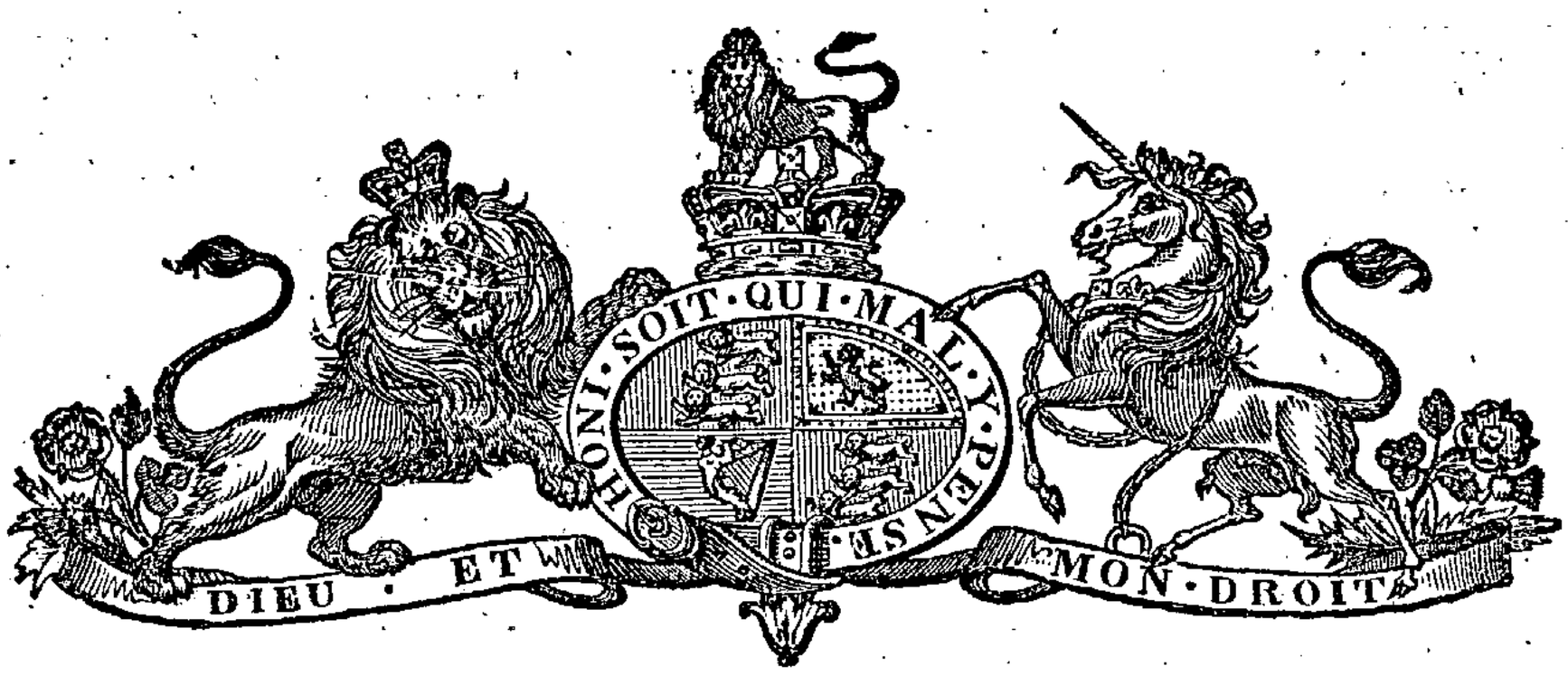


ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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Sums of Money upon the Credit of the Tolls thereby authorized to be taken upon the said Roads, a great Part of which Money still remains owing upon the Credit of the said Tolls, together with a large Arrear of Interest, and such Money cannot be paid off, nor can the said Roads be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act be further continued and extended: And whereas by the "Annual Turnpike Acts Continuance Act, 1852," the said recited Act was continued until the First Day of *November* One thousand eight hundred and fifty-three, and no longer, unless Parliament should in the meantime continue the same: And whereas it is expedient that the said recited Act should be repealed, and that other and more effectual Powers should be granted in lieu thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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,

Recited Act repealed, and this Act to be put in force.

I. That upon the Fourth *Monday* next after the passing of this Act the recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby repealed, and that this Act shall thereafter be put into execution for and during the Term herein-after mentioned, for the Purpose of maintaining, amending, diverting, varying, altering, widening, straightening, improving, and keeping in repair the Line of Road situate and lying in the said County of *Somerset*, and herein-after described; (that is to say,)

Description of the Roads.

The present Road from the Top of *Picks Hill* near *Langport Eastover* (branching out of the Turnpike Road between *Langport Eastover* and *Somerton*) to the *Taunton* Turnpike Road at *Pedwell*, and from thence (after crossing that Turnpike Road), through the Village of *Ashcott* and *New Farm Lane*, by *Buskett Farm*, to the Northern End of *Puckerell Lane* leading into *Meare Street*, and which said Line of Road lies in the several Parishes of *High Ham*, *Huish Episcopi*, *Long Sutton*, *Butleigh*, *Ashcott*, and *Meare* (except all such Parts of the several before-described Lines of Road as the Inhabitants of the said County are liable to repair, or are contained in any other Turnpike Act or Acts):

And that so much of the said Road as lies between the Top of *Picks Hill* aforesaid and *Pedwell Drove* in *Kingsedgmoor* shall be deemed and considered to be in and Part of the said Parish of *High Ham*; so much of the said Drove called *Pedwell Drove* as lies between the last-mentioned Point and *Huish Drove* in the said Moor shall be deemed and considered to be in and Part of

the said Parish of *Long Sutton*; so much of the said Drove as lies between the last-mentioned Point and the *Eighteen Foot Rhine* which divides the *Huish Episcopi* and *Ashcott* Allotments in the said Moor shall be deemed and considered to be in and Part of the said Parish of *Huish Episcopi*; so much of the said Drove as lies between the last-mentioned Point and a Point at the Distance therefrom of Eight hundred and sixty Yards in Length shall be deemed and considered to be in and Part of the said Parish of *Butleigh*; so much of the said Drove and Line of Road as lies between the last-mentioned Point and a certain Drain dividing the Parishes of *Ashcott* and *Meare* aforesaid, called the *New South Drain*, shall be deemed and considered to be in and Part of the said Parish of *Ashcott*; and the Residue of the said Line of Road to the Northern End of *Puckerell Lane* aforesaid shall be deemed and considered to be in and Part of the said Parish of *Meare*.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *High Ham and Ashcott* Turnpike Roads Act, 1853."

All Arrears of Toll and Money under recited Act vested in the Trustees under this Act.

III. That all Rents and Arrears of Tolls and other Monies due to, and all Property and Choses in Action vested in or belonging to, the Trustees under the Act hereby repealed shall immediately on the passing of this Act be vested in and belong to the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in and belonged to them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof, except only the Arrears of Interest hereby extinguished.

Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Somerset*, together with *William Atkins*, *Stephen Down*, *John Down*, *James Bullock* Clerk, *Francis Meade Eastment*, *Benjamin Cuff Greenhill*, *Francis Gillett* of *Musbury*, the Honourable and Very Reverend *George Neville Grenville*, Dean of *Windsor*, *Francis Jego Gillett*, *Darwin Galton*, *Hubert John Barclay Galton*, *John Howard Galton*, *Erasmus Galton*, *John Shuckburgh Howe*, *Richard Holman* the younger, *John Holman*, *Joseph Proud Hodgson*, *William James* Clerk, *Richard Jones*, *John Lilly*, *John Lockyer*, *William Lovell*, *Joseph Motley*, *Thomas Mason* Clerk, *William Phelps* Clerk, *William Pyne* Clerk, *William Reynolds*, *William Holmes Ravenhill*, *Samuel Reynolds*, *Thomas Roach*, *John Reynolds*, *James Short*, *Henry Bull Strangways*, *Henry Bull*

Bull Temple Strangways, *George Bailey Tuson*, *Thomas Bampfield Uttermare*, *George Warry*, *George Deedes Warry*, *Frederick William White* Clerk, and *Vincent Stuckey Wood*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. That it shall be lawful for the said Trustees at any Meeting under this Act to elect any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

VI. That the said Trustees shall hold their First Meeting at *Pipers* Inn, in the Parish of *Ashcott* aforesaid, or at some other convenient Place in the Neighbourhood of the said Roads, on the Fourth *Monday* next after the passing of this Act, and shall then and from Time to Time thereafter adjourn to and meet at such Times and Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

VII. That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and the Surveyor may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Tolls.

VIII. That upon and after the passing of this Act it shall be lawful for the said Trustees to demand and take, at each and every of the Toll Gates and Side Gates or Toll Bars and Chains which shall by virtue of this Act be in, upon, or across the said Turnpike Road or on the Sides thereof, the several Tolls or Sums following; (that is to say,)

For every Horse, Mule, or Ass drawing any Coach, Chaise Marine, Barouche, Sociable, Landau, Berlin, Vis-à-vis, Chaise, Phaeton, Curricle, Chair, Whiskey, Calash, Caravan, Hearse, Litter, Taxed Cart, or other such like Carriage, Fourpence Halfpenny:

For every Horse, Mule, or Ass drawing any Waggon, Wain, Cart, Dray, or other such like Carriage having the Fellies of the Wheels of not less Breadth than Six Inches, Fourpence:

For every Horse, Mule, or Ass drawing any Waggon, Wain, Cart, Dray, or other such like Carriage having the Fellies of the Wheels

Wheels of less Breadth than Six Inches and not less Breadth than Four Inches and a Half, Fivepence:

For every Horse, Mule, or Ass drawing any Waggon, Wain, Cart, Dray, or other such like Carriage having the Fellies of the Wheels of less Breadth than Four Inches and a Half, Sixpence:

For a single Horse, Mule, or Ass drawing a Cart, Fourpence:

For every Ox or Neat Cattle drawing any such like Carriage, One Half of the before-mentioned Tolls:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, One Penny Halfpenny:

For every Ox, Cow, or Neat Cattle not drawing, One Halfpenny:

For every Calf, Pig, Sheep, or Lamb, One Farthing:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding Two Shillings and Sixpence:

For every Dog or Goat drawing any Cart, Carriage, or other Vehicle, One Penny:

Which said Tolls respectively shall be paid before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate, Side Gate, Toll Bar, or Chain which shall be by virtue of this Act in, upon, or across such Road or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

IX. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Tolls to be paid but once in a Day.

X. Provided always, That in case the said Toll shall have been paid for or in respect of any Horse, Beast, or Cattle passing through any of the Turnpikes or Toll Gates now or hereafter to be erected upon, across, or on the Sides of the said Road, no Toll shall be demanded or taken for or in respect of such Horse, Beast, or Cattle for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Gate the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, but that every Person, on producing a Note or Ticket denoting the Payment of such Toll, shall (except as herein-after mentioned) be permitted to pass through such Turnpike, Toll Gate, or Side Gate, with such Horse, Beast, or Cattle, Toll-free; provided that if any such Horse, Beast, or Cattle, in returning or repassing, be drawing any Carriage in respect of the drawing of which a higher Rate of Toll would be payable than was paid for such Horse, Beast, or Cattle on first passing through the said Gate or Bar, the Difference of Toll between that paid on first passing and that payable on returning or repassing the First Time shall be paid.

Number of Tolls limited.

XI. That no more that One full Toll shall be demanded or taken for or in respect of the same Horse, Beast, or Cattle for passing on the same Day through the whole Line of the said Road.

Postchaises to pay on every fresh Hiring.

XII. That the Tolls hereby made payable shall be paid for all Horses, Beasts, or Cattle drawing any Postchaise or other Carriage travelling for Hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses, Beasts, or Cattle had been made on the same Day.

Regulations as to Stage Coaches.

XIII. That for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other such Carriage, carrying Goods or Passengers for Payment, Hire, or Reward, for which Toll shall have have been paid, and which shall return on the same Day, carrying Goods or Passengers for Payment, Hire, or Reward, through any Turnpike or Toll Gate on the said Roads, the Tolls hereby made payable shall be again paid for repassing through such Turnpike or Toll Gate in like Manner as if no Toll had been before paid.

Horses, &c. drawing different Waggons, &c. to pay for every Time of passing.

XIV. Provided also, That the said Tolls shall be payable at each and every Toll Gate belonging to the Trustees in respect of Horses or other Beasts drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage, for every Time during the same Day that any such Horse or other Beast shall pass through any of the Toll Gates of the Trustees drawing any other laden Waggon, Wain, Cart, Van, Caravan, or such like Carriage than that which such Horse or other Beast was employed in drawing at any former Time during the same Day, and at which Tolls shall have been paid.

Respecting Toll Gates.

XV. That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said Roads or on the Sides thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up, on or across the said Roads or on the Sides thereof, any Toll Gate or Bar and Toll Houses, and to remove the present or any future Toll Gates or Bars and Toll Houses, as they shall think proper: Provided always, that no Toll Gate, Bar, or Toll House shall be removed, erected, or set up upon or across the said Roads or on the Sides thereof unless the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*.

9 G. 4. c. 77.

XVI. That

Exemptions from Tolls.

XVI. That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle carrying Milk, or going for or returning after carrying such Milk, or for any Horse, Beast, or other Cattle drawing any Carriage employed in carrying or conveying, or going for or returning after carrying or conveying, on the same Day, any Dung, Mould, Compost, or any Lime or other Matter or Thing to be used for Manure only for improving Lands, or Stones or other Materials for the guttering or draining of Lands, or any Milk, Hay, Straw, Fodder for Cattle, Corn, Apples, or Wood (except Timber), or any Potatoes, Carrots, Turnips, or other Roots or Vegetables or vegetable Productions (except Turf) which has or have arisen or grown on Land or Ground in the Occupation of the Owner of any such Milk, Hay, Straw, Fodder, Corn, Apples, Wood, Potatoes, Carrots, Turnips, or other Roots or Vegetables or vegetable Productions, carried to the House, Barn, Barton, Granary, or Stable of the Owner of such Milk, Hay, Straw, Fodder, Corn, Apples, Wood, Potatoes, Carrots, Turnips, Roots, Vegetables or vegetable Productions, or from any Part of the Lands and Premises in his Occupation to any other Part of such Lands and Premises, such Milk, Hay, Straw, Fodder, Corn, Apples, Wood, Potatoes, Carrots, Turnips, Roots, Vegetables or vegetable Productions not having been bought, sold, or disposed of, nor being carried a greater Distance than Two Miles on the said Turnpike Road.

Trustees may reduce the Tolls.

XVII. That it shall and may be lawful for the said Trustees and they are hereby empowered, at their First or any subsequent Meeting or Meetings, to lessen and reduce all or any of the Tolls granted by this Act to any Sum or Sums of Money not less than Two Thirds of the Amount of the respective Tolls now received, for and during such Times as the said Trustees shall think proper, and afterwards, at any Meeting or Meetings to be held as aforesaid, from Time to Time, as they shall see Occasion, to advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the several Tolls granted by this Act.

Application of Monies.

XVIII. That all Monies which shall be received by the Trustees by virtue of this Act shall be applied and disposed of as herein-after mentioned; (that is to say,)

First, in defraying all the Costs, Charges, and Expenses incident to and attending the obtaining and passing of this Act:

Secondly, in paying the Expenses of providing and keeping in repair the Toll Gates, Toll Bars, Toll Houses, Chains, and Bars, and their Appurtenances, and Bridges, which shall be on or by the said Roads, and in paying the Officers employed in the execution of this Act, the Amount so applied not to exceed the Sum of Thirty Pounds *per Annum*:

Thirdly,

Thirdly, in paying the Interest upon the Principal Debt now or hereafter to be due and owing on the Security of the said Tolls, at the Rate of One Pound Fifteen Shillings *per Centum per Annum*:

Fourthly, in paying off in manner herein-after provided the Amount of the said Principal Debt now due and owing on the Security of the said Tolls:

And, fifthly, in maintaining, repairing, and improving the said Roads.

Interest not to accrue until Expenses of Act paid.

XIX. That no Interest shall accrue due on the Principal Sums owing on the Credit of the Tolls authorized to be taken on the said Roads until the Trustees shall have received sufficient Sums to pay and discharge and shall have paid and discharged the Expenses of obtaining and passing this Act and incident thereto.

Determining Amount of existing Debt.

XX. And whereas the Principal Sums due and owing under the said recited Act amount to the Sum of Three thousand two hundred and forty Pounds, secured by Sixty-four several Mortgages for the Sum of Fifty Pounds each, and Interest, and One Mortgage for the Sum of Forty Pounds and Interest, and numbered consecutively from One to Sixty-seven inclusive (the Mortgages numbered respectively Twenty and Forty-six having been subsequently cancelled), and upon which Mortgages there is a large Arrear of Interest now due and owing: Be it enacted, That from and after the passing of this Act all Arrears of Interest due on or in respect of the said Sum of Three thousand two hundred and forty Pounds, the Money secured by the said Sixty-five Mortgages, and every Part thereof, shall be considered as satisfied, discharged, and extinguished, and that the said Sum of Three thousand two hundred and forty Pounds shall be taken to be the Principal Money charged by the several continuing Mortgages on the Tolls authorized to be taken on the said Roads.

As to Mode of discharging Debt.

XXI. That when any Sum of Money amounting to the Sum of Fifty Pounds shall be in the Hands of the Treasurer to the Trustees, applicable to the Discharge of the Principal Monies due and owing upon the Credit of the Tolls, it shall be lawful for the said Trustees and they are hereby required to pay such Sums of Money as shall be agreed to be accepted by any Person being a Creditor on the Tolls as a Composition on and in satisfaction of his Security to the Amount then in the Treasurer's Hands for that Purpose, according to the Stipulation herein-after mentioned; (that is to say,) the Trustees shall, Twenty-eight Days at least before the next General or other Meeting, cause Notice in Writing to be sent by Post to each Mortgagee, directed to his last known Place of Abode, that a Composition will be paid to such Creditor on the said Tolls as shall be willing to accept

accept the smallest Composition for his Security, and requiring such Creditor to transmit Proposals in Writing, sealed up, to the Trustees at the said Meeting, specifying therein the lowest Rate *per Centum* which such Creditor will accept and take for each and every such Security of which he may be possessed, due and owing on such Tolls (which said Proposals shall, as soon after the Hour of One o'Clock in the Afternoon of the Day of the said Meeting as convenient, be publicly opened by the Clerk to the said Trustees at the said Meeting); and the Creditor whose Proposal shall specify the lowest Rate *per Centum* which he will accept and take for all or any of the said Securities shall have the Preference, and be paid such Sum of Money as he may be willing to accept for the same (if the Amount shall not exceed the Amount of the Sinking Fund to be disposed of), by the Treasurer to the said Trustees, at the Expiration of One Calendar Month next after such Meeting, with all Interest then due for the same; and if Two or more of the said Creditors shall deliver in Proposals at the same Meeting for accepting a Composition for any Security at an equal Rate *per Centum*, then and in such Case it shall be forthwith determined by Lot, to be fairly drawn by the said Clerk to the Trustees, to which of the said Creditors Preference shall be given in Payment of such Composition, and the Creditor gaining such Preference shall be paid his Composition in the Manner herein-before mentioned; but if there shall not be any Proposals delivered in at any such Meeting by any of the Creditors for accepting such Composition as aforesaid to the Amount to be disposed of, or any Part of that Sum, at a less Rate than the full Amount of the Principal Money due to him on the said Tolls, then and in such Case, but not otherwise, the said Trustees shall and may and they are hereby required to cause the Numbers of the respective Securities, with the several Sums for which they are given, to be separately set down in Writing, and put together in a Box or Wheel, and out of such Box or Wheel immediately afterwards cause to be drawn the Number of so many of the said Securities as shall be equal in Value or Amount to the Sum so set apart and intended to be paid off, and in One Calendar Month next after such Numbers shall be respectively drawn the Treasurer to the said Trustees shall pay to the Person or Persons who shall be entitled to the respective Securities the Numbers of which shall be drawn as aforesaid, or to the Trustee or Trustees, Guardian or Guardians of such of the Persons so entitled as shall be under Age, such Sum or Sums of Money as shall be due on the Securities so drawn, which they are hereby required to accept and take accordingly, in discharge of such Securities; and the Receipt of such Persons, Trustees, or Guardians respectively, endorsed in Writing on the said Securities, shall be valid and effectual Discharges for the same, and it shall not be requisite to take a Surrender or Reconveyance thereof.

Mortgagees to take possession for Payment of Interest only.

XXII. That whenever and so long as the Interest upon all existing Mortgages made under the Powers of the said recited Act or of this Act shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable on any Letting of such Tolls; and every Mortgagee entering into the Possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time due and becoming due upon the said existing Mortgages without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every Mortgagee being so in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate herein-before mentioned on such Mortgages up to the last half-yearly Days, and all such Costs as aforesaid, shall have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said Trustees, or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

No more Money to be borrowed upon the Tolls.

XXIII. That it shall not be lawful for the Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

No Tolls to be taken or Money laid out in Towns.

XXIV. That no Money shall be laid out on any Part of the Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein.

Trustee or Clerk to be competent Witnesses.

XXV. That no Trustee or Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence or be disqualified from giving Evidence in any Action, Suit, or Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or other Proceeding.

XXVI. That

Roads not exempt from Provisions of future General Acts.

XXVI. That nothing herein contained shall be deemed or construed to exempt the Roads comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXVII. That this Act shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

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