ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 23.

An Act for more effectually amending, widening, and keeping in Repair the Roads from the East End of the Town of *Chard* to the South End of *West Moor*, and from the West End of the *Yeovil* Turnpike Road through *Ilminster* to *Kenny Gate*, and from the West End of *Pease Marsh Lane* to *Horton Elm*, and from *Saint Rane Hill* to *Ilminster*, and from *White Cross* to *Chillington Down*, and from a Place called *Three Oaks*, over *Ilford Bridges*, to *Old Way*, and from *The Cross Keys* to *Catharine Wheel*, in the Parish of *Ashill*, in the County of *Somerset*.

[7th *April* 1803.]

WHEREAS by an Act made in the Twenty-first Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Roads from the East End of the Town of* Chard *to the South End of* West Moor, *and from the West End of the* Yeovil *Turnpike Road, through* Ilminster *to* Kenny Gate, *and from the West End of* Pease Marsh 21 Geo. 3.

Marſh Lane *to* Horton Elm, *and from* Saint Rane Hill *to* Ilminſter, *and from* White Croſs *to* Chillington Down, *and from a Place called* Three Oaks, *over* Ilford Bridges, *to* Bridge Croſs, *in the County of* Somerſet, certain Powers and Authorities were given to certain Truſtees therein named, for the Purpoſes of widening, altering, repairing, and maintaining the ſaid Roads: And whereas the ſaid Truſtees have proceeded in the Execution of the ſaid Act, and have borrowed a conſiderable Sum of Money upon the Credit of the Tolls granted thereby, which Money is ſtill due and owing, and the ſaid Roads are now very much out of Repair, and it is expedient that the ſaid Act ſhould be repealed, and other and additional Powers granted; and it would be attended with great Convenience to the circumjacent Country if Powers were given for the amending, widening, and repairing a certain Branch of Road, being in Length about Six Furlongs and Eleven Perches, leading from a certain Houſe called *Croſs Keys*, to *Catharine Wheel*, in the Pariſh of *Aſhill*, in the ſaid County of *Somerſet*; but as ſuch ſeveral Purpoſes cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act, made in the Twenty-firſt Year of the Reign of His preſent Majeſty, ſhall be and is hereby declared to be repealed, and null and void to all Intents and Purpoſes whatſoever.

Truſtees. II. And be it further enacted, That the Right Honourable Lord Viſcount *Hinton*, the Honourable *Vere Paulett*, Sir *John Trevelyan* Baronet, *Richard Abraham* Clerk, *Thomas Abraham*, *Samuel Alford* Clerk, *Thomas Alford* Clerk, *Robert Bagſhot*, *Edward Baker*, *John Baker* ſenior, *John Baker* junior, *William Banger*, *Robert Bartlett*, *William Abraham Bartlett*, *Joſeph Bragg* ſenior, *Joſeph Bragg* junior, *James Bryant*, *Robert Jeane Bryant*, *Benjamin Chaffey*, *Richard Chaffey*, *John Chaffey*, *John Chambers*, *John Reed*, Clerk, *Theophilus Clarke*, *Henry Powell Collins*, *John Collins*, *John Collins* junior, *John Raw Collins*, *Thomas Collins*, (*Chard*), *Thomas Collins*, (*Ilminſter*), *Robert Colmer*, *Edward Combe*, *Richard Thomas Combe*, *John Cooke*, *Thomas Cooper*, *Jonathan Croft*, *William Eliſha De Viſme*, *John Donne*, *William Donne*, *John Eaſon*, *John Baker Edmonds*, *Charles Edwards*, *Stephen England*, *Joſeph Feltham*, *John Fewtrell* Clerk, *William Gray*, *John Hallett*, *Edmund Trowbridge Halliday*, *John Halliday*, *John Hanning*, *William Hanning*, *Philip Hext*, *Thomas Hopkins*, *Thomas Hoſkins*, *William Hoſkins*, *William Houſe*, *Charles Hull*, *William Hunt*, *Thomas Hutchings*, *William Hutchings*, *Norris Jego* junior, *John Jeſſe*, *Nathaniel Knott*, *Thomas Langdon*, *William Langdon* Clerk, *James Thomas Benedictus Marwood*, *John Mitchell* Clerk, *George Notley* Clerk, ——— *Palmer* Clerk, *Peter Patten*, *John Perkins*, *William Phelips* Clerk, *Charles Phelips* Clerk, *John Prowſe*, *James Quantock*, *Matthew Quantock*, *Thomas Roſſiter*, *William Roſſiter*, *Robert Hooper Scott*, *Robert Slatter*, *Thomas Slatter*, *Samuel Slee*, *William Speke*, *Henry Stambury* Clerk, *Samuel Stuckey*, *George Stuckey* (Son of *Samuel*), *Chriſtopher Tatchell* Clerk, *John Templeman*, *William Thomas*, *Richard Toller*, *Edward Troyte* Clerk, *Sydenham Frampton Vere*, *John Vincent*, *Timothy Wallington*, *William Walters*, *John Tyndale Warre*, *John Wheadon*, *Henry Whitmarſh*, *Samuel Wills*, and *James Willy*, and their Succeſſors, to be elected in Manner herein directed, ſhall be and they are hereby declared to

to be Truſtees for amending, repairing, altering, widening, and improving the ſeveral Diſtricts of Roads herein-after mentioned, and for otherwiſe carrying this Act into Execution.

Roads divided into Diſtricts.

III. And be it further enacted, That ſuch Part and Parts of the ſaid Roads leading from the Eaſt End of the Town of *Chard*, to the South Weſt Corner of the Market Houſe in the Town of *Ilminſter*, in the ſaid County of *Somerſet*, and from the Weſt End of *Peaſe Marſh Lane*, in the Pariſh of *Ilminſter*, through the Pariſh of *Donyatt*, to a Place called *Horton Elm*, in the ſaid Pariſh of *Ilminſter*, all in the County of *Somerſet*, ſhall be the Firſt Diſtrict of the ſaid Roads, and ſhall be known and called by the Name of *The Southern Diſtrict*; and ſuch Part and Parts of the ſaid Roads leading from the ſaid South-Weſt Corner of the ſaid Market Houſe in the ſaid Town of *Ilminſter*, to the South End of a certain Moor commonly called *Weſt Moor*, all in the County of *Somerſet*, ſhall be the Second Diſtrict of the ſaid Roads, and ſhall be called and known by the Name of *The Northern Diſtrict*; and ſuch Part and Parts of the ſaid Roads leading from the Weſt End of the *Yeovil* Turnpike Road, in the Pariſh of *Brimpton*, through the Pariſhes of *Odcombe*, *Montacute*, *Eaſt* and *Weſt Stoke*, (commonly called *The Lower Way*) over *South Petherton Bridge*, to the Weſt End of the ſaid Market Houſe in the ſaid Town of *Ilminſter*, and from a certain Place called *White Croſs*, near *Lopen*, through the Pariſh of *Dinnington*, to the Turnpike Road on *Chillington Down*, all in the County of *Somerſet*, ſhall be the Third Diſtrict of the ſaid Roads, and ſhall be called and known by the Name of *The Eaſtern Diſtrict*; and ſuch Part and Parts of the ſaid Roads leading from the ſaid Weſt End of the ſaid Market Houſe in the ſaid Town of *Ilminſter*, to a certain Place called *Kenny Gate*, in the Pariſh of *Aſhill*, and from a certain Place called *Three Oaks*, in the ſaid Pariſh of *Aſhill*, to the Turnpike at *Old Way*, and from a certain Publick Houſe called *The Croſs Keys*, in the ſaid Pariſh of *Aſhill*, to a certain Place called *The Catharine Wheel*, in the ſaid Pariſh of *Aſhill*, all in the ſaid County of *Somerſet*, ſhall be the Fourth Diſtrict of the ſaid Roads, and ſhall be called or known by the Name of *The Weſtern Diſtrict*; and ſuch Part and Parts of the ſaid Roads leading from the Turnpike Road on *Saint Rane Hill*, through *Kingſtone*, to a certain Publick Houſe called *The White Horſe*, at the Eaſt End of the ſaid Town of *Ilminſter*, all in the County of *Somerſet*, ſhall be the Fifth Diſtrict of the ſaid Roads, and ſhall be called and known by the Name of *The Kingſtone Diſtrict*.

Southern Diſtrict;

Northern Diſtrict;

Eaſtern Diſtrict;

Weſtern Diſtrict;

Kingſtone Diſtrict.

No Act valid unleſs at a Meeting.

Majority preſent may act, the whole Number not being leſs then Five.

IV. And be it further enacted, That no Act of the ſaid Truſtees ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be done at ſome Meeting to be holden in purſuance of this Act (except as may be herein excepted); and that all the Powers and Authorities by this Act granted to the ſaid Truſtees, ſhall and may be exerciſed from Time to Time by the major Part of them who ſhall attend at any Meeting to be holden in purſuance of this Act (the Number of ſuch Truſtees preſent at ſuch Meeting not being leſs than Five); and all the Orders and Proceedings of the major Part of ſuch Truſtees preſent at ſuch their ſeveral Meetings, ſhall have the ſame Force and Effect as if the ſame were made or done by all ſuch Truſtees for the Time being (ſave and except as may be herein excepted).

Election of new Truſtees.

V. And be it further enacted, That upon the Death, Refuſal, or Diſability of any of the ſaid Truſtees hereby appointed, or their Succeſſors, to

to be elected in Manner herein mentioned, to act in the Execution of this Act, then and and in every ſuch Caſe it ſhall and may be lawful to and for the ſurviving or remaining Truſtees, from Time to Time, to elect and appoint One other Perſon to be a Truſtee in the Room of each Truſtee ſo dying, or refuſing, or being incapable of acting, and Notice of the Time and Place of the Meeting for every ſuch Election, ſigned by the Clerk to the ſaid Truſtees for the Time being, ſhall be affixed on ſome conſpicuous Part of the Market Houſe of the ſaid Town of *Ilminſter*, and on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Roads, at leaſt Twenty-one Days before ſuch Meeting; and every Perſon ſo elected a new Truſtee as aforeſaid ſhall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purpoſes, in as full and ample a Manner as the Truſtee in whoſe room or ſtead he ſhall have been ſo elected: Provided always, that if any Perſon or Perſons hereby nominated, or elected or appointed a Truſtee or Truſtees by virtue of this Act, ſhall neglect to act in the Execution thereof for the Space of Three Years, ſuch Neglect ſhall be and be deemed to be a Refuſal to act within the Intent and Meaning of this Act.

Qualification of Truſtees.

VI. 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 the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate of the Value of Two thouſand Pounds, or ſhall be Heir Apparent of ſome Perſon poſſeſſed of an Eſtate in Land of the clear yearly Value of Two hundred Pounds; and if any Perſon, not being ſo qualified, ſhall 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 in any of His Majeſty's Courts of Record by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

All Acts of Truſtees not qualified, if done before Conviction, valid.

VII. Provided nevertheleſs, That all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified as aforeſaid, previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Victuallers, *etc.* incapable of acting.

VIII. Provided always, and be it enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe or other Houſe of publick Entertainment, or who ſhall ſell any Wine, Cyder, 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 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 Houſe of publick Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors by Retail; but

but no ſuch Perſon 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.

Truſtees may act as Juſtices except where perſonally intereſted.

IX. And be it further enacted, That ſuch of the ſaid Truſtees, as are or ſhall be Juſtices of the Peace, ſhall and may in their reſpective Juriſdictions, and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

First Meeting of the Truſtees.

X. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the *George Inn*, in the ſaid Town of *Ilminſter*, in the ſaid County of *Somerſet*, on the *Saturday* Fortnight after the paſſing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon, and ſhall then and there proceed to carry this Act into Execution, and ſhall and may at ſuch Meeting, and at their ſeveral Meetings to be holden for the Purpoſe of carrying this Act into Execution, from Time to Time adjourn themſelves, and appoint their next Meeting to be holden there, or at ſuch other Place near to any Part or Parts of the ſaid Roads, and at ſuch Time as to them ſhall ſeem proper; and the ſaid Truſtees ſhall alſo hold Four General Quarterly Meetings in each and every Year at the *George Inn* at *Ilminſter* aforeſaid; or at ſuch other Place to be appointed as aforeſaid, on the Firſt *Saturday* in the Month of *November*; on the Firſt *Saturday* in the Month of *February*; on the Firſt *Saturday* in the Month of *May*; and on the Firſt *Saturday* in the Month of *Auguſt*, in each and every Year; and if it ſhall ſo happen, that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act in the Execution of this Act, the Truſtee or Truſtees then preſent or the Clerk to the ſaid Truſtees, ſhall from Time to Time, as often as the Caſe ſhall happen, adjourn ſuch Meeting to ſome other Day within Fifteen Days then following, to be holden at the ſame Place; and the ſaid Clerk ſhall cauſe publick Notice thereof, ſigned by him, to be affixed on ſome conſpicuous Part of the Market Houſe of the ſaid Town of *Ilminſter*, and on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Roads, at leaſt Seven Days before the Day to which ſuch Meeting ſhall be ſo adjourned; and that the ſaid Truſtees ſhall, at their ſeveral Meetings, defray their own Expences; and that no Perſon ſhall be capable of acting as a Truſtee in the Execution of any of the Powers hereby granted during the Time he ſhall hold any Place of Profit under this Act.

Truſtees to defray their own Expences.

No Order to be revoked unleſs a greater Number of the Truſtees than made the Order concur.

XI. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Truſtees holden in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice in Writing, ſpecifying the Revocation or Alteration intended to be made, ſigned by the Clerk to the ſaid Truſtees, be affixed on ſome conſpicuous Part of the Market Houſe in the ſaid Town of *Ilminſter*, and on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Roads, at leaſt Fourteen Days before ſuch ſubſequent Meeting; nor unleſs the Number of the Truſtees preſent at ſuch ſubſequent Meeting, deſiring or voting for ſuch Alteration or Revocation, ſhall exceed the Number of Truſtees who concurred in making ſuch Order, Appointment, or Proceeding.

Proceedings to be entered.

XII. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all ſuch Truſtees as ſhall be preſent at their ſeveral Meetings; and all Entries in ſuch Book or Books, being ſigned by the Truſtees then preſent, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Caſes, Suits, and Actions, touching or concerning any Thing done in purſuance of this Act; and that ſuch Book or Books ſhall, at all of the Meetings of the ſaid Truſtees, be open and liable to the Inſpection of all and every of the ſaid Truſtees, and of the Creditors on the Tolls hereby granted and made payable, and that any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Sixpence; and ſo in Proportion for any greater or leſs Number of Words.

Entries of Proceedings under former Act, good.

XIII. Provided always, and be it enacted, That all and every Book and Books, in which any Entry or Entries of any Proceeding or Proceedings of any of the Truſtees, or other Perſon or Perſons acting by and under the Authority of the ſaid recited Act, made in the Twenty-firſt Year of the Reign of His preſent Majeſty (ſuch Entry or Entries being made in ſuch Book or Books according to the Direction of, and made Evidence by the ſaid recited Act) ſhall be and be deemed to be good and ſufficient Evidence of all ſuch Proceedings in any Court whatſoever, any Thing herein contained to the contrary thereof notwithſtanding.

Truſtees to appoint Officers,

and remove them, and may allow them Salaries.

Truſtees to take Security from the Treaſurer.

Officers to account.

XIV. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered, by Writing under their Hands, to appoint a Treaſurer or Treaſurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Roads, and alſo ſuch other Officers and Perſons for the Execution of this Act as they the ſaid Truſtees ſhall think proper; and from Time to Time to remove ſuch Officers and Perſons reſpectively as they ſhall ſee Occaſion, and out of the Monies to be received by virtue of this Act to allow and pay ſuch Salaries, Wages, and Allowances to the ſaid Officers and other Perſons as the ſaid Truſtees ſhall think reaſonable; and the ſaid Truſtees ſhall and they are hereby required to take ſuch ſufficient Security from every ſuch Treaſurer and other Officer, for the due Execution of his Office, as they ſhall think proper; and all ſuch Officers ſo to be appointed ſhall, under their Hands, at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been expended and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and every

Treaſurer to account on Oath, if required.

ſuch Treaſurer ſhall, on the Firſt *Saturday* in the Month of *February* yearly, or at the Firſt Meeting of the ſaid Truſtees then next following, (although not thereunto required by the ſaid Truſtees) lay his Accounts before the ſaid Truſtees, in order that the ſame may be audited, paſſed, and allowed

allowed by them, if approved of; and all the ſaid Officers ſo accounting as aforeſaid, ſhall upon Oath (which Oath any One of the ſaid Truſtees is hereby empowered to adminiſter) verify their ſaid Accounts; and if any ſuch Officer ſhall refuſe or neglect to make and render, or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees (or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame) within Fourteen Days next after being thereunto required by the ſaid Truſtees (by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Officer) all Books, Papers, and Writings in his Cuſtody or Power relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, then and in every ſuch Caſe, upon Complaint made by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Juſtice of the Peace for the County, City, or Place wherein ſuch Officer ſo refuſing or neglecting ſhall be or reſide, ſuch Juſtice may, and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal for the Officer ſo refuſing or neglecting to appear before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, ſhall remain due from ſuch Officer, ſuch Juſtice may, and he is hereby authorized and required upon Nonpayment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer; and if no Goods or Chattels of ſuch Officer can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Officer ſhall have refuſed or neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act, ſhall be in the Cuſtody or Power of ſuch Officer, and he ſhall have refuſed or neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe, ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction for the County, City, or Place where ſuch Offender ſhall be or reſide, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, which Compoſition the ſaid Truſtees are hereby required to make and receive, and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees.

Officers acting under the Act repealed to account to the Truſtees under this Act.

XV. And be it further enacted, That all and every Treaſurer and Treaſurers, Clerk and Clerks, and all and every other Perſon and Perſons appointed by virtue of, or acting, or who have acted in Execution of the ſaid recited Act, who ſhall have in his, her, or their Cuſtody or Power any Monies collected by virtue of, or any Books, Papers, or Writings relating to the Execution of the ſaid recited Act, ſhall, when there-

unto required by Notice in Writing ſigned by any Three or more of the ſaid Truſtees, given to him, her, or them, or left at his, her, or their laſt or uſual Place or Places of Abode, within Fourteen Days after the Receipt of ſuch Notice, deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons appointed by them for that Purpoſe, at the Time and Place to be mentioned in ſuch Notice, all the Monies received by him, her, or them, by virtue of the ſaid Act, and all the Books, Papers, and Writings relating to the Execution thereof, and all the Accounts of the ſeveral Monies received or diſburſed by him, her, or them, together with the Vouchers relating thereto; and every ſuch Treaſurer, Clerk, and other Perſon ſo accounting ſhall upon Oath (which Oath any One of the ſaid Truſtees is hereby empowered to adminiſter) verify all their ſaid Accounts; and if any ſuch Treaſurer, Clerk, or other Perſon ſhall refuſe or wilfully neglect to make and render, or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating thereto, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver up in Manner aforeſaid all Books, Papers, and Writings relating to the Execution of the ſaid recited Act, or give Satisfaction to the ſaid Truſtees in reſpect of the ſame, then and in every ſuch Caſe it ſhall and may be lawful to and for any Juſtice of the Peace for the County, City, or Place wherein ſuch Treaſurer, Clerk, or other Perſon ſo refuſing or neglecting ſhall be or reſide (upon Complaint made to him by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe) and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal for the Treaſurer, Clerk, or other Perſon ſo refuſing or neglecting, to appear before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or received by virtue of the ſaid recited Act ſhall be due from ſuch Treaſurer, Clerk, or other Perſon, ſuch Juſtice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be raiſed by Diſtreſs and Sale of the Goods and Chattels of ſuch Treaſurer, Clerk, or other Perſon as aforeſaid; and if no Goods and Chattels of ſuch Treaſurer, Clerk, or other Perſon can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling ſuch Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Treaſurer, Clerk, or other Perſon ſhall have refuſed or neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of the ſaid recited Act ſhall be in the Cuſtody or Power of ſuch Treaſurer, Clerk, or other Perſon, and he or they ſhall have refuſed or neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and in every ſuch Caſe, ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction of the County, City, or Place where ſuch Offender ſhall be or reſide, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account, and make Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for the ſaid Money, and ſhall have paid ſuch Compoſition in Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make and receive), and until he ſhall deliver up all ſuch Books, Papers,

and

and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees.

On the Death of a Gate-keeper, Two Truſtees may nominate another until the next Meeting.

XVI. And be it further enacted, That it ſhall and may be lawful to and or any Two or more of the ſaid Truſtees, although not aſſembled at any Meeting, upon the Death, Neglect, Refuſal, or Incapability to act of any Collector of the Tolls hereby granted, to nominate and appoint ſome other fit Perſon in his or her Place until the next Meeting of the Truſtees of the ſaid Roads, which Perſon ſo to be nominated and appointed, ſhall have the like Power and Authority, and be accountable in the ſame Manner in all Reſpects as the Perſon in whoſe room or ſtead he or ſhe ſhall be ſo appointed; and that if any Collector of the ſaid Tolls, who ſhall be diſcharged from his or her Office by the ſaid Truſtees, ſhall refuſe to deliver up the Poſſeſſion of the Toll Houſe, Buildings, and Appurtenances, which he or ſhe enjoyed in right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at ſuch Toll Houſe in Writing, under the Hands of the ſaid Truſtees, or any Three or more of them, or if the Wife or Family of any ſuch Collector who ſhall die as aforeſaid, or any other Perſon who ſhall be in Poſſeſſion of the Premiſes by any Means whatſoever, ſhall refuſe to deliver up ſuch Houſe, Buildings, and Appurtenances, within Two Days after Notice of ſuch new Appointment being made as aforeſaid, ſhall have been given to him, her, or them, or left at ſuch Toll Houſe, ſigned by any Three or more of the ſaid Truſtees, then and in either of the ſaid Caſes it ſhall and may be lawful to and for any Juſtice of the Peace for the County, City, or Place where ſuch Toll Houſe ſhall ſtand or be, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe and Premiſes in the Day Time, and to remove the Perſons who ſhall be found therein, together with their Goods and Chattels, out of ſuch Toll Houſe and other Premiſes, and to put the new appointed Collector of the ſaid Tolls in Poſſeſſion thereof.

If diſcharged Gatekeeper refuſes to deliver up Toll Houſe, &c.

Leſſees of Tolls may appoint Perſons to receive the ſame.

XVII. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall, by Writing or Writings under his or their Hand or Hands authorize or appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to.

Truſtees empowered to erect Turnpikes and Toll Houſes, and receive Tolls.

XVIII. And be it further enacted, That the ſaid Truſtees ſhall and may continue ſuch and ſo many of the Turnpikes erected by virtue of the ſaid recited Act, and ſhall and may erect or cauſe to be erected ſuch and ſo many new Turnpikes to ſecure the Tolls hereby granted upon or acroſs the ſaid Roads, and on or near the Sides thereof, in, near, unto, or acroſs any

Lanes or Ways leading or that may hereafter lead out of the ſame, as they ſhall think proper, and ſhall and may continue ſuch and ſo many of the Toll Houſes erected by virtue of the ſaid recited Act, and ſhall and may erect ſuch and ſo many new Toll Houſes as they ſhall think proper, and ſhall and may, in Manner herein directed, purchaſe and take Land ſufficient for ſuch Toll Houſe or Toll Houſes, with neceſſary Accommodations thereto, and from Time to Time remove, alter, or diſcontinue ſuch Turnpikes and Toll Houſes, or any of them, as they the ſaid Truſtees ſhall from Time to Time think meet and expedient; and ſhall and may cauſe to be demanded and taken at the ſaid Turnpikes the Tolls following, before any Horſe, or other Beaſt or Cattle ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Coach, Landau, Berlin, Vis-a-vis, Chariot, Chaiſe, Phaeton, Sulky, Chair, Whiſky, Calaſh, Caravan, Hearſe, or Litter, the Sum of Four-pence Halfpenny:

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing in any Waggon, Wain, Cart, Putt, Dray, or other Carriage whatſoever, the Sum of Three-pence:

For every Ox, Steer, Gale, or Bull, drawing ſingly, and not in Pairs or abreaſt, any Carriage, of whatever Name or Deſcription, the Sum of Two-pence:

For every Ox, Steer, Gale, or Bull, drawing in Pairs or abreaſt, any Carriage, of whatever Name or Deſcription, the Sum of Three Halfpence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny:

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

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

Additional Toll on Carriages employed in conveying Timber.

XIX. And be it further enacted, That, between the Firſt Day of *November* and the laſt Day of *February* in each and every Year, it ſhall and may be lawful to and for the ſaid reſpective Toll Gatherers or Gate Keepers to demand and take for each and every Horſe or other Beaſt of Draught drawing any Carriage employed in carrying or conveying any Timber, Tree, or Trees, a Toll equal to One Half in Addition to the Toll which otherwiſe might be demanded and taken for ſuch Horſe or other Beaſt of Draught: Provided always, that no ſuch additional Toll ſhall be demanded or taken, ſave and except there ſhall be Two or more Horſes or other Beaſts of Draught in any ſuch Carriage.

Tolls veſted in the Truſtees.

XX. And be it further enacted, That the ſaid Tolls ſhall be and they are hereby veſted in the ſaid Truſtees, and a Table thereof ſhall be put up and continued at each and every Turnpike erected on the ſaid Roads, and it ſhall and may be lawful to and for the ſeveral Perſons who ſhall, by virtue of this Act, be appointed Collectors of the ſaid Tolls, to demand, collect, and receive the Tolls hereby granted; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made by any Collector to be appointed as aforeſaid, neglect

or

or refuſe to pay the ſame, or any Part thereof, it ſhall and may be lawful to and for ſuch Collector to ſeize and diſtrain, or cauſe to be ſeized and diſtrained any Horſe or Horſes, or other Beaſt or Cattle chargeable with the ſaid Tolls, and their Bridles, Saddles, Harneſs, or Accoutrements; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within Five Days next after ſuch Seizure and Diſtreſs made, the Collector ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Beaſts, or other Cattle, and their Bridles, Saddles, Harneſs, or Accoutrements ſo ſeized and diſtrained, or any Part thereof, rendering the Overplus (if any) upon Demand to the Owner or Owners thereof after ſuch Tolls, and all reaſonable Charges for diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

In caſe of Diſpute concerning Tolls and Charges, the Matter to be ſettled by a Juſtice.

XXI. Provided always, and be it enacted, That if any Diſpute ſhall ariſe about the Quantity of the Tolls due, or the Charges of keeping and ſelling any Diſtreſs, it ſhall and may be lawful to and for the Collector or Perſon diſtraining, to retain the Diſtreſs, or the Money ariſing from the Sale thereof, until the Quantity of the Tolls or Charges of diſtraining and ſelling the Diſtreſs, as the Caſe may be, ſhall be aſcertained by ſome Juſtice of the Peace for the County or Place wherein ſuch Diſpute ſhall happen to ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter by Oath of the Parties, or other Witneſs or Witneſſes, and ſhall determine the Quantity of the Tolls due, and ſhall alſo aſſeſs the Charges of ſuch Diſtreſs and Sale, and all other reaſonable Coſts; all which Sum or Sums, ſo determined or aſſeſſed, ſhall be paid to the ſaid Collector, before he ſhall be obliged to return the ſaid Diſtreſs, or the Overplus after Sale thereof or of any Part thereof.

Turnpikes, *etc.* veſted in the Truſtees.

XXII. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houſes, and other Buildings, with the Ground, Fences, and Appurtenances thereto reſpectively, and of all Mile Stones and Poſts erected by virtue of the ſaid recited Act, or of this Act, and alſo of all Materials, Tools, and Implements which ſhall be provided for making and repairing the ſaid Roads by virtue of the ſaid recited Act, or of this Act, ſhall be veſted in the ſaid Truſtees, and they are hereby empowered to cauſe any Actions to be brought, and any Bills of Indictment to be preferred againſt any Perſon or Perſons who ſhall ſteal, break down, take away, injure, or ſpoil any ſuch Turnpikes, Toll Houſes, or other Buildings, Fences, Mile Stones, Poſts, or any ſuch Materials, Tools, or Implements as aforeſaid.

Tolls to be taken but Once a Day in the ſame Diſtrict of Road.

XXIII. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable any Collector of the ſaid Tolls to demand or take any more than One Toll in any One Day, (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) from any Perſon or Perſons for or in reſpect of the ſame Horſe, or other Beaſt or Cattle, paſſing and repaſſing through the ſame, or any other Gate or Turnpike on the ſame Diſtrict of the ſaid Roads; all and every ſuch Perſon and Perſons producing a Ticket, denoting that the ſaid Toll has been paid in that Day on ſuch Diſtrict of the ſaid Roads, which Ticket the ſaid Collector is hereby required to deliver *gratis* on the Payment of ſuch Toll.

XXIV. And

Truſtees may exempt Perſons paying Tolls on the Northern Diſtrict from paying on the Weſtern Diſtrict.

XXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered in caſe they ſhall think proper, from Time to Time to order and direct, that if any Perſon or Perſons ſhall have paid any Toll or Tolls at a certain Gate called *The Oldway Gate*, now erected on the ſaid Northern Diſtrict of the ſaid Roads, for or in reſpect of any Horſe, Beaſt, or Cattle, in any Day, no Toll ſhall be demanded or taken from any ſuch Perſon or Perſons for or in reſpect of the ſame Horſe, Beaſt, or Cattle, on the ſame Day (ſuch Day to be computed from Twelve of the Clock at Night, to Twelve of the Clock the ſucceeding Night) paſſing and repaſſing through a certain Gate called *The Catherine Wheel Gate*, now erected on the ſaid Weſtern Diſtrict of the ſaid Roads, all and every ſuch Perſon and Perſons producing a Ticket, denoting that ſuch Toll or Tolls hath or have been paid on that Day, on ſuch Northern Diſtrict of the ſaid Roads, which Ticket the Collector of the ſaid Tolls is hereby required to deliver *gratis* on the Payment of ſuch Toll or Tolls; and it ſhall and may be lawful to and for the ſaid Truſtees from Time to Time as they ſhall think proper, to cauſe the full Tolls given and granted by this Act to be again demanded and taken at the ſaid *Catherine Wheel Gate*: Provided always, that no ſuch Exemption from ſuch Toll or Tolls ſhall take place, or any ſuch Exemption from any ſuch Toll or Tolls ceaſe, ſave and except Three Weeks Notice at the leaſt in Writing, ſigned by the Clerk to the ſaid Truſtees, ſhall have been affixed on ſome conſpicuous Part of the Market Houſe of the ſaid Town of *Ilminſter*, and on the ſaid *Oldway Gate*, and on the ſaid *Catherine Wheel Gate*, previous to ſuch Exemption taking place, or ſuch Exemption ceaſing.

Truſtees may exempt Perſons paying Tolls on the Weſtern Diſtrict from paying on the Northern Diſtrict.

XXV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, in caſe they ſhall think proper, from Time to Time to order and direct, that if any Perſon or Perſons ſhall have paid any Toll or Tolls at a certain Gate called *The Catherine Wheel Gate*, now erected on the ſaid Weſtern Diſtrict of the ſaid Roads for or in reſpect of any Horſe, Beaſt, or Cattle, in any Day, no Toll ſhall be demanded or taken from any ſuch Perſon or Perſons for or in reſpect of the ſame Horſe, Beaſt, or Cattle on the ſame Day (ſuch Day to be computed from Twelve of the Clock at Night, to Twelve of the Clock the ſucceeding Night) paſſing and repaſſing through a certain Gate called *The Oldway Gate*, now erected on the ſaid Northern Diſtrict of the ſaid Roads, all and every ſuch Perſon and Perſons producing a Ticket, denoting that ſuch Toll or Tolls hath or have been paid on ſuch Weſtern Diſtrict of the ſaid Roads, which Ticket the Collector of the ſaid Tolls is hereby required to deliver *gratis*, on Payment of the ſaid Tolls; and it ſhall and may be lawful to and for the ſaid Truſtees, from Time to Time, as they ſhall think proper, to cauſe the full Tolls given and granted by this Act, to be again demanded and taken at the ſaid *Oldway Gate*: Provided always, that no ſuch Exemption from ſuch Toll or Tolls ſhall take place, or any ſuch Exemption from ſuch Toll or Tolls ceaſe, ſave and except Three Weeks Notice at the leaſt in Writing, ſigned by the Clerk to the ſaid Truſtees, ſhall have been affixed on ſome conſpicuous Part of the Market Houſe of the ſaid Town of *Ilminſter*, and on the ſaid *Oldway Gate*, and on the ſaid *Catherine Wheel Gate*, previous to ſuch Exemption taking place, or ſuch Exemption ceaſing.

XXVI. And

XXVI. And whereas the Payment of the ſaid Tolls may be evaded or greatly leſſened by the Paſſage of Cattle and Carriages from *Knowle Lane* acroſs *Chard* Common, and alſo through a Lane called *Stockham Lane*, between the ſaid Common and *Clayhanger* Common; be it therefore enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees to cauſe ſuch Trenches, Ditches, and Fences to be made, continued, and maintained from each Corner of the ſaid Lane called *Knowle Lane*, acroſs the ſaid Common, to the ſaid Road leading from *Chard* to *Ilminſter*, and alſo on the Side of ſuch Road, and likewiſe the ſaid Lane called *Stockham Lane* to be fenced or ſtopped up, in ſuch Manner as the ſaid Truſtees ſhall from Time to Time think proper; and if any Perſon or Perſons ſhall wilfully damage or deſtroy any ſuch Trench, Ditch, or Fence aforeſaid, or open any Paſſage through the ſame, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds over and above the Coſts, Charges, and Expences of repairing and reſtoring ſuch Trench, Ditch, or Fence, ſuch Coſts, Charges, and Expences to be recovered by ſuch Ways and Means as any Penalties or Forfeitures may be recovered by virtue of this Act.

Power to make Fences in *Chard* Common, to prevent evading the Payment of Tolls.

Penalty on deſtroying Trenches, &c.

XXVII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, or any of them, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be and he and they is and are hereby declared to be competent to give Evidence in any ſuch Diſpute, Suit, or Litigation.

Collectors of Tolls to be competent Witneſſes.

XXVIII. And, for preventing the evading of the Payment of the ſaid Tolls, be it further enacted, That if any Perſon or Perſons ſhall give, offer, or diſpoſe of to, or receive from any other Perſon or Perſons, any ſuch Ticket as aforeſaid, or ſhall counterfeit, or knowingly make uſe of any counterfeited Ticket in order to avoid Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons owning, renting, or occupying any Lands adjoining to the ſaid Roads, or any of them, near unto any Turnpike to be erected thereon, ſhall permit or ſuffer any Perſon to paſs through or over any Part of his, her, or their ſaid Lands, with any Horſe, or other Beaſt or Cattle, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall ride or drive any Horſe, or other Beaſt or Cattle, through or over any Way or Paſſage (not being a publick Way or Paſſage) or through or over any Lands adjoining to any Part of the ſaid Roads, or near to any of the ſaid Turnpikes, or ſhall take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls, or any Part thereof, is or ſhall be avoided, every ſuch Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Penalty on evading the Tolls.

XXIX. And be it further enacted, That each and every Waggon, Wain, Cart, or other ſuch Carriage paſſing on the ſaid Roads, or any Part thereof, the Wheels whereof ſhall not roll a flat or level Surface, or a Surface ſo flat or level as not to deviate more than Half an Inch from a flat or level Surface, ſhall be conſidered and deemed a Carriage on Wheels rolling

Carriages on Wheels not rolling a flat Surface, to be conſidered as Carriages with narrow Wheels.

rolling a Surface less than Six Inches, and shall and may be weighed at any Weighing Engine erected or to be erected on the said Roads, or any Part thereof, and shall pay the same Tolls, and the same Rates of Weighing, as any Waggon, Wain, or Carriage, on Wheels rolling a Surface less than Six Inches, is subject and liable to pay.

General Exemptions.

XXX. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, Stone, Brick, Timber, Wood, Gravel, or other Materials, for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads doth lie; or Hay, Straw, or Corn in the Straw only, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners thereof; or for any Horse, Cattle, or Beast, employed in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manures employed in Husbandry, for manuring or improving Lands, or for any Horses or Cattle going to or returning from Pasture or Watering Places, in the same Parish or in the next adjoining Parish, or going to be or returning from being shoed; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on any *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horses of any Soldiers upon their March or on Duty, or drawing any Carriages attending them with their Arms or Baggage; or for any Cattle or Carriages employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Somerset*, 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 or Persons shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, such Person or Persons shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Trustees may reduce Tolls at any publick Meetings,

XXXI. Provided always, and be it enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered, at a Meeting to be holden for that Purpose, of which One Calendar Month's Notice shall be given in such Newspaper or Newspapers printed and circulated in the said County of *Somerset*, and shall be affixed on all and every the Turnpike Gates that shall be standing on the said Roads, from Time to Time to lessen or reduce all or any of the said Tolls granted by this Act; and also any

any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in such Manner as to them shall seem fit and convenient, for and during such Time as they the said Trustees shall think proper; and afterwards, at any Meeting to be holden as aforesaid, from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in Force and Effect with respect to Overweights: Provided nevertheless, that when the whole Money borrowed on the Credit of this Act, shall not have been paid and discharged, the Tolls hereby granted shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five-Sixths of the Money remaining due upon the Credit of this Act.

and afterwards advance them again,

provided that such Alterations of Tolls be made with the Consent of Creditors.

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered at any Meeting, upon Fourteen Days Notice being given in such Newspaper or Newspapers as aforesaid, and affixed on all and every the Turnpike Gates that shall be standing on the said Roads, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Person or Persons, at and for the largest yearly Sum that can be reasonably got for the same, by publick Auction, provided that the Leases, Contracts, or Agreements, of or for the same, be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by the said Trustees; but the same shall not be let for more than Three Years at any One Time, and the Rent which shall be agreed to be paid for the said Tolls, shall be made payable and shall be paid to the Treasurer to the said Trustees, so as that One Quarterly Payment of such Rent shall always be in Advance, or sufficient Security shall be given for the Payment of such Rent to the Satisfaction of the said Trustees; or in Default thereof, every such Lease, Contract, or Agreement, shall be null and void to all Intents and Purposes whatsoever.

Tolls may be let.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, from Time to Time to compound with any Person or Persons for any Period of Time, not exceeding One Year, for any Horses, Beasts, or Cattle, passing on the said Roads, or on any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Horses, Beasts, or other Cattle, and all such Composition Money shall be paid in Advance One Quarter, or otherwise as the said Trustees shall appoint; and in Default thereof, every such Composition shall be null and void to all Intents and Purposes whatsoever.

Trustees may compound.

XXXIV. Provided always, and be it enacted, That all Bonds, Mortgages, Assignments, Grants, Conveyances, Leases, and other Securities, made or granted by any Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, or any other whomsoever, acting by or under the Authority of the said recited Act, shall be good, valid, binding, and effectual, for and during the Continuance of this Act, any Thing herein contained to the contrary thereof notwithstanding.

Old Securities to be good.

XXXV. And, for the more speedy raising Money for the Purposes of this Act, be it further enacted, That it shall and may be lawful to and for

Trustees may borrow Money.

for the ſaid Truſtees, and they are hereby empowered, from Time to Time, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall judge neceſſary for the Purpoſes of this Act, and by Writing under their Hands and Seals, to aſſign over or mortgage the Tolls hereby granted, or any Part thereof, and the ſeveral Turnpikes and Toll Houſes erected or to be erected on the ſaid Roads, (the Charges of ſuch Aſſignments and Mortgages to be paid out of the ſaid Tolls), for any Term during the Continuance of this Act, as a Security for the Re-payment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend ſuch Money, his, her, or their Executors, Adminiſtrators, and Aſſigns, ſuch Intereſt to be paid and payable by equal Half-yearly Payments, at the Dwelling Houſe of the Treaſurer to the ſaid Truſtees for the Time being; all which Mortgages or Aſſignments ſhall be in the Words or to the Effect following:

Form of Mortgage.

'BY virtue of an Act of Parliament, made in the Forty-third Year of the Reign of King *George* the Third, intituled [*Set forth the Title of this Act*] We whoſe Names are hereunto ſubſcribed and Seals affixed [*being Truſtees acting in the Execution of the ſaid Act*] in Conſideration of the Sum of to the Treaſurer of the ſaid Roads, in Hand paid by *A. B.* do hereby grant, bargain, ſell, and demiſe, unto the ſaid *A. B.* Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and alſo of the Turnpikes and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum advanced, or to be advanced, on the Credit of the ſaid Act, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt after the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals, this Day of in the Year of our Lord

Copies of Mortgages to be entered.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Truſtees, and ſuch Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; and all Mortgages or Aſſignments which ſhall be made in the Manner and Form aforeſaid, and the Mortgages or Aſſignments which were made by virtue of the ſaid recited Act, ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever; and all Perſons to whom any ſuch Mortgages or Aſſignments reſpectively have been or ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby reſpectively ſecured, may from Time to Time aſſign and transfer the ſame Security or Securities reſpectively, and all Benefit and Advantage thereof, and all their Right, Title, and Intereſt to the Principal and Intereſt Money thereby reſpectively ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

Transfer of Mortgages.

'I *A. B.*

Form of Assignment of Mortgage.

'I *A. B.* being entitled to the Sum of secured to Executors, Administrators, and Assigns, by virtue of a Mortgage or Assignment, bearing Date the Day of under the Hands and Seals of of the Trustees acting in Execution of an Act of Parliament, made in the Forty-third Year of the Reign of King *George* the Third, intituled, [*set forth the Title of this Act*] upon the Credit of the said Act, do hereby transfer all my Right and Title in and to the same, and all the Principal and Interest Money now due and owing thereon, unto *C. D.* Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord

Notice of Transfers to be given to the Clerk in Two Calendar Months.

And every such Transfer shall be produced and notified to the Clerk to the said Trustees, within Two Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments, and for which Entry the Clerk who shall enter the same shall be paid Two Shillings and Sixpence, and no more; and after such Entry made, every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons, making such Transfer, to make void, release, or discharge the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfer shall be made as aforesaid (as well such Mortgages, Assignments, or Transfers made by virtue of the said recited Act as of this Act) shall be, in Proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses, in equal Degree One with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments: Provided nevertheless, that before any Sum or Sums of Money shall be taken up or borrowed, Twenty-one Days Notice at the least shall be given in such Newspaper or Newspapers as aforesaid, signifying the Intention of borrowing such Money.

Trustees to give 21 Days Notice previously to their borrowing any Money.

Trustees may contract for the Purchase of Lands, to be taken into the Road, and may turn or alter the Course of any Part of the Road.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby fully empowered, from Time to Time as they shall think proper, to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the several Roads comprized in this Act, and that any Variation of Road may be made of any Width not exceeding Sixty Feet through any Common or Waste Ground, without making any Satisfaction for the same, and through any private or inclosed Lands, Grounds, 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 and may be lawful to and for the said Trustees, or for their Clerk, or any other Person or Persons by them duly authorized and deputed for that Purpose, by Order of a Meeting of the said Trustees, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting,

verting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Roads through ſuch Lands, Grounds, and Hereditaments; and the ſaid Lands, Grounds, and Hereditaments ſo purchaſed, or any Part thereof, ſhall and may, by Order and Direction of the ſaid Truſtees, be laid into and made Part of the ſaid Roads, in ſuch Manner as the ſaid Truſtees ſhall think convenient, and ſhall by ſuch Perſon or Perſons as they ſhall order and appoint be ſufficiently drained, ditched, and fenced out for that Purpoſe; and after the ſaid Lands or Grounds ſhall be ſo drained, ditched, and fenced out, the ſame ſhall, to all Intents and Purpoſes whatſoever, become and be, and be deemed and taken to be a publick and common Highway, and to be Part of the Roads to be amended, widened, and kept in Repair by virtue of this Act, and ſhall be repaired and kept in Repair by ſuch Ways and Means, and in ſuch Manner as the old Road was and ought to have been kept in Repair; and after any ſuch Lands ſhall be made Part of the ſaid Roads as aforeſaid, the Lands and Grounds comprized in or conſtituting the former Road, in lieu whereof ſuch Lands or Grounds ſhall be purchaſed as aforeſaid, ſhall be ſold by the ſaid Truſtees to ſuch Perſon or Perſons as ſhall be willing to become a Purchaſer or Purchaſers thereof, for the beſt Price that can be reaſonably had or gotten for the ſame; and the Conveyance thereof being executed by the ſaid Truſtees, and inrolled with the Clerk of the Peace for the ſaid County of *Somerſet*, ſhall be good and effectual to all Intents and Purpoſes.

Corporations, *&c.* empowered to treat.

XXXVII. And be it further enacted, That it ſhall and may be lawful, to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Idiots and Lunaticks, and Huſbands, and all other Truſtees whomſoever, for and on Behalf of any Infants, Femes Covert, or *Ceſtuique* Truſts, Idiots, Lunaticks, or other Perſons under any Diſability of acting for themſelves; and for all and every Perſon or Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Tenements, or Hereditaments, to treat and agree with the ſaid Truſtees for the abſolute Sale thereof, or of any Part thereof, or for their Intereſt therein, and to convey the ſame to the ſaid Truſtees for the Purpoſe aforeſaid; and that all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual to all Intents and Purpoſes, any Law, Uſage, or other Matter or Thing to the contrary thereof in anywiſe notwithſtanding; and that all ſuch Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, Huſbands, and Truſtees, Bodies Politick, Corporate or Collegiate, Aggregate or Sole, and other Perſons, are and ſhall be indemnified for what they do by virtue or in purſuance of this Act.

In caſe of Perſons not treating for the Sale of ſuch Lands, a Jury to ſettle the Recompence.

XXXVIII. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Perſon or Perſons intereſted in any Lands, Tenements, or Hereditaments, which the ſaid Truſtees ſhall judge neceſſary or proper to be purchaſed, taken, or uſed for the Purpoſes of this Act, or any ſuch Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Huſbands, Committees, or other Truſtees, upon Notice to him, her, or them given or left in Writing, ſigned by the Clerk to the ſaid Truſtees, at the Dwelling Houſe or Place of Abode of ſuch Perſon or Perſons, or of the Clerk or Head Officer of any

ſuch

ſuch Body Politick, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Premiſes, ſhall, by the Space of Ten Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees to cauſe it to be enquired into, and aſcertained by and upon the Oath of a Jury of Twelve indifferent Men of the ſaid County of *Somerſet*, (which Oaths the ſaid Truſtees, or any Two or more of them, are hereby empowered to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owner, Proprietor, Occupier, or other Perſon or Perſons intereſted, for or upon Account of the taking or uſing of ſuch Lands, Tenements, or Hereditaments for the Purpoſes of this Act; and in order thereto the ſaid Truſtees are hereby empowered and required, from Time to Time, to ſummon and call before them, all and every Perſon or Perſons who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, and ſhall examine ſuch Witneſs or Witneſſes before the ſaid Jury upon Oath (which Oath the ſaid Truſtees, or any Two or more of them, are hereby empowered and required to adminiſter) and they ſhall order and cauſe the ſaid Jury to view the Place in queſtion, and uſe all other lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have ſo aſcertained and ſettled ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Owners, Proprietors, or Occupiers of the ſaid Lands, Tenements, or Hereditaments, or other Perſons intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons claiming, in Poſſeſſion, Reverſion, Remainder, or otherwiſe; and all and every ſuch Owners, Proprietors, Occupiers, and Perſons anywiſe intereſted in ſuch Lands, Tenements, or Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property, of, in, to, or out of the ſame; and upon Payment of the Money ſo aſſeſſed to the reſpective Perſons entitled thereto, or their Agents, or (in caſe of Refuſal to accept ſuch Money) upon Payment of the ſame into the Bank of *England*, in caſe the ſame ſhall be equal to or exceed the Sum of One hundred Pounds, or upon leaving the ſame, in caſe the ſame ſhould be leſs than the Sum of One hundred Pounds, in the Hands of the Treaſurer to the ſaid Truſtees, for the Uſe of ſuch Perſons, and to be paid to them upon Demand, it ſhall and may be lawful to and for the ſaid Truſtees to cauſe the Premiſes, in reſpect whereof ſuch Money ſhall be aſſeſſed, to be diſpoſed of, and ſuch Acts to be done thereto as if the Purchaſe thereof had been agreed upon and completed, and the ſaid reſpective Premiſes were untenanted, and the Purchaſe or Conſideration Money had been received by the Perſon or Perſons entitled thereto; and for ſummoning and returning any ſuch Jury the ſaid Truſtees are hereby empowered to iſſue out their Warrant or Warrants, ſigned by any Three or more of them, to the Sheriff of the ſaid County of *Somerſet*, thereby commanding and requiring ſuch Sheriff to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch

Verdict of the Jury to be final.

ſuch Warrant ſhall be appointed; and ſuch Sheriff, or his Deputy, is and are hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve Perſons who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve.

Jury may be challenged.

XXXIX. Provided always, That all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter*, is or ſhall be by Law entitled to; and the ſaid Truſtees are hereby empowered to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy, who ſhall make Default in the Premiſes, and alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury and ſhall not appear, or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or having been ſworn ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in Queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein, and on any of the Perſons who being ſummoned or required to give Evidence before the ſaid Jury, touching the Premiſes, ſhall neglect or refuſe to appear, or refuſe to be ſworn or to be examined, or give Evidence touching the ſame; but no ſuch Fine ſhall exceed Ten Pounds upon any One Perſon for One Offence.

Sheriffs, *etc.* may be fined for Neglect of Duty.

Owner of the Land uſed in altering the Road, to have the firſt Offer of the old Road.

XL. Provided always, and be it enacted, That wherever the Courſe of any Part of the ſaid Roads ſhall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchaſe of ſuch old Road ſhall be firſt made to the Owner of ſuch adjoining Lands which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer thereof, then and in ſuch Caſe the Value thereof ſhall be ſettled and aſcertained by a Jury in ſuch and the like Manner as the Price for any Land to be taken in purſuance of this Act is directed to be ſettled and aſcertained in and by this Act, and ſuch Owner ſhall be deemed the Purchaſer thereof, at the Sum to be aſcertained by a Jury to be the Value thereof; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money upon Demand made thereof by the Treaſurer or Clerk to the ſaid Truſtees, and Tender of the Conveyance of ſuch old Road, the ſame ſhall and may be recovered by the ſaid Truſtees, by Action of Debt in any of His Majeſty's Courts of Record; and in caſe any ſuch Owner ſhall not agree, or ſhall refuſe to purchaſe any ſuch old Road, it ſhall and may be lawful to and for any Perſon or Perſons not intereſted in the Premiſes to make an Affidavit to be ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County, City, or Place, where ſuch old Road ſhall lie, ſtating that ſuch

Offer

Offer has been made by or on Behalf of the ſaid Truſtees, and that ſuch Owner has not agreed or has refuſed to purchaſe ſuch old Road, as the Caſe may be, and ſuch Affidavit ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to, or refuſed by ſuch Owner: Provided nevertheleſs, that if ſuch Owner ſhall be willing and conſent to take ſuch old Road in Exchange for ſuch new Road, it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby required to aſſure the ſame to ſuch Perſon, by entering the ſame in their Books, and delivering to him a Copy thereof, ſigned by any Three or more of the ſaid Truſtees, which Copy ſhall be a good and valid Title to the ſame, and be available in any Suit in Law or Equity.

By whom the Expences of the Jury to be paid.

XLI. And be it further enacted, That in caſe any ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money than ſhall by or on Behalf of the ſaid Truſtees have been offered, before the ſummoning and returning ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for leſs Money than ſhall have been offered to be accepted or taken by or on Behalf of the ſaid Truſtees, as the Purchaſe Money for any ſuch old Road as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the ſaid Truſtees, out of the Money ariſing by virtue of this Act; but if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall by or on Behalf of the ſaid Truſtees have been offered, before the ſummoning and returning ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for the ſame or any more Money than ſhall have been offered to be accepted or taken as the Purchaſe Money for any ſuch old Road as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and maintaining the ſaid Jury and Witneſſes, 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 ſhall be aſcertained and ſettled by ſome Juſtice of the Peace, not intereſted in the Matter in queſtion, and within whoſe Juriſdiction ſuch Controverſy or Diſpute ſhall ariſe (who is hereby authorized and required to examine and ſettle the ſame), and ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed 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 any Penalties or Forfeitures may be recovered by virtue of this Act: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

Perſons abſent, Truſtees charged with the Expences.

Houſes, *etc* not to be injured.

XLII. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to enable the ſaid Truſtees to take, uſe, injure, or damage any Dwelling Houſe or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or any Bank or Fence on a certain Farm called

called *Hill Farm*, or between *Standlands Knap* and *Chillington Down*, or between *Dinnington Gate* and *Saint Rane Hill*, without the Consent of the Owners or Proprietors thereof.

Application of Compensation when amounting to 200 *l.*

XLIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other *Cestuique* Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *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 or Redemption of the Land Tax, or 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 to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other 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 such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time 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 mean Time 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 hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation shall be less than 200 *l.* and exceeds 20 *l.*

XLIV. Provided always, and be it 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 any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed

exceed or be equal to 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, Idiocy, or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and beplaced 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 any Three or more of the ſaid 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 any Manner herein-before directed, ſo as the Caſe be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20*l.*

XLV. Provided alſo, and be it enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than 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 ſhall think fit; or in caſe of Infancy, Idiocy, or Lunacy, then ſuch Money ſhall be paid 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.

For getting Materials to repair the Roads.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors of the ſaid Roads, and to and for all ſuch Perſons as he or they reſpectively ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Beech, Stones, Gravel, Sand, or other Materials for making or repairing the ſaid Roads, out of or from any Common or Waſte Ground, River, or Brook, in any Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, in which any Part of the Roads hereby directed to be made, amended, and repaired, ſhall lie, or in any neighbouring Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any Thing for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that ſuch Surveyor or Surveyors, or other Perſons as aforeſaid, may by Order of the ſaid Truſtees (ſuch Order to be made at ſome Meeting of the ſaid Truſtees, to be holden in purſuance of this Act, and a Copy thereof to be given to ſuch Surveyor or Surveyors, atteſted and ſigned by the Clerk to the ſaid Truſtees) ſearch for, cut, dig, get, gather, and take away any ſuch Materials as aforeſaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Perſon or Perſons, where the ſame may be had or found (ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock,

Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the Damages done thereby to the Owners and Occupiers of ſuch Grounds, where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Roads ſhall be carried, according to their reſpective Rights and Intereſt in ſuch Ground, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſons employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning ſuch Damages, it ſhall and may be lawful to and for any Two or more Juſtices of the Peace of the County, City, or Place, where ſuch Materials ſhall be ſo cut, dug, gotten, gathered, taken, and carried away, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages; and the Judgement or Order of the ſaid Juſtices ſhall be final and concluſive to all Parties.

Notice to be given to the Occupiers of incloſed Lands before Materials are to be taken.

XLVII. Provided nevertheleſs, and be it enacted, That it ſhall not be lawful for any Surveyor, or other Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing ſuch Roads, out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence to appear before the ſaid Truſtees, or Two or more Juſtices of the Peace acting for the County, City, or Place where ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe the ſaid Truſtees or ſuch Juſtices ſhall and may authorize ſuch Surveyor, or other Perſon or Perſons, to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Truſtees or ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, the ſaid Truſtees or ſuch Juſtices ſhall and may make ſuch Order therein as they reſpectively ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Penalty on taking away Materials got by Order of the Surveyor.

XLVIII. And be it further enacted, That if any Perſon or Perſons whoſoever ſhall take away any Gravel or Materials which ſhall have been dug or gathered by or by the Order of the ſaid Surveyor or Surveyors, in any Lands, Fields, Waſtes, or Grounds, River or Brook, for the Purpoſe of amending the ſaid Roads, or any Part or Parts thereof, or ſhall get or take away any Gravel or Materials out of any Pit or Quarry, which ſhall have been made for the Purpoſe of getting ſuch Materials for amending the ſaid Roads, or any Part or Parts thereof, before the ſaid Surveyor or Surveyors, or his or their Workmen ſhall have diſcontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his or her own private Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds.

XLIX. And

Surveyors to make Drains, *etc.*

XLIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and to and for any Perſon or Perſons whom he or they ſhall appoint, by Order of the ſaid Truſtees, 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, in ſuch Manner as ſuch Surveyor or Surveyors ſhall deem and judge neceſſary and proper for amending or keeping in Repair any Part of the ſaid Roads, and alſo to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Roads (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any Houſe), to be made uſe of as a publick Highway, whilſt the narrow or ruinous Parts of the ſaid Roads are widening or repairing, and until the ſame ſhall be convenient and ſafe for the Paſſage of Travellers and Carriages, making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Lands reſpectively, through and into which any ſuch Drain ſhall be cut, or on or over which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and ſuch Truſtees, touching ſuch Damage, then the Juſtices of the Peace, at the Firſt General or Quarter Seſſions of the Peace to be holden for the ſaid County of *Somerſet*, next after the Expiration of Thirty Days from the Time of doing ſuch Damage, ſhall and they are hereby authorized and required to hear, ſettle, and determine the ſame; and their Determination therein ſhall be final and concluſive.

Making reaſonable Satisfaction.

In caſe of any Difference, Juſtices of the Peace in Seſſions to determine the ſame.

Surveyors may remove Annoyances.

L. And be it futther enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (by Direction and under the Hands of any Three or more of the ſaid Truſtees), from Time to Time to remove and prevent all Annoyances on any Part or Parts of the ſaid Roads, by Rails, Saw Pits, Steps, Sign Poſts, or other Poſts, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains running into, along, or out of any Part of the ſaid Roads to the Prejudice thereof, and to make the ſame as large and deep as he or they ſhall think proper, and to cleanſe any Ditch or Watercourſe next adjoining to any Part of the ſaid Roads, and to cut down, lop, or top any Trees or Buſhes growing in any Part of the ſaid Roads, or in the Hedges or Banks adjacent thereto, in caſe the Perſon or Perſons occaſioning ſuch Annoyance, or who ought to remove the ſame, or to cleanſe ſuch Ditch or Watercourſe, or to cut down, lop, or top ſuch Trees or Buſhes, ſhall refuſe or neglect ſo to do for the Space of Three Days next after Notice in Writing given for that Purpoſe, ſigned by any Three or more of the ſaid Truſtees, or by their Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by the Perſon or Perſons refuſing or neglecting as aforeſaid; and in caſe any ſuch Perſon ſhall not, upon Demand, pay and reimburſe to ſuch Surveyor or Surveyors ſuch Charges as aforeſaid, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Manner, every Perſon ſo offending ſhall for every ſuch Offence over and above ſuch Charges as aforeſaid, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety

whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Empowering Surveyor to remove Trees blown down in the Roads.

LI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time, without giving any previous Notice, to remove all ſuch Earth, Trees, Roots of Trees, and other Things, as ſhall ſlide or fall, or be blown down from any Hedge, Bank, or Land, into or upon any of the ſaid Roads, ſo as to narrow or obſtruct the Paſſage through the ſame, and to carry and place the ſame on any Waſte Ground near thereto, ſo as to prevent the ſame from being an Annoyance to Travellers; and ſuch Surveyor or Surveyors ſhall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence ſuch Earth, Trees, Roots, or other Things ſhall ſo ſlide or fall, or be blown down as aforeſaid; and the Charges of carrying away the ſame ſhall be reimburſed and paid to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers reſpectively, and ſhall be recovered by ſuch Ways and Means as any Penalties and Forfeitures for Offences againſt this Act are directed to be recovered.

Trees in Parks or Paddocks not to be cut down.

LII. Provided always, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to empower any Perſon or Perſons to cut down any Tree or Trees now growing in or upon the Banks of any Land or Ground, now being a Park or Paddock ſtocked with Deer, or now growing in or upon a certain Farm called *Hill Farm*, in the Pariſh of *Chillington*, or in or upon the Banks or Hedges between *Standland's Knap* and *Chillington Down*, or between *Dinnington Gate* and *Saint Rane Hill*; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

For Shearing the Hedges.

LIII. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors of the ſaid Roads, and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe ſigned by the ſaid Truſtees, or any Three or more of them), to ſhear and cut, as often as Occaſion ſhall require, the Tops and Sides of all the Hedges ſtanding or growing by or near the Side or Sides of the ſaid Roads, in ſuch Manner as ſuch Surveyor or Surveyors ſhall think proper; and all Charges and Expences attending the ſame ſhall from Time to Time be paid and defrayed out of the Tolls to be collected by virtue of this Act.

Penalty on drawing Timber on the Road.

LIV. And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone, otherwiſe than upon a Wheel Carriage, or ſhall ſuffer any Part of any Tree or Piece of Timber, which ſhall be conveyed upon any Wheel Carriage, to drag upon any Part of ſuch Roads, to the Prejudice thereof; or if any Perſon or Perſons ſhall drive any Waggon or other Carriage with any Wheel thereof dragged or ſtopped from going round, upon any Part of the ſaid Roads where the Deſcent thereof ſhall not be more than Two Inches and a Half in the Length of Three Feet, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

LV. And

Road to be measured and Mile Stones and Guide Posts to be erected.

LV. And be it further enacted, That the said Trustees shall and may cause the said Roads to be measured, and Mile Stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, and Posts to be erected to denote the Distance of every such Post from any Town or Place, as the said Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Roads where the same is crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any of the Stones or Posts erected or to be erected on any Parts of the said Road, or any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches, or on any Parts of the said Roads, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for each Stone, Post, or Parapet Wall so broken, thrown down, injured, or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Penalty on damaging, &c.

Penalty for riding on the Foot-paths, *etc.*

LVI. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive, or lead any Horse, Beast, Cattle, or Carriage, over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Parts of the said Roads; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Roads, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Roads, to the Prejudice thereof; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Roads to be made into Manure, or shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads with any Instrument, so as to damage the said Roads, or any Part thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Sides of the said Roads, either with or without any Horse or Beast harnessed or yoked thereto (without some reasonable Cause to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed in order to his or her Conviction, or except during such reasonable Time as such Waggon, Wain, Cart, or other Carriage shall be loading or unloading, and standing as near the Side of the said Roads as conveniently may be); or shall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever in any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Person or Persons travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not less than Ten Shillings, nor more than Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Power to Collectors to detain unknown Persons guilty of Offences.

LVII. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it shall and may be lawful

ful to and for any of the ſaid Collectors, Surveyors, or other Officers reſpectively, to ſeize and detain any ſuch unknown Perſon or Perſons guilty of any Offence againſt this Act, and to convey him, her, or them, before One or more Juſtice or Juſtices of the Peace for the County, City, or Place where any ſuch Offence or Offences ſhall be committed, without any other Warrant or Authority than this Act for ſo doing.

Perſons chargeable to Statute Work to continue ſo.

Juſtices to determine Differences touching Statute Work,

LVIII. Provided always, and be it 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 Roads hereby directed to be made, widened, and repaired, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Somerſet*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor, or 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 or Places in which the ſaid Roads do lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh 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 their Treaſurer or Treaſurers; and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, 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 Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition 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 ſo paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons, who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay Time or Harveſt) and in ſuch Parts of the ſaid Roads as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and 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 thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective 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 uſual Place or Places of Abode for that Purpoſe, by

any

any Surveyor 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 publick Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off 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 or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Truſtees may compound for Statute Work,

LIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politick or Corporate, for the Repairs or 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 or Places in which the ſaid Roads ſhall lie and be 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 any Part 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, or by the Perſon or Perſons ſo compounding, to the Treaſurer of the ſaid Truſtees-in Advance on or before the Firſt *Saturday* in the Month of *February* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Application of the Money.

LX. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall in the firſt place be paid and defrayed out of any Monies received or collected by virtue of the ſaid recited Act, or out of the firſt Monies borrowed, received, or collected by virtue of or for the Purpoſes of this Act; and the Remainder of the Money thereof ſhall from Time to Time be applied in repaying the Monies borrowed by virtue of the ſaid recited Act and of this Act, and the Intereſt thereof reſpectively, and in carrying this Act into Execution.

Recovery and Application of Penalties.

LXI. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Juſtice of the Peace for the

ſaid County of *Somerſet* (which Warrant ſuch Juſtice is hereby empowered to grant upon the Confeſſion of the Party, or upon the Evidence of any credible Witn ſs upon Oath), and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned, upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs, and the Penalties and Forfeitures when recovered (if not herein-before directed to be otherwiſe applied) ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender to be committed to the Common Gaol or Houſe of Correction of the County of *Somerſet*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor leſs than Ten Days, unleſs ſuch Penalties and Forfeitures and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner fully paid and ſatisfied.

LXII. And be it further enacted, That every Juſtice of the Peace before whom any Perſon ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form: (*videlicet*),

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before One of his Majeſty's Juſtices of the Peace for the County of [*ſpecifying the Offence, and the Time and Place when and where committed, as the Caſe may be*] contrary to an Act made in the Forty-third Year of the Reign of King *George* the Third, intituled [*here ſet forth the Title of this Act.*] Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt above mentioned.

Power to compel Payments of Subſcriptions.

LXIII. And be it further enacted, That all Perſons who have ſubſcribed to pay any Money towards making and repairing the ſaid Roads, ſhall and they are hereby reſpectively required to pay their Subſcription Money to the Treaſurer to the ſaid Truſtees, at ſuch Time or Times as ſhall be appointed by the ſaid Truſtees; and if any ſuch Subſcriber ſhall neglect or refuſe to pay ſuch Money as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees to ſue for and recover the ſame by Action at Law, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Actions to be brought in the Names of the Treaſurer or Clerk, or One of the Truſtees;

LXIV. And be it further enacted, That whenever any Action ſhall be brought by the Order of the ſaid Truſtees, againſt any Perſon or Perſons by virtue or in purſuance of this Act, the ſame may be brought in the Name or Names of their Treaſurer or Clerk, or in the Name of any One of the ſaid Truſtees 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 the ſame ſhall be brought; but no ſuch Treaſurer, Clerk, or Truſtee, or any or either of them, ſhall be ſubject to the Payment of any Coſts or Expences on Account thereof, but all ſuch Coſts and Expences ſhall be defrayed out of the Money ariſing by virtue of this Act.

Treaſurers or Clerks, or other Truſtee, not liable to the Payment of Coſts.

LXV. Provided

Appeal.

LXV. Provided always, and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General or Quarter Seſſions of the Peace to be holden for the ſaid County of *Somerſet*, next after the Expiration of One Calendar Month from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing having firſt given Ten Days Notice at leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof to the Treaſurer or Clerk to the ſaid Truſtees, and within Two Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County of *Somerſet*, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and to abide the Order and Deciſion of the ſaid Court thereon; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice and Recognizance being given and entered into, are hereby authorized and required to hear and determine the Matter of Appeal in a ſummary Way, and to make ſuch Determination therein, and to award ſuch Coſts to either of the Parties, or otherwiſe as they ſhall judge proper; and ſuch Determination ſhall be final, binding, and concluſive to all Parties to all Intents and Purpoſes whatſoever.

Diſtreſs not to be unlawful for Want of Form.

LXVI. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Proceedings not to be quaſhed for Want of Form, or removable by *Certiorari*.

LXVII. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgement, or other Proceedings made touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Plaintiffs not to recover after Tender of Amends.

LXVIII. And be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants Twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action, if Tender of ſufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court, after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money, as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings,

ceedings, Order, and Judgement, shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXIX. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Somerset*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and 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 Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act

LXX. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without being specially pleaded.

Commencement and Continuance of this Act.

LXXI. And be it further enacted, That this Act shall commence and take place on the *Saturday* Fortnight after the passing thereof, and shall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1803.

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 24.

An Act for altering and enlarging the Powers of several Acts passed in the Thirty-first Year of the Reign of His late Majesty, and in the Tenth and Thirty-second Years of the Reign of His present Majesty, so far as relates to the Road from *Leeds* to *Wakefield*, in the County of *York*. [7th *April* 1803.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road from* Leeds *to* Sheffield, *in the* *County of* York; whereby the said Road was divided into Two separate Districts, and a certain Division thereof as lies between the Towns of *Leeds* and *Wakefield* was directed to be within the First District of the said Road, and separate Tolls are authorized to be collected within each District, and directed to be applied towards repairing the said Road within the District wherein they are respectively collected: And whereas an Act was passed in the Tenth Year of His present Majesty's Reign, for enlarging the Term and Powers of the said Act, so far as relates to the said First District of the said Road: And whereas an Act was passed in the Thirty-second Year of the Reign of His said present Majesty, for enlarging the Term and Powers of the said Act, so far as relates to the First District of Road: And whereas a considerable Sum of Money hath been borrowed, and is now due and owing upon the Credit of the Tolls authorized to be collected upon the Road within the said First District, which cannot be

31 Geo. 2.

10 Geo. 3.

32 Geo. 3.

paid off, nor can the ſaid Diſtrict of Road be effectually amended, improved, and kept in Repair, unleſs the Powers and Proviſions of the ſaid Acts are altered and enlarged; and it is neceſſary that the Tolls authorized to be taken on the ſaid Firſt Diſtrict of Road ſhould be repealed, and others granted inſtead thereof: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts paſſed in the Thirty-firſt Year of the Reign of His late Majeſty King *George* the Second, and the Tenth and Thirty-ſecond Years of the Reign of His preſent Majeſty, and all and every the Authorities, Powers, Privileges, Proviſions, Penalties, Clauſes, Matters, and Things, therein contained (except ſuch as relate to Exemptions from Stamp Duties, or as are hereby varied, altered, or repealed), ſo far as the ſame reſpectively relate to the ſaid Firſt Diſtrict of Road, ſhall be and continue in full Force, and be executed for and during the Remainder of the Term granted by the ſaid laſt recited Act, as fully and effectually to all Intents and Purpoſes, as if the ſame were herein particularly repeated and re-enacted, but ſubject nevertheleſs to the Amendments, Alterations, and Additions herein contained, and which ſhall commence and take Effect upon the paſſing of this Act; and this Act, and the Tolls hereby granted, ſhall be and are hereby made ſubject and liable to the Payment of all Money now due and owing on the Credit or on Account of the ſaid recited Acts, or any or either of them, or hereafter to be borrowed or become due on the Credit of the ſaid Acts and this Act, ſo far as the ſame relate to the Firſt Diſtrict of Road, and of all Intereſt due and to grow due for the ſame reſpectively.

Recited Acts continued.

Additional Truſtees.

II. And be it further enacted, That *Joſeph Armitage*, *Miles Atkinſon*, *Edward Atkinſon*, *James Biſchoff*, *John Biſchoff*, *George Biſchoff* the younger, *Charles John Brandling*, *James Brown*, *James Brown* the younger, *Charles Brown*, *Fountaine Browne*, *William Browne*, *Thomas Binns*, *Henry Ralph Brandling* Clerk, *John Beckett* the younger, *Chriſtopher Beckett*, *Richard Beckett*, *William Beckett*, *Stanhope Baynes* Doctor of Phyſick, *John Carr*, *John Cadman*, *Francis Cookſon*, *Charles Coupland* the younger, *Thomas Charleſworth*, *Joſeph Charleſworth*, *Robert Coulman*, *Robert Coulman* the younger, *John Clapham*, *John Couſins*, *William Thompſon Dunderdale*, *William Dinſley*, *Benjamin Dealtry*, *William Dawſon*, *Henry Entwiſtle*, *James Entwiſtle*, *Gervas Elam*, *Samuel Elam*, *John Foljambe*, *Thomas Foljambe*, *William Fardely*, *Joſhua Field* the younger, *William Ferguſon*, *William Greenwood*, *Thomas Gleadale*, *William Gatliffe*, *William Glover*, *John Pemberton Heywood*, *Thomas Hardy*, *Peter Haddon* Clerk, *Joſeph Humble*, *John Holroyd*, *Joſeph Holroyd*, *John Hurſt*, *Martin Hinde*, *William Hey* the younger, *Benjamin Hird* Doctor of Phyſick, *John Hebblethwaite*, *Nuſſey Holmes* Clerk, *William Hill*, *John Hill*, *John Ingham*, *Joſhua Ingham*, *Thomas Johnſon*, *Arthur Lupton*, *William Lupton*, *Arthur Lupton* the younger, *George Lapage* the younger, *Samuel Lapage*, *Thomas Lee*, *Robert Lumb*, *Henry Lumb*, *Thomas Lumb*, *William Maude*, *John Maude*, *Francis Maude*, *Francis Maude* the younger, *William Martin*, *Douglas M^c Murdo*, *Duff Markland*, *Bertie Markland*, *Thomas Micklethwaite*, *Richard Monkhouſe* Doctor in Divinity, *Richard Micklethwaite*, *John Micklethwaite*, *Lucas Nicholſon*, *Sandford Neville*, *George Oates*, *John Oxley*, *John Plowes* the younger, *George Paley*, *Benjamin Pullan*, *Charles Ayrton Pullan*, *Samuel Prieſtley*, *Henry Preſton*, *Francis*

Francis Preſton Clerk, *Armitage Rhodes*, *Peter Rhodes*, *James Rhodes*, *Jeremiah Rhodes*, *David Rimington*, *John Robinſon* Surgeon, *George Raiſon*, *Thomas Ruſſell*, *William Shackleton*, *John Sheepſhanks* Clerk, *Broughton Stead*, *Simon Spence*, *William Simpſon*, *Henry Skelton*, *Thomas Smith*, *Thomas Smith* the younger, *Joſeph Shaw*, *John Scholefield*, *Thomas Wolrich Stansfeld*, *Mark Temple*, *Richard Tennant*, *James Teal*, *William Diſney Thorpe* Doctor of Phyſick, *John Wiggleſworth*, *Charles Watſon*, *Jonathan Wilks*, *William Wilks*, *Richard Walker*, *John Wilſon*, *William Whitaker*, *John Wilſon* the younger, *Griffith Wright*, *Harry Wormald*, *Thomas Wormald*, and *Richard Wormald*, ſhall be and they are hereby added to and joined with the ſurviving and remaining Truſtees, nominated in or elected by or by virtue of the ſaid Acts or any of them; and that the Truſtees hereby appointed together with thoſe nominated and appointed in or by virtue of the ſaid recited Acts, and qualified as therein mentioned, ſhall be and they are hereby appointed Truſtees for putting the ſaid recited Acts and this Act in Execution, with reſpect to the ſaid Diſtrict of Road from *Leeds* to *Wakefield* aforeſaid; and all Acts and Proceedings of any Perſon or Perſons who already hath or have acted, or hereafter ſhall act, as a Truſtee or Truſtees in the Execution of this or any of the ſaid Acts, though not duly qualified, ſhall before and till ſuch Time as ſuch Perſon or Perſons ſhall have been convicted of acting without ſuch Qualification, be as valid and effectual as if ſuch Perſon or Perſons had been actually qualified.

The Acts of Truſtees not duly qualified rendered valid.

III. And be it further enacted, That the ſeveral Tolls granted and made payable, and authorized to be taken within the ſaid Firſt Diſtrict of the ſaid Road, under and by virtue of the ſaid recited Acts or any of them, ſhall, from and immediately after the paſſing of this Act, ceaſe, determine, and be no longer paid or payable; and inſtead thereof the following Tolls ſhall be demanded and taken at all or any of the Gates or Turnpikes now erected, or which ſhall be hereafter erected upon or within the Firſt Diſtrict of the ſaid Road, before any Cattle or Carriage ſhall be permitted to paſs through the ſame; that is to ſay,

Preſent Tolls to ceaſe.

Tolls.

For every Horſe, Mare, Gelding, or other Beaſt of Burthen, whether laden or unladen, and not drawing, at the Firſt Gate or Turnpike, which any ſuch Horſe, Mare, Gelding, or other Beaſt of Burthen ſhall paſs, the Sum of One Penny Halfpenny, and at the Second Gate or Turnpike the Sum of One Penny:

For every Coach, Landau, Berlin, Chariot, Curricle, Calaſh, Chaiſe, or other ſuch like Carriage or Hearſe, drawn by Four or more Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike, which every ſuch Coach, Landau, Berlin, Chariot, Curricle, Calaſh, Chaiſe, or other ſuch like Carriage or Hearſe ſhall paſs, the Sum of Two Shillings, and at the Second Gate or Turnpike the further Sum of One Shilling; and drawn by Two Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike the Sum of Nine-pence, and at the Second Gate or Turnpike the further Sum of Sixpence; and drawn by One Horſe or Beaſt of Draught, at the Firſt Gate or Turnpike the Sum of Four-pence, and at the Second Gate or Turnpike the further Sum of Two-pence:

For every Waggon, Wain, Cart, or other ſuch like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches, and not laden with Coals, drawn by Five or more Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike, which every ſuch Waggon, Wain, Cart, or other ſuch like Carriage ſhall paſs, the Sum of Three Shillings, and at the Second

Gate

Gate or Turnpike the further Sum of One Shilling and Sixpence; and drawn by Four Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike the Sum of Two Shillings, and at the Second Gate or Turnpike, the further Sum of One Shilling; and drawn by Three Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike the Sum of One Shilling and Sixpence, and at the Second Gate or Turnpike the further Sum of Nine-pence; and drawn by Two Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike the Sum of Nine-pence, and at the Second Gate or Turnpike the further Sum of Four-pence Halfpenny; and drawn by One Horſe or Beaſt of Draught, at the Firſt Gate or Turnpike the Sum of Four-pence Halfpenny, and at the Second Gate or Turnpike the Sum of Two-pence:

For every Waggon, Wain, Cart, or other ſuch like Carriage, having the Fellies of the Wheels of leſs Breadth than Six Inches, not laden with Coals, and drawn by Four Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike, which every ſuch Waggon, Wain, Cart, or other ſuch like Carriage ſhall paſs, the Sum of Three Shillings, and at the Second Gate or Turnpike the further Sum of One Shilling and Sixpence; and drawn by Three Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike the Sum of Two Shillings and Three-pence, and at the Second Gate or Turnpike the further Sum of One Shilling; and drawn by Two Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike the Sum of One Shilling and One Penny, and at the Second Gate or Turnpike the further Sum of Sixpence; and drawn by One Horſe or Beaſt of Draught, at the Firſt Gate or Turnpike the Sum of Sixpence, and at the Second Gate or Turnpike the further Sum of Two-pence:

For every Waggon, Wain, Cart, or other ſuch Carriage, having the Fellies of the Wheels of the Breadth of Six Inches, laden with Coals only, or going for or returning from carrying the ſame only, for each Time of paſſing and repaſſing through any of the ſaid Gates, drawn by Five or Six Horſes or Beaſts of Draught, the Sum of Three Shillings; and drawn by Four Horſes or Beaſts of Draught, the Sum of Two Shillings; and drawn by Three Horſes or Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horſes or Beaſts of Draught, the Sum of Nine-pence; and drawn by One Horſe or Beaſt of Draught, the Sum of Three-pence:

And for every Waggon, Wain, Cart, or other ſuch Carriage, having the Fellies of the Wheels of leſs Breadth than Six Inches, laden with Coals only, or going for or returning from carrying the ſame only, for each Time of paſſing and repaſſing through any of the ſaid Gates, drawn by Four Horſes or Beaſts of Draught, the Sum of Three Shillings; and drawn by Three Horſes or Beaſts of Draught, the Sum of Two Shillings and Three-pence; and drawn by Two Horſes or Beaſts of Draught, the Sum of One Shilling and One Penny Halfpenny; and drawn by One Horſe or Beaſt of Draught, the Sum of Four pence:

And for every Drove of Oxen or Neat Cattle, at the Firſt Gate or Turnpike, which any ſuch Oxen or Neat Cattle ſhall paſs, the Sum of Ten-pence *per* Score, and at the Second Gate or Turnpike the Sum of Five Pence *per* Score, and ſo in Proportion for every greater or leſs Number, except for One, at the Firſt Gate One Penny, at the Second Gate One Halfpenny:

And for every Drove of Calves, Sheep, Lambs, or Swine, at the Firſt Gate or Turnpike, which ſuch Calves, Sheep, Lambs, or Swine ſhall paſs, the Sum of Ten-pence *per* Score, and at the Second Gate

or

or Turnpike Two-pence Halfpenny *per* Score, and ſo in Proportion for any greater or leſs Number, except for One, One Halfpenny.

Which ſaid ſeveral Tolls by this Act authorized to be taken, ſhall be and the ſame are hereby veſted in the Truſtees for executing the ſaid Acts and this Act; and the ſame and every Part thereof ſhall be collected, recovered, levied, paid, applied, aſſigned, leſſened, varied, and diſpoſed of in ſuch and the ſame Manner, and by ſuch and the ſame Ways and Means, and with ſuch Remedies for Non-payment or Evaſion thereof, and with ſuch Powers, Proviſions, Exemptions, and Reſtrictions, as are contained in the ſaid recited Acts or any of them, with reſpect to the ſaid Diſtrict of Road from *Leeds* to *Wakefield*. Tolls veſted in Truſtees, *etc.*

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, at any Time or Times hereafter, to borrow and take up at Intereſt, ſuch Sum or Sums of Money as they ſhall think wanted and neceſſary for the Uſe of the ſaid Diſtrict of Road; and that all Mortgages of the Tolls collected within the ſaid Diſtrict of Road, Conveyances, or Aſſurances whatſoever, which ſhall be made and executed by the ſaid Truſtees, or any Seven or more of them, at any Time or Times hereafter, ſhall be in the Words or to the Effect following; that is to ſay, Truſtees may borrow Money.

Form of Security.

'BY virtue of an Act, paſſed in the Forty-third Year of the Reign of King *George* the Third, intituled *An Act for altering and enlarging the Powers of ſeveral Acts paſſed in the Thirty-firſt Year of the Reign of His late Majeſty, and in the Tenth and Thirty-ſecond Years of the Reign of His preſent Majeſty, ſo far as relates to the Road from* Leeds *to Wakefield, in the County of* York:'

'WE whoſe Names are hereunto ſubſcribed, and Seals affixed, being Truſtees acting in Execution of the ſaid Act, and of the Acts therein mentioned, in Conſideration of the Sum of to the Treaſurer of the ſaid Turnpike Road leading from *Leeds* to *Wakefield*, in Hand paid by do hereby grant, bargain, ſell, and demiſe, unto the ſaid his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing upon the ſaid Road, and alſo of the Turnpikes and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum advanced upon the Credit of the ſaid Tolls ſince the Day of One thouſand eight hundred and or which ſhall or may hereafter be advanced, to be had, received, and taken, ſubject nevertheleſs to ſuch Mortgages and other Securities as were exiſting at the Time of paſſing the ſaid Act of the Forty-third Year of the Reign of His ſaid Majeſty King *George* the Third, and to the Payment of the ſeveral Sums thereby ſecured, from this Day of for and during the Continuance of the ſaid recited Act, unleſs the ſaid Sum of with Intereſt after the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied. As Witneſs our Hands and Seals, this Day of One thouſand eight hundred and

And Copies of ſuch Mortgages or Securities ſhall be entered in a Book to be Securities to be entered

by Clerk or Treaſurer.

be kept for that Purpoſe, by the Clerk or Treaſurer to the ſaid Truſtees; and all Perſons who ſhall be poſſeſſed of any Mortgage or Security made by virtue of this or of the ſaid former Acts or either of them, may from Time to Time transfer their Right, Title, Intereſt, or Benefit, in or to the ſaid Mortgages or Securities, and the Principal Money thereby ſecured, to any Perſon, by Writing under their Hands and Seals, in the Words or to the Effect following:

Securities transferable;

Form of the Transfer.

'I being entitled to the Sum of ſecured
'to me, my Executors, Adminiſtrators, or Aſſigns,
'by virtue of a Mortgage or Aſſignment, bearing Date the
'Day of under the Hands and Seals of
'of the Truſtees acting in Execution of an Act paſſed in the Forty-third
'Year of the Reign of King *George* the Third, intituled, *An Act for*
'*altering and enlarging the Powers of ſeveral Acts, paſſed in the Thirty-firſt*
'*Year of the Reign of His late Majeſty, and in the Tenth and Thirty-ſecond*
'*Years of the Reign of His preſent Majeſty, ſo far as relates to the Road from*
'Leeds *to* Wakefield, *in the County of* York, and of the Acts therein
'mentioned, in Conſideration of the Sum of paid to
'me by do hereby bargain, ſell, aſſign, and transfer
'all my Right and Title in and to the ſame Sum of and all
'the Principal and Intereſt Money now due and owing thereon, unto
'Executors, Adminiſtrators, and Aſſigns.
'Dated this Day of in the Year
'of our Lord One thouſand eight hundred and '

No Preference amongſt Perſons who advance Money after the Date of this Act.

V. And be it further enacted, That all Perſons who ſhall hereafter advance Money or become entitled to any ſuch Mortgages or Securities ſo to be made as aforeſaid, ſhall (ſubject nevertheleſs to the Mortgages, Aſſignments, or Aſſurances, already made and exiſting at the Time of the paſſing of this Act, and to the Payment of the ſeveral Sums of Money thereby ſecured), be Creditors on the Tolls hereby granted and impoſed, or otherwiſe made payable, in equal Degree, in Proportion to the Sums of Money by them reſpectively advanced, or ſo ſecured as is herein-before directed, and ſhall not be entitled to any Preference by reaſon or on Pretence of the Priority of any Money being advanced.

Truſtees may ſue and be ſued, or may defend Actions in Name of their Clerk.

VI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerk or Treaſurer; and that no Action brought by or againſt the ſaid Truſtees, or any of them, by virtue or on account of this Act or the Acts herein-before mentioned, or any of them, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Treaſurer, or by the Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees; but the Clerk or Treaſurer for the Time being to the ſaid Truſtees, may and ſhall, as often as it ſhall be thought neceſſary or adviſeable, notwithſtanding any want of Privity of Contract, or otherwiſe howſoever, be made and deemed the Plaintiff or Defendant in ſuch Action, as the Caſe ſhall be, ſo as that nevertheleſs nothing herein contained ſhall in anywiſe prevent or hinder the ſaid Truſtees, or any of them, or any Perſon or Perſons for or on Behalf of them, or any of them, from ſuing, or protect them, or any of them, or any ſuch Perſon or Perſons, from being ſued and proceeded againſt, in ſuch Form of Action, and in ſuch Manner, as it might or would have been lawful to do under or by virtue of the ſaid Acts herein-before mentioned:

mentioned: Provided always, that every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs and Charges, Damages and Expences, as by the Event of any such Proceedings he shall be put to or become chargeable with, by reason of his being so made Plaintiff or Defendant therein.

Application of Compensation when amounting to 200*l.*

VII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used, by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other legal Disability or Incapacity, as in the said recited Act particularly mentioned, such Money shall, if the same 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 there *ex parte* the Trustees for executing the said Acts and 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 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 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 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, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time 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 Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time 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 Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when the Compensation is less than 200*l.* and exceeds 20*l.*

VIII. 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,

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, in the Name and with the Privity of the ſaid Accountant General, 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 any Five or more of the ſaid Truſtees (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 any 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 Chancery.

Application where the Money is leſs than 20 *l.*

IX. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than 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 the ſaid Acts and 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.

For paying Expences of the Act.

X. And be it further enacted, That the Coſts, Charges, and Expences, incident to and attending the obtaining, and paſſing of this Act, ſhall be paid and diſcharged by the ſaid Truſtees, out of any Money already collected or received, by virtue of the ſaid recited Acts, within the ſaid Firſt Diſtrict, or out of the firſt Monies to ariſe by virtue of the ſaid Acts and this Act, within the ſaid Firſt Diſtrict, in Preference to all other Payments whatſoever.

Publick Act.

XI. And be it further enacted, That this Act ſhall be adjudged, deemed, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1803.