the First Money which shall arise or be received from the Tolls by this Act granted, or out of the Money to be borrowed by virtue of this Act, the said Trustees shall in the First Place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act; and the Remainder of all such Monies shall from Time to Time be applied, in the Second Place, in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the said former Acts hereby repealed, and which by virtue of and under the Powers of this Act may be borrowed on the Credit of this Act, and erecting, altering, repairing, or enlarging Turnpikes and Toll Houses, Side Bars, Side Gates, Chains, and Weighing Engines, and in amending, making, altering, turning, widening, improving, and keeping in repair the said Roads, and otherwise putting this Act into Execution; and lastly, in repaying the Principal Monies already borrowed by virtue of the said Two former Acts hereby repealed, or to be borrowed by virtue of this Act.

of the Tolls and Money to be borrowed.

XXVI. And be it further enacted, That the Money which shall be agreed Application or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, used, or damaged by virtue of the Powers of this or the exceeding said Two last-mentioned Acts passed respectively in the Third and Fourth 2001. Years of the Reign of His present Majesty, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Tenant for Life, or in Fee Tail General or Special, or Person or Persons under any Disability or Incapacity, such Money 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 Court of Exchequer, to be placed to his Account ex parte the Trustees [Local.]

of Compen-

Trustees of this Act, pursuant to the Method prescribed by an Act passed 1 G. 4. c. 35. in the First Year of the Reign of His present Majesty, intituled An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward, 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 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 other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed or settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, used, or damaged as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or 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, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds per Gentum 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 the Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Settlement or Purchase had been made.

Application of Compensation Money when less! than 2001. and not less than 204

XXVII. Provided always, and be it further enacted. That if the Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, used, or damaged for the Purposes aforesaid, 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 amount to or 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, used, or damaged, 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 said Bank, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner doonherein-

herein-after 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 by the Trustees of 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 and Interest 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 or Approbation of the Court of Exchequer.

XXXVIII. Provided also, and be it further enacted. That when such Application Money so agreed or awarded to be paid as last before mentioned shall be of Compenless than Twenty Pounds, then and in all such Cases the same shall be sation Money applied to the Use of the Person or Persons who would for the Time being than 20%. have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, used, or damaged, in such Manner as the said Trustees shall think fit, or in case of Lunacy or Infancy, 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.

XXIX. Provided always, and be it further enacted, That where any Incase of 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 said Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of or Satisfaction in respect of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased with the contrary shall be any such Money, or to the Dividends or Interest of any such Bank Annui- shewn. ties, 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 shown to the Satisfaction of the said Court, 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, or that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

questionable Title, Persons in Possession to be deemed en-

XXX. Provided also, and be it further enacted, That where by reason Expences of of any Disability or Incapacity of the Person or Persons, or Corporations, Purchases entitled to any Lands, Tenements, or Hereditaments to be purchased, may be altaken, or used under the Authority of this Act, the Purchase Money for Court. the same shall be required to be paid into the said Court of Exchequer, 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'

lowed by the

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, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXXI. 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.

Commencement and Continuance of this Act.

the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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The SCHEDULE referred to by this Act.

Tenements.	Owners.	Leaseholders.	Occupiers.
	Parish of Bish	tops Nympton.	
Plantation	Richard Preston,		Richard Preston,
	John Pasmore -)		Esquire.
Coppice	William Pasmore - > Thomas Pasmore - >		John Pasmore.
Orchard	Do		Do.
	Parish of	Oakford.	
arden	Reverend Charles	ßetty Hodge, - ?	Robert Carpenter.
Orchard	Strong -	William Chapman	Do.
Peas arish Copse -	Do		& Reverend Charles
Orchard	Thomas Shorland -		L Strong. Thomas Surrage.
Garden	John Milner, Esquire		John Leworthy.
Wood	Do		John Milner, Esquir Do.
	Parish of	Bampton.	
A ala Telasada Alasa	Daniel Badcock,		Daniel Badcock,
Ash Plantation - West Brook Wood -	Esquire - 5		Esquire.
Fir Plantation -	Do		Do. Do.
Orchard	Do		John Gooding. James Greenway.
Orchard	Ann Jenkins and		John Pearse.
Orchard - ' -	Richard Pearse -		Richard Pearse.
Garden	Do	-	Do.
Orchard	{ Ann Jenkins and John Oxenham }		John Crudge.
Orchard and Yard - Garden			Jane Milton. Do.
Hackwell's Copse -	Right Hon. Lord	Edward Milton -	Edward Milton.
Burgess Orchard -	George Sanders -		William Lock.
Popham's Orchard - Sawpit Orchard -	Robert Capron - Robert Capron -		Robert Capron. Robert Capron.
Curtilage and Stable -	Right Hon. Lord	Trustees of John	Thomas Stone
Porch of a Dwelling		Surridge and others 5	
House on the East-	Stucley Tristram	Matthew Rowland -	Matthew Rowland.
ern Side of the Town of Bampton	Lucas, Esquire - 5	*	
Pigstye	Do	Do	Do. John Greenslade.
Garden Garden or Nursery -	Edward Milton Thomas Langdon		Thomas Langdon.
An unoccupied House			Do.

Tenements.	Owners.	Leaseholders,	Occupiers.
	Parish of Bampi	ton—(continued.)	
Garden and Orchard - Orchard and Nursery	Sir Thomas Dyke } Acland, Bart S William Ashelford -	William Elsworthy	Thomas Prescott and John Perry. Thomas Luxton.
Linhay, and Plot ad-	Thomas Luxton -		Thomas Luxton.
joining	John Luxton (1970)	•	Thomas Luxton. Joseph Brewer.
	Parish of (Clayhanger	
Clayhanger Wood -	{ Montague Baker } Bere, Esquire - }		Montague Baker Bere, Esquire.
	Parish of		
Copse Orchard - Garden - Pink Wood -	{Reverend Robert } {Freke Gould - } Miss Kent - Robert Stone		John Pearse. Francis Besly. Robert Stone.
	Parish of	Milverton.	
Horridge Down Wood	Messrs. Philip and William Hancock; & William Boucher		Philip Hancock, Esquire.
Coombe Orchard •	Thomas Burston } Matthew Burston - }		William Merson.
Yea Orchard -	{Mrs. Yea} Sir Walter Yea -}		William Webber.
Malt House and Yard Smith's Shop	_ :		John Lutley. James Webber.

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