ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 3.

An Act for repairing ſeveral Roads leading to and from the Town of *Crewkerne*, in the County of *Somerſet*. [1ſt *March* 1805.]

WHEREAS an Act was made in the Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing, widening, and keeping in Repair, ſeveral Roads leading to and from* Crewkerne, *in the County of* Somerſet: And whereas another Act was made in the Twenty-ſixth Year of the Reign of His preſent Majeſty, for enlarging the Term and Powers of the ſaid Act: And whereas the Truſtees appointed in or by virtue of the ſaid Acts have proceeded in the Execution thereof, and have borrowed a conſiderable Sum of Money on the Credit of the Tolls thereby granted, which cannot be repaid, nor the ſaid Roads amended and kept in proper Repair, unleſs the Terms and Powers granted by the ſaid recited Acts be repealed, and further and better Proviſion made for thoſe Purpoſes: And whereas the Road leading from the Eaſt End of the Shambles, in the ſaid Town of *Crewkerne*, through *Furland*, to the Road leading from *Hinton Saint George* to *Roundham*, in the County of *Somerſet*, is in bad Repair, narrow and incommodious for Travellers, and cannot be effectually repaired by the ordinary Courſe of Law: May it therefore pleaſe Your Majeſty

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that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the *Saturday* Fortnight after the paſſing of this Act, the ſaid recited Acts, and all the Clauſes, Powers, Authorities, Proviſions, Matters, and Things, therein contained, ſhall be, and the ſame are hereby repealed.

Recited Acts repealed.

II. And be it further enacted, That *Richard Abraham* Clerk, *John Allen* Clerk, *Robert Hoadley Aſke* Doctor in Divinity, the Honourable ——— *Fane*, commonly called Lord *Burghersh*, *John Bragge*, *Robert Bartlett*, *John Burt*, *William Blake* Clerk, *John Budd*, *Thomas Beſt*, *Thomas Barrett*, *John Baker*, *Edward Brown*, *Richard Noſſiter Burnard*, *William Trevelyan Cox* Clerk, *John Hody Chicheſter*, *Richard Thomas Combe*, *Edward Combe* Clerk, *Richard Chaffey*, *Joſiah Cole*, *Roger Coſſins*, *Benjamin Chaffey*, *Thomas Chaffey*, *William Cox*, *John Cox*, *James Cuff*, *Thomas Carlyle*, *Simon Cleeves*, *James Draper* Clerk, *Joſeph Shepherd Draper*, Captain *John Draper*, *James Daniel*, *Iſaac Diddle*, *Jeremiah Dummett*, *Edward England*, *George England*, *John Eaſon*, *Joſeph Feltham*, *John Fewtrell* Clerk, *Robert Fitchett*, *William Fitchett*, *William Gray*, *Bartholomew Gidley*, *Joſeph Greenham*, *John Frauncis Gwyn*, *Richard Gifford*, *John Goodford*, the Honourable *John Poulett*, commonly called Lord Viſcount *Hinton*, *Joſiah Haydon*, *William Huſſey*, *William Hoſkins*, *John Hallett*, *William Hallett*, *William Hanning*, *Robert Hillard*, *Thomas Hillard*, *William Hellyar*, *William Hellyar* the younger, *Henry Hoſt Henley*, *John Hodges*, *George Jolliffe*, *Nathaniel Knott*, *John Lowman*, *Thomas Lowman*, *Edward Hurley*, *John Notley*, the Honourable *George Poulett*, the Honourable *William Poulett*, *Thomas Price* Clerk, ——— *Proctor* Doctor of Medicine, *John Perkins* the elder, *John Perkins* the younger, *Thomas Phelps*, *John Phelps*, *William Phelips* Clerk, *John Phelips*, *Robert Perham*, *Thomas Pearce*, *Henry Palmer*, *Peter Smith Payne*, *John Pinney*, *John Frederick Pinney*, *Matthew Quantock*, *James Quantock*, *John Ridout*, *Thomas Ridout*, *John Rodbard*, *Thomas Roſſiter*, *Samuel Sparks*, *Iſaac Sparks*, *John Symes*, *Henry Stanbury* Clerk, *William Salmon* Clerk, *John Slade*, *George Salter*, *Chriſtopher Tatchell* Clerk, *John Templeman* Clerk, *John Templeman*, *George Templeman*, *Samuel Wills*, *Samuel Wills* the younger, *John Wills* Doctor in Divinity, *John Wills*, ——— *Woolcombe* Clerk, *Edward Whitley* Clerk, *Edmund Watts*, and *Reginald Whitley*, and their Succeſſors, to be elected in Manner herein-after directed, ſhall be and they are hereby declared to be Truſtees for amending, repairing, altering, widening, and improving the Road leading from a certain Water, called *South Perrott Water*, which divides the Counties of *Somerſet* and *Dorſet*, through the Pariſh of *Miſterton*, and to and through the Town of *Crewkerne* in the ſaid County of *Somerſet*, to the North End of a Lane called *Proveſt Lane*, in the Pariſh of *Stoke-under-Hamden*, in the ſaid County of *Somerſet*; and alſo the Road leading from a certain other Water which divides the ſaid Counties of *Somerſet* and *Dorſet*, called the *Brimble Water*, through the ſaid Pariſh of *Miſterton*, to the Direction Poſt at a Place called *Roundham*, in the ſaid Pariſh of *Crewkerne*; and alſo the Road leading from the ſaid Town of *Crewkerne* over a Bridge called *Clapton Bridge*, to a Place called the *Three Aſhes*, in the ſaid Pariſh of *Crewkerne*; and alſo the Road leading from a certain Place in the ſaid Pariſh of *Crewkerne*, called *Broadſtard*, through the Pariſh of *Merriott* to a Place called *Lopenhead*, within the Pariſh of *Lopen*, in the ſaid County of *Somerſet*;

Truſtees.

Somerſet; and alſo the Road leading from the Eaſt End of the Shambles in the ſaid Town of *Crewkerne*, through *Furland* in the ſaid County, to the Road leading from *Hinton Saint George* to *Roundham* aforeſaid, and for otherwiſe carrying this preſent Act into Execution.

No Act valid unleſs at a Meeting.

III. And be it further enacted, That no Act of the ſaid Truſtees ſhall 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; and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed; and when and as often as it ſhall ſo happen that there ſhall be an Equality of Votes at any ſuch Meeting, upon any Queſtion (including the Vote of the Chairman) then and in ſuch Caſe it ſhall and may be lawful to and for the Chairman to give the deciſive or caſting Vote.

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

Election of New Truſtees.

IV. And be it further enacted, That as often as any One or more of the ſaid Truſtees ſhall die, or refuſe to act, it ſhall be lawful for the remaining or ſurviving Truſtees, under their Hands and Seals, to appoint another Truſtee or Truſtees in the Room of ſuch Truſtee or Truſtees ſo dying or refuſing to act, and Notice of the Time and Place of Meeting for the Election of ſuch Truſtee or Truſtees ſhall be given by the Clerk to the ſaid Truſtees, by affixing the ſame, in Writing, on all the Gates or Turnpikes which ſhall be ſtanding on the ſaid Roads, and on ſome conſpicuous Place in the Town of *Crewkerne*, at leaſt Fourteen Days before the Meeting for ſuch Election, and the Perſon or Perſons ſo appointed ſhall and may act in the Execution of this Act as fully as any Truſtee hereby nominated is empowered to do.

Qualification of Truſtees.

V. 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 and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds, or ſhall be Heir-apparent to ſome Perſon having ſuch Eſtate, of the clear yearly Value of Two hundred Pounds, or ſhall be poſſeſſed of or entitled unto a Perſonal Eſtate of the Amount or Value of One thouſand 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, wherein no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Penalty on acting, not being qualified.

VI. Provided

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

VI. 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, &c. incapable of acting.

VII. Provided always, and be it enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe, Alehouſe, or other Houſe of public Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, or 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 public Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, or Spirituous or other ſtrong Liquors, by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they do 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.

VIII. 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.

IX. And be it further enacted, That the ſaid Truſtees ſhall meet at the *George Inn* in the ſaid Town of *Crewkerne*, 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 Times 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* in *Crewkerne* aforeſaid, or at ſuch other Place to be appointed as aforeſaid, on the firſt *Saturday* in the Month of *September*, the firſt *Saturday* in the Month of *December*, the firſt *Saturday* in the Month of *March*, and the firſt *Saturday* in the Month of *June*, in each and every Year between the Hours aforeſaid; and if it ſhall ſo happen that there ſhall not appear at 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 public Notice thereof, ſigned by Him, to be affixed on ſome conſpicuous Place in the ſaid Town of *Crewkerne*, and on all and every the Lock Poſts of the Turnpike Gates that ſhall be ſtanding on the ſaid Roads, at leaſt Seven Days before the Day on which ſuch Meeting ſhall be ſo adjourned; and that the ſaid Truſtees ſhall at their ſeveral Meetings de-

Truſtees to defray their own Expences.

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fray their own Expences; and that no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act during the Time he ſhall hold any Place of Profit under the ſame.

Meetings on Emergencies.

X. And be it further enacted, That if after any Adjournment of any Meeting as aforeſaid it ſhall at any Time or Times be thought neceſſary that a Meeting of the Truſtees ſhould be holden on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, then and in every ſuch Caſe the Clerk to the ſaid Truſtees (an Order in Writing ſigned by Two or more of the ſaid Truſtees, mentioning the Time and Place and Purpoſe of ſuch earlier Meeting being given to him, or left at his laſt or uſual Place of Abode) ſhall forthwith give Notice of ſuch earlier Meeting in Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees, (ſuch Time not being leſs than Seven Days after ſuch Notice); and all Proceedings of the ſaid Truſtees at ſuch earlier Meeting, ſhall be as good and valid as they would have been in caſe ſuch Truſtees had met in purſuance of any Adjournment.

No Order to be revoked, unleſs a greater Number of 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, ſpecifying the Revocation or Alteration intended to be made, ſigned by the Clerk to the ſaid Truſtees, be affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid Roads, at leaſt Twenty-one Days before ſuch ſubſequent Meeting, nor unleſs a Majority of Two Thirds of the Truſtees preſent at ſuch ſubſequent Meeting ſhall decide in favour of ſuch Revocation or Alteration, and a greater Number of Truſtees ſhall be preſent at ſuch ſubſequent Meeting than were preſent at the Meeting when ſuch Order, Appointment, or Proceeding, was had or made.

Proceedings to be entered.

XII. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided 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 ſuch Book or Books ſhall, at all the Meetings of the ſaid Truſtees, be open and liable to the Inſpection of all and every the ſaid Truſtees, and of the Creditors of 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 or 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 Acts, (ſuch Entry or Entries being made in ſuch Book or Books, according to the Direction of, and made Evidence by, the ſaid recited Acts), ſhall be, and be deemed good and ſuffi-

cient 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 allow them Salaries.

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 remove such Officers and Persons respectively as the said Trustees 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 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 such Treasurer shall, on the first Saturday in *June* yearly, (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 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 Ten 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 wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully 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 having been summoned and not 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

Trustees to take Security from the Treasurer.

Officers to account.

Treasurer to account yearly on Oath.

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 Non-payment 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 wilfully 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 wilfully 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 empowered 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 Acts 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 Acts, or any of them, so far as the same relate to the several Roads to be amended, widened, and repaired by virtue of this 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 Acts, so far as the same relate to such Roads, shall, when thereunto 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 Ten 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 recited Acts, so far as the same relate to such Roads, 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 Acts, so far as the same relate to such Roads, or give Satisfaction to the said Trustees in respect to 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

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 having been ſummoned and not appearing, or nor 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 Acts, or any of them, ſo far as the ſame relate to ſuch Roads, ſhall be due from ſuch Treaſurer, Clerk, or other Perſon, ſuch Juſtice may, and he is hereby authorized and required, upon Non-payment 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 Acts, ſo far as the ſame relate to ſuch Roads, 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 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 ſuch 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 Writings, or give Satisfaction in reſpect thereof, to the ſaid Truſtees.

On the Death of a Gatekeeper, Two Truſtees may nominate another until the next Meeting.

XVI. And be it further enacted, That it ſhall and may be lawful to and for Two or more of the 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 the 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

any ſuch Collector, who ſhall die as aforeſaid, or any other Perſon who ſhall be in Poſſeſſion of the Premiſes, by any Means whatever, 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.

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 Power 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 Toll-houſes and Turnpikes erected by virtue of the ſaid recited Acts, or either of them, and ſhall and may erect, or cauſe to be erected, ſuch and ſo many new Toll-houſes and Turnpikes, to ſecure the Tolls hereby granted upon or acroſs the ſaid Roads, and on or near the Sides thereof, or 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, 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 Carriage whatſoever, the Sum of Sixpence:

For every Ox, Steer, Gale, Bull, Heifer, or Cow, drawing ſingly, and not in Pairs or abreaſt, in any Carriage, the Sum of Sixpence:

For every Ox, Steer, Gale, Bull, Heifer, or Cow, drawing abreaſt or in Pairs, in any Carriage, the Sum of Three-pence:

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

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:

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

Additional Tolls to be taken on Sundays, and on Carriages employed in conveying Timber.

XIX. And be it further enacted, That it ſhall and may be lawful to and for the reſpective Toll Gatherers or Gate-keepers on the ſaid Roads, and they are hereby authoriſed and empowered, on each and every *Sunday*, (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night), to demand and take for or in reſpect of every Horſe, Beaſt, and other Cattle whatſoever, paſſing through any Gate or Turnpike on the ſaid Roads, or any of them, double the Toll or Sum which may be demanded or taken for the ſame reſpectively on any other Day by virtue of this Act; and alſo between the Firſt Day of *November* and the laſt Day of *February* in each and every Year, 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 laſt-mentioned additional Toll ſhall be demanded or taken, ſave and except there ſhall be Two or more Horſes or other Beaſts of Draught drawing ſuch Carriage.

Tolls to be taken but once a Day.

XX. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to enable any Collector or Perſon authoriſed to receive 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 Gate or Turnpike on the ſaid Roads, all and every ſuch Perſon and Perſons producing a Ticket, denoting that the ſaid Toll has been paid in that Day, which Ticket the ſaid Collector or other Perſon authoriſed to receive the ſaid Tolls, is hereby required to deliver *gratis*, on the Payment of ſuch Toll.

Travellers who ſhall have paid at a Gate erected under former Acts to paſs free through Gates to be erected.

XXI. And be it further enacted, That in caſe the ſaid Truſtees ſhall think it neceſſary to erect any other Turnpike or Turnpikes, Toll-Houſe or Toll Houſes, than thoſe which at the Time of paſſing this Act ſhall be ſtanding on the ſaid Roads, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order and direct that every Perſon or Perſons, travelling on the ſaid Roads with any Horſe, Carriage, or Cattle, who ſhall have paid the Tolls hereby granted at any one of the Gates or Turnpikes which at the Time of paſſing this Act ſhall be ſtanding on the ſaid Roads, ſhall, on producing a Ticket denoting the Payment thereof, (which Ticket the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Toll), be permitted on the ſame Day (to be computed as aforeſaid) to paſs Toll free through any of the Gates or Turnpikes which ſhall hereafter be erected on the ſaid Roads; and that any Perſon or Perſons having paid the Toll hereby granted at any one of the Gates or Turnpikes which ſhall hereafter be erected on the ſaid Roads,

Roads, ſhall, on producing a Ticket denoting the Payment thereof, (which Ticket the Collector is hereby required to give *gratis* on Receipt of the Toll) be permitted on the ſame Day (to be computed as aforeſaid) to paſs Toll free through any one of the Gates or Turnpikes which at the Time of paſſing this Act ſhall be ſtanding on the ſaid Roads.

Tolls veſted in Truſtees.

XXII. And be it further enacted, That the ſaid Tolls ſhall be and are hereby veſted in the ſaid Truſtees, and it ſhall and may be lawful to and for the ſeveral Perſons who ſhall by virtue of this Act be appointed to receive the ſame, 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 the Perſon or Perſons appointed to receive the ſame as aforeſaid, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall and may be lawful to and for ſuch Perſon and Perſons 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, or any Part thereof; 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 Perſon or Perſons 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.

XXIII. Provided always, and be it enacted, That if any Diſpute ſhall ariſe about the Amount of the Tolls due, or the Charges of diſtraining, keeping, or 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 by the Sale thereof, until the Amount 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, City, 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 Amount 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 Perſon or Perſons appointed to receive the ſaid Tolls aforeſaid, before he or they ſhall be obliged to return the ſaid Diſtreſs, or the Overplus after Sale thereof, or any Part thereof.

Turnpikes, &c. veſted in the Truſtees.

XXIV. 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 belonging, and of all Mile Stones and Poſts erected by virtue of the ſaid recited Acts or of this Act; and alſo of all Materials, Stones, and Implements, which ſhall be provided for making and repairing the ſaid Roads by virtue of the ſaid recited Acts or of this Act, ſhall be veſted in the ſaid Truſtees; and they are hereby empowered to bring or cauſe any Action to be brought in the Name of their Treaſurer or Clerk, or to prefer and order and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall

ſhall ſteal, take, or carry away, break down, ſpoil, injure, or deſtroy, any ſuch Turnpikes, Toll Houſes, or other Buildings, Fences, Mile Stones, Poſts, or any ſuch Materials, Tools, or Implements, as aforeſaid.

Penalty on evading the Tolls.

XXV. And, for preventing the evading 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 counterfeit Ticket, in order to avoid the 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 public 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 Five Pounds; one Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Collectors of Tolls to be competent Witneſſes.

XXVI. 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, ſhe, and they is and are hereby declared not to be incompetent, by Reaſon of his or her being a Collector, to give Evidence in any ſuch Diſpute, Suit, or Litigation.

Exemptions.

XXVII. 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, any Stones, Bricks, 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 with Coppice Wood, Faggots, or other Wood, or Furze, for Fuel only, or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, 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, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, any Ploughs, Harrows, or Implements of Huſbandry, or any Lime, Muck, Mould, Dung, Compoſt, or Manures, employed in Huſbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horſes or Cattle going to or returning from Paſture or Watering Places, and not paſſing more than Two Miles on the ſaid Roads, or for any Horſes going to be or returning from being ſhoed; or from any

Perſon

Perſon going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law on a *Sunday*, or 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 any Horſe, Beaſt, or Cattle attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horſe, Beaſt, or Cattle 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, or Chair, or any Paſſenger on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid 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; or for any Sheep or Lambs going to or returning from *Crewkerne* Market on Market Days, for the Purpoſe of Sale, or having been expoſed to Sale and not actually ſold; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Carriages to be liable to Toll for Overweight under general Turnpike Acts.

XXVIII. Provided always, and be it further enacted, That Carts, Waggons, or other Carriages hereby exempted from Toll, ſhall nevertheleſs be liable to the Penalty or Penalties, or additional Toll or Tolls, for Overweight, as ordered or directed by the ſeveral Acts paſſed in the Thirteenth and Fourteenth Years of the Reign of His preſent Majeſty, for the general Regulation of Turnpike Roads, except ſuch Carts, Waggons, or Carriages as ſhall be employed in Huſbandry only, in carrying Manure for Land, Hay, Straw, Fodder, or Corn in the Straw, or other Produce of Land (except Timber) not ſold or diſpoſed of as aforeſaid.

Carriages not to be exempt from Toll without they roll a flat Surface.

XXIX. Provided always, and be it further enacted, That, for the Purpoſe of Exemption from or Reduction of Tolls, or of Allowance of an additional Number of Horſes, Oxen, or other Beaſts of Draught, by virtue of any Law or Statute, the Sole or Bottom of the Wheels of Waggons, Carts, Wains, or other ſuch Carriages, ſhall roll a flat or level Surface, or a Surface ſo flat or level as not to deviate more than Half an Inch from a flat or level Surface; and all Waggons, Wains, Carts, or other ſuch Carriages, paſſing on the ſaid Roads, or by any of the Weighing Engines now or hereafter to be erected thereon, 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 as Carriages on Wheels rolling a Surface of leſs than Six Inches,

and be liable to be weighed at any such Weighing Engines, as any Wain, Waggon, or other Carriage on Wheels rolling a Surface of less than Six Inches is now by Law liable to be weighed there, and shall pay the same Tolls at the said Gates or Turnpikes and Weighing Engines as such Waggons, Wains, or Carriages on Wheels rolling a Surface of less than Six Inches, are now subject and liable to pay.

Trustees may reduce the Tolls at any public Meeting, and afterwards to advance them again.

XXX. 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 the First Meeting to be holden in pursuance of this Act, or at any subsequent Meeting to be holden for that Purpose, of which subsequent Meeting One Calendar Month's Notice shall be given in some Newspaper or Newspapers, printed and circulated in the said County of *Somerset*, and affixed on all and every the Turnpike Gates that shall be standing on the said Roads, with the Consent of Four-fifths in Value of the Creditors on the said Roads, to lessen or reduce all or any of the Tolls granted by this Act, for and during such Time as they the said Trustees shall think proper, but so as not to reduce them below One Half of the respective Tolls hereinbefore granted; 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 said Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the several Rates granted by this Act; and such Tolls so lessened or raised again shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls may be let.

XXXI. 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 some public Newspaper circulated in that Part of the County where the said Tolls arise, and affixed on the Lock Post of 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, by public Auction, to any Person or Persons, at and for the largest yearly Sum that can be reasonably had or gotten for the same; 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 any Five or more of the said Trustees; but the same shall not be let for more than Three Years at any one Time, and the Rent that shall be agreed to be paid for the said Tolls shall be made payable quarterly, and shall be paid to the Treasurer to the said Trustees, so 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 Letting or Contract for the said Tolls shall be null and void, to all Intents and Purposes whatsoever, and that then and in such Case, or in case there shall be more than Two Quarters of the said Rent in Arrear, when such Security as aforesaid shall be given, and the Lessee or Lessees, Farmer or Farmers of the said Tolls, or other Person or Persons in Receipt thereof, shall refuse to deliver up the Possession of the Toll-houses, Buildings, and Appurtenances, which he, she, or they enjoy as such Lessee or Lessees, Farmer or Farmers of the said Tolls, or other Person or Persons in Receipt thereof, within Two Days after Notice

Notice given to him, her, or them, or left at such Toll-house, in Writing, under the Hands of the said Trustees, or any Two or more of them, for that Purpose, it shall and may be lawful to and for any Justice of the Peace for the County of *Somerset*, 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 levy, by Distress and Sale of the Offender's Goods and Chattels, all such Costs and Charges as shall attend such Removal, in like Manner as any Penalty inflicted by this Act is made recoverable.

Trustees may compound for Tolls.

XXXII. 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, quarterly 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.

Old Securities to be good.

XXXIII. Provided always, and be it enacted, That all Bonds, Mortgages, Assignments, Poll Deeds, Grants, Conveyances, and other Securities, made or granted by any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or any other whomsoever, acting by or under the Authority of the said recited Acts, shall be as good, valid, binding, and effectual, for and during the Continuance of this Act, as if the said recited Acts had not been repealed; any Thing herein contained to the contrary notwithstanding,

Trustees may borrow Money.

XXXIV. 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 the said Trustees, and they are hereby empowered, from Time to Time, to borrow and take up at Interest, such Sum and 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 and to be erected on the said Roads (the Charges of such Assignments or Mortgages to be paid out of the said Tolls) for any Term during the Continuance of this Act, as a Security for the Repayment 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 payable Half-yearly, 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 the Mortgage.

'BY Virtue of an Act of Parliament, made in the Forty-fifth 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 Execution of the said Act) in Consideration of the Sum of

'to

'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 charged and advanced, or to be 'charged and 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

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 Acts, ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever; and all Perſons to whom any ſuch Mortgages or Aſſignments reſpectively ſhall be or ſhall have been made as aforeſaid, or who are or 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:

Form of Transfer.

'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-fifth Year of the Reign of King *George* the Third, intituled, '[*Set forth the Title of this Act*], or made in the Fifth or Twenty-ſixth 'Years of the Reign of King *George* the Third, intituled, [*Set forth the 'Title of the ſaid recited Acts, as the Caſe may be*], 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 Three Calendar Months,

And every ſuch Transfer ſhall be produced and notified to the Clerk to the ſaid Truſtees, within Three 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

entering the ſaid original Mortgages or Aſſignments to be made by virtue of this Act, 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 Transfers ſhall be made as aforeſaid, (as well ſuch Mortgages or Aſſignments made by virtue of the ſaid recited Acts, ſo far as the ſame relate to the ſeveral Roads to be amended, widened, or repaired, by virtue 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 of the Intention of borrowing ſuch Money, by Advertiſement in ſome Newſpaper circulated in the ſaid County, and by affixing the ſame on all and every the Turnpike Gates erected on the ſaid Roads.

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.

XXXV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby 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 compriſed 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, 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 be deemed and taken to be a publick 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 Roads 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 compriſed in or conſtituting the former Road 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 whatſoever.

Corporations, &c. empowered to treat.

XXXVI. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Idiots and Lunatics, and Huſbands, and all other Truſtees whomſoever, for and on Behalf of any Infants, Femes Covert, or *Ceſtuique* Truſts, Idiots, Lunatics, 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, which ſhall or may be neceſſary to be purchaſed by the ſaid Truſtees, for any of the Purpoſes of this Act, 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 Purpoſes aforeſaid; and that all Contracts, Agreements, Sales, and Conveyances which ſhall be ſo made, ſhall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Aſſurances in the Law whatſoever, 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 all ſuch Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, Huſbands, and Truſtees, Bodies Politic, 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.

Perſons refuſing to treat.

XXXVII. And be it further enacted, That if any ſuch Owner, Proprietor, Occupier, Bodies Politic, Corporate or Collegiate, Aggregate or Sole, Truſtees, or other Perſons intereſted in any ſuch Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing, ſigned by the Clerk to the ſaid Truſtees, at the Dwelling Houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the Clerk or head Officer of any ſuch Body Politic, 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 inquired 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 ſhall 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 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 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

A Jury to ſettle the Recompence.

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 Judgment, Order, and Determination, ſo to be 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 any ſuch Lands, Tenements, or Hereditaments, ſhall thereby, from thenceforth, to all Intents and Purpoſes, be 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 paying the ſame into the Bank of *England*, in Manner by this Act directed, 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 the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue out their Warrant or Warrants, to the Sheriff of the County wherein ſuch Lands, Grounds, or Hereditaments ſhall lie, thereby commanding and requiring him to impanel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and the ſaid Sheriff or his Deputy or Deputies is and are hereby required to impanel, ſummon, and return ſuch Number accordingly, and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall ſwear or cauſe to be ſworn Twelve Perſons, who ſhall be a Jury for the Purpoſes aforeſaid, and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Duputy or Deputies ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen 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 acting in the Premiſes ſhall have Power, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and 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

Verdict of the Jury to be final.

Truſtees to iſſue their Warrant to the Sheriff to impannel and ſummon a Jury.

Jurors may be challenged.

the ſame; but no ſuch Fine ſhall exceed Ten Pounds upon any One Perſon for One Offence.

Owners of Land uſed in making a new Road to have the firſt Offer of the old Road.

XXXVIII. 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 Land 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 of *Somerſet*, ſtating that ſuch 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 the Lands of Two or more Perſons ſhall be taken for any ſuch new Road as aforeſaid, each and every ſuch Owner ſhall be entitled to the firſt Offer of ſo much of the old Road as is lying immediately adjoining to his, her, or their Land reſpectively, in Manner aforeſaid: Provided alſo, that if ſuch Owner or Owners reſpectively 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 or Perſons, by entering the ſame in their Books, and delivering to him or them a Copy of the Entry 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.

XXXIX. 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

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 whatſoever, 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 are herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by Reaſon of Abſence, have been prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

Truſtees to pay Expences, where Perſons from Abſence are prevented from treating

XL. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to enable the ſaid Truſtees, in widening, diverting, turning, or altering, any Part of the ſaid Roads, 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, without the Conſent of the Owners or Proprietors thereof.

Houſes, &c. not to be injured.

XLI. And be it further enacted, That if any Money ſhall be paid, or agreed or awarded to be paid, for the Purchaſe of 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 Politic, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee for or on Behalf of any Infant, Lunatic, 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 *exparte* 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

Application of Compenſation if amounting to 200*l.*

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 authoriſe 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, 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 ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation if leſs than 200 *l.* and exceeding 20 *l.*

XLII. 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 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, Idiotcy, or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by 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 far as the Caſe be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

XLIII. Pro-

Application of Compenſation if leſs than 20*l.*

XLIII. Provided always, 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, Idiotcy, 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.

In caſe of not making out Titles;

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank,

XLIV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be, and is hereby empowered, in a ſummary way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is or are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid:

ſubject to the Order of the Court of Chancery on Motion or Petition.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Land, &c. at the Time of ſuch Purchaſe ſhall be deemed entitled

XLV. Provided always, and be it enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion

thereto according to such Possession.

session of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn, to the Satisfaction of the said Court of Chancery, and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

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

For getting Materials to Repair the Road.

XLVII. 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 shall respectively 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, Hamlet, Township, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons 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 found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery of Trees), making or tendering such Satisfaction for the Damages done thereby to the Owners and Occupiers of such Grounds

where

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, and 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, or determine the Matters of ſuch Payment and Damage; and the Judgment or Order of the ſaid Juſtices ſhall be final and concluſive to all Parties.

Notice to be given to the Occupiers of Lands before Materials are to be taken for repairing Roads.

XLVIII. 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 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 any 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 get, dig, gather, take, 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, &c. got by order of the Surveyor.

XLIX. And be it further enacted, That if any Perſon or Perſons whomſoever 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 Ten Pounds.

Surveyors to make Drains, &c.

L. 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 make

or cauſe to be made Cauſeways, in or along the Sides of any Part or Parts of the ſaid Roads, and build or cauſe to be built any Bridge or Bridges, upon, in, or acroſs the ſaid Roads or any Part thereof, and 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 and keeping in Repair any Part of the ſaid Roads, aud alſo to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part 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 public Highway, whilſt the narrow or ruinous Part or 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 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 ſuſtain, as may be adjudged reaſonable by the ſaid Truſtees; and in caſe any Difference ſhall happen between ſuch Owners and 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, the Juſtices of the Peace in Seſſions to determine the ſame.

Surveyors may remove Annoyances.

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 (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, Walls, Hedges, Ditches, Fences, 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, ſhear, lop, or top any Trees or Buſhes, growing in any Part of the ſaid Roads, or in the Hedges and 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 ſuch 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,

Shillings, one Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act; provided that no Perſon ſhall be compelled, nor ſhall it be lawful for any Surveyor to cut or prune any Hedge at any other Time, than between the laſt Day of *September* and the laſt Day of *March*, or to cut down or grub up any Oak Trees growing in or near the ſaid Roads, or in ſuch Hedges, except in the Months of *April* or *May*, or any Aſh, Elm, or other Trees, in any other Months than *December*, *January*, *February*, or *March*.

Empowering Surveyor to remove Trees blown down in the Roads.

LII. 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 of Trees, 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.

Penalty on drawing Timber on the Roads.

LIII. 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 on 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.

Penalty for riding on the Footpaths, &c.

LIV. 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 lay any Hay, Straw, or other Matter or Thing upon any Parts 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 Parts 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

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.

LV. 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 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.

LVI. Provided always, and be it enacted, That all Perſons who by Law are and 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 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 public 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

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 at 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 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 or 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 Parts 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 and 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.

LVII. 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 Politic and 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 Hereditamenrs, 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 Officers 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.

LVIII. 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 Acts, 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 Money borrowed by virtue of the said recited Acts and of this Act, and the Interest thereof respectively, and in carrying this Act into Execution.

Recovery and Application of Penalties.

LIX. 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 Witness 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 Fourteen Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

LX. 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-fifth 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 Payment of Subscriptions.

LXI. 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

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 Name of the Treaſurer or Clerk, or One of the Truſtees.

LXII. 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 or Expences ſhall be defrayed out of the Money ariſing by virtue of this Act.

Treaſurer or Clerks, or other Truſtees, not liable to the Payment of Coſts.

Appeal.

LXIII. 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 Quarter Seſſions of the Peace holden for the 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.

LXIV. 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 may or 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.

LXV. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgment, 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 removable by *Certiorari*, or by any other Writ

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.

LXVI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Actions 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, Order, and Judgment, shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitations of Actions.

LXVII. 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 or 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 Judgment 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.

Public Act.

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

Commencement and Continuance of this Act.

LXIX. 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.

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