ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

****

Cap. 84.

An Act for building a new Bridge over the River *Tone*, and enlarging the Bridge at *Shuttern*, both in the Town of *Taunton*, in the County of *Somerſet*; and alſo for widening and improving the Approaches to the ſaid Bridges, and removing and preventing Obſtructions and Nuiſances thereon.

[20th *May* 1809.]

WHEREAS the Bridge acroſs the River *Tone*, called *Tone Bridge*, and the Bridge called *Shuttern Bridge*, both in the Town of *Taunton*, in the County of *Somerſet*, are very antient and narrow, and are inconvenient and dangerous to Travellers, Carriages, and Cattle paſſing over the ſame; and in order to make the Paſſages over the ſaid Bridges, and the Navigation under the ſaid Bridge called *Tone Bridge*, ſafe and convenient, it is neceſſary that the ſaid Bridge over the River *Tone* ſhould be rebuilt, and that the ſaid Bridge called *Shuttern Bridge* ſhould be conſiderably enlarged; and it is alſo neceſſary that certain Obſtructions in the ſaid River *Tone*, near the ſaid *Tone Bridge*, ſhould be removed, and that the Avenues or Approaches leading to the ſaid Bridges reſpectively ſhould be widened, formed, and rendered more commodious: But the ſame cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted;

and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That His Majeſty's acting Juſtices of the Peace of and for the County of *Somerſet* for the Time being, and alſo *Malachi Blake*, *John Badcock*, *Iſaac Badcock*, *Alexander Baring*, *Robert Beadon*, *William Beadon*, *James Bryant*, *Buckland Bluett* Clerk, *Robert Buncombe*, *John Buncombe* of Taunton, Banker, *John Hayne Bovel*, *Richard Clarkſon*, *Thomas Mallett-Charter*, *Aaron Foſter* Clerk, *John Hammet*, *William Heudebourck*, *Edmund Trowbridge Halliday*, *Edward Jeffries*, *Robert Kinglake*, Sir *John Lethbridge* of Sandhill Park, Baronet, *John Fownes Luttrell*, *Ellis Button Melford*, *Philip Mules*, *Richard Meade*, *Samuel Norman*, *James Pearſon*, *John Perring*, *Francis Popham*, *Thomas Pounſbery*, *Charles Poole*, *George Sheppard*, *Thomas Southwood*, *Edward Sealy*, *Edward Sealy* the younger, *John Tyndall Warre*, *Henry Warre*, *Francis Warre* Clerk, *Thomas Woodforde*, *Robert Young*, and Sir *William Walter Yea*, of Pyrland, Baronet, ſhall be and they are hereby declared to be Truſtees for taking down the preſent Bridge over the River *Tone*, in the Town of *Taunton* aforeſaid, and erecting a new Bridge there, and for enlarging the preſent Bridge in *Taunton* aforeſaid, called *The Shuttern*, and for widening and improving the Avenues and Approaches leading to the ſaid Bridges reſpectively, and for removing and preventing all Nuiſances, Obſtructions, and Encroachments in and upon the ſaid Bridges, Avenues, and Approaches reſpectively, and alſo for carrying this Act into Execution.

All Acts of Truſtees to be done at public Meetings.

II. And be it further enacted, That no Act of the ſaid Truſtees ſhall be or be deemed to be valid or effectual, unleſs the ſame be done at ſome Meeting to be holden in purſuance of this Act (except in the Caſes herein after mentioned); and that all the Powers and Authorities by this Act granted to the ſaid Truſtees (except only in the Caſes herein otherwiſe particularly directed), ſhall and may be exerciſed from Time to Time by the major Part of them who ſhall be preſent at any Meeting to be holden in purſuance of this Act, the Number of Truſtees preſent at every ſuch Meeting not being leſs than Seven; and all the Orders and Proceedings of the major Part of the Truſtees preſent at ſuch their ſeveral Meetings, ſhall have the ſame Force and Effect as if the ſame were made or done by all ſuch Truſtees for the Time being, (ſave and except as hereinafter mentioned); and that 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 every ſuch Caſe it ſhall be lawful for ſuch Chairman to give the deciſive or caſting Vote.

Truſtees may act, except otherwiſe directed.

Chairman to have the caſting Vote.

Power to appoint new Truſtees.

III. And be it further enacted, That upon the Death, Refuſal, or Diſability of any of the ſaid Truſtees, or of their Succeſſors to be elected in Manner herein mentioned, to act in the Execution of this Act, then and in every ſuch Caſe, it ſhall be lawful for the ſurviving or remaining Truſtees from Time to Time to elect and appoint one other Perſon to be a Truſtee in the Room of each Truſtee ſo dying, refuſing, or being incapable of acting, and Notice of the Time and Place of the Meeting for every ſuch Election ſhall be ſigned by the Clerk to the ſaid Truſtees for the Time being, and ſhall be affixed on the ſeveral Toll Gates where

Tolls shall be collected by virtue of this Act, or by Advertisement to be inserted in some Newspaper printed or circulated in the said County, Ten Days at least before such Meeting; and every Person so elected a Trustee as aforesaid, shall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected.

Qualification of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall hold any Place of Profit under the same, nor unless he shall be seised or entitled for some Estate for Life, or for an Estate of Inheritance in Possession of or to Messuages, Lands, Tenements, Tythes, or Hereditaments of the clear Yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person or Persons who shall be seised or entitled for some Estate for Life, or for an Estate of Inheritance in Possession of or to Messuages, Lands, Tenements, Tythes, or Hereditaments of the clear Yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Two thousand Pounds over and above what will be sufficient to pay all his just Debts; and if any Person not being qualified shall presume to act as a Trustee in the Execution of this Act, every Person so offending shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the same Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person as a Trustee in the Execution of this Act, previously to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act: Provided also, that every Trustee, before he shall act as such (except in administering the following Oath), shall take an Oath before One or more of the said Trustees (who is and are hereby empowered to administer the same), in the Form following; (that is to say),

The Acts of unqualified Trustees previous to Conviction declared valid.

Trustees to be sworn.

'I *A. B.* do swear, That I am truly and *bonâ fide* seised or entitled for 'some Estate for Life or of Inheritance in Possession, or to Messuages, 'Lands, Tenements, Tythes, or Hereditaments of the clear Yearly Value 'of One hundred Pounds above Reprizes; [*and, in the Case of an Heir 'Apparent*] I *A. B.* do swear, that I am Heir Apparent to *C. D.* who, 'to the best of my Knowledge, Information, and Belief, is truly and *bonâ 'fide* seised or entitled for some Estate for Life, or of Inheritance in Pos- 'session of or to Messuages, Lands, Tenements, Tythes, or Hereditaments 'of the clear Yearly Value of Two hundred Pounds above Reprizes; '[*and, in the Case of Personal Estate alone, or, of Real and Personal Estate 'together*] I *A. B.* do swear, that I am truly and *bonâ fide* possessed of a 'Personal Estate, [*or, of Real and Personal Estate together*] of the Amount 'or Value of Two thousand Pounds, above what will be sufficient to pay 'all my just Debts; and that I will faithfully and impartially, according to 'the best of my Judgement, act in the Execution and Performance of the 'several Trusts, Powers, and Authorities reposed in me as a Trustee, by 'virtue of an Act passed in the Forty-ninth Year of the Reign of His

'Majesty

'Majesty King *George* the Third, intituled, [*here set forth the Title of this Act.*] 'So help me GOD.'

Trustees who are Justices may act as such.

V. 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, 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.

Meetings of Trustees.

VI. And be it further enacted, That the said Trustees or any Seven or more of them, shall meet at the Market House in the said Town of *Taunton*, on the *Tuesday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and One of the Clock in the Afternoon, and proceed to carry this Act into Execution; and in case none of the said Trustees shall attend such Meeting, then such Meeting shall be and be deemed to be adjourned to the then next *Tuesday*, and so *toties quoties* until a sufficient Number of Trustees shall attend at such Meeting to act in the Execution of this Act, or until a Trustee or Trustees shall attend so as to adjourn such Meeting; and the said Trustees shall and may at such Meeting, and at their several Meetings to be holden for the Purposes of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there, or at any other Place within the said Town, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time as often as the Case shall happen, adjourn such Meeting to some other Day within Twenty-one Days then following, to be holden at the same Place, and the said Clerk shall cause Notice thereof to be affixed on all and every the Toll Gates, where Tolls shall be collected by virtue of this Act, at least Ten Days before the Day to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences.

Meetings on Emergencies.

VII. Provided always, and be it further enacted, That if after any Adjournment of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Treasurer of the said Trustees upon an Order in Writing signed by Seven or more of the said Trustees, (mentioning the Time, Place, and Purpose of such Meeting), shall forthwith give Notice thereof, and of the Time, Place, and Purpose mentioned in such Order, in the Manner last herein-before directed (the Time of Meeting not to be within Five Days after such Notice); and such earlier Meeting shall and may be held accordingly.

No Order to be revoked, unless at a Meeting for the Purpose, nor unless a Majority of the Trustees concur.

VIII. 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 the several Toll Gates where

Tolls

Tolls ſhall be collected by virtue of this Act, at leaſt Ten Days before ſuch ſubſequent Meeting.

Proceedings to be entered in a Book.

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

Truſtees to appoint Officers, etc.

X. 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 by this Act granted, and (if neceſſary) a Surveyor or Surveyors of the ſaid Bridge, and alſo ſuch other Officers and Perſons for the Execution of this Act as they the ſaid Truſtees ſhall think proper; and from Time to Time to remove ſuch Officers and Perſons reſpectively as they 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 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 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 and he is hereby required to deliver in annually at the *Michaelmas* Quarter Seſſions for the County of *Somerſet*, an Account of the Receipts and Expenditures in reſpect of the Tolls by this Act impoſed, and alſo to publiſh a Copy of the ſame once in each Year during the Term of Twenty-one Years, in ſome Newſpaper printed or circulated in the County of *Somerſet*, up to the Twenty-fourth Day of *June* preceding ſuch *Michaelmas* Quarter Seſſions; and that it ſhall and may be lawful to and for any Perſon or Perſons who in the courſe of the Year for which ſuch Accounts are to be given in as aforeſaid ſhall have paid any Part of the ſaid Tolls, to object at the ſaid Seſſions to any Article or Articles, Part or Parts of the ſaid Account, as ſhall appear to him or them to be objectionable,

objectionable, ſuch Perſon or Perſons being to give to the ſaid Treaſurer for the Time being Ten Days Notice in Writing of his intending to object as aforeſaid; and ſuch Treaſurer for the Time being is hereby required to deliver to ſuch Perſon or Perſons as aforeſaid, a Statement of the Accounts intended to be given in as aforeſaid at the enſuing Seſſions, within Seven Days after Demand made of the ſame, by ſuch Perſon or Perſons as aforeſaid, ſo as ſuch Demand be not made earlier than the laſt Day of *July* in every Year, nor later than Twenty Days before the then enſuing Quarter Seſſions, ſuch Perſon or Perſons before the delivering thereof paying for the ſame at the Rate of Four-pence *per* Folio, and the ſaid Court of Quarter Seſſions is hereby empowered to hear Evidence in ſupport of ſuch Objections as may be made as aforeſaid, and of the ſaid Accounts; and if it ſhall appear to the ſaid Court of Quarter Seſſions, that any Deductions or Alterations are requiſite in reſpect of any Deficiency of Collection, or in the Statement thereof, or in reſpect of any Expenditure charged, that then ſuch Deduction ſhall be made from, or Alteration in ſuch Accounts, as to the ſaid Court of Quarter Seſſions ſhall appear reaſonable and juſt; and the ſaid Court of Quarter Seſſions is hereby empowered to award Coſts at their Diſcretion againſt either of the ſaid Parties; and if any ſuch Officer ſhall refuſe or neglect to make and render or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Fourteen Days 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 of *Somerſet*, 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 one or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall remain due from ſuch Officer, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods or 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 of 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

each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, Town, 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; but no such Officer shall be detained or kept in such Common Gaol or House of Correction for want of sufficient Distress, by virtue of this Act, for any longer Space of Time than Three Calendar Months.

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

XI. And be it further enacted, That it shall and may be lawful to and for any Seven or more of the said Trustees, upon the Death, Neglect, Refusal or Incapacity to act of any Collector of the Tolls hereby granted, by Writing under their Hands to nominate and appoint some other fit Person in his or her place until the next Meeting of the said Trustees, 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 if any Collector of the said Tolls who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances which he or she enjoyed in right of his or her Appointment to that Office, within Six 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 Seven or more of them, or if the Wife or Family of any such Collector who shall die as aforesaid, or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Building, and Appurtenances, within Six 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 Seven or more of the said Trustees, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the County of *Somerset*, 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 in Possession thereof:

Victuallers, &c. incapable of acting as Trustees, or holding any Situation under this Act,

XII. Provided always, and be it further enacted, That no Person or Persons who shall keep any Victualling House, or other House of public Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, Spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cyder, Beer, Ale, Spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls

provided

provided he, ſhe, or they, employ a Perſon or Perſons to collect ſuch Tolls who ſhall not be under any ſuch Incapacity.

Power to take down the preſent Tone Bridge, and build a new one, etc.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby fully authorized and empowered by and out of the Monies to be raiſed by virtue of this Act, to build and erect, or cauſe to be built and erected with Iron, Stone, or other Materials, a good and ſubſtantial new Bridge acroſs the River *Tone*, at or within Forty Yards of the Place where the ſaid preſent Bridge ſtands, and to enlarge and improve the ſaid Bridge called *Shuttern Bridge*, according to ſuch Deſigns and in ſuch Manner as they the ſaid Truſtees ſhall approve and direct, and to pull down or cauſe to be pulled down the ſaid preſent Bridge acroſs the River *Tone*, and build or cauſe to be built a temporary Bridge, or continue the ſaid preſent Bridge as a temporary Bridge over the ſaid River *Tone* till the new Bridge ſhall be erected; and the ſaid Truſtees ſhall have full Power and Authority to remove or cauſe to be removed any Shoals or other Obſtructions in the ſaid River, and alſo to dig up, take, and carry away all Beds of Gravel, Sand, Mud, or other Impediments, and to deepen and widen the ſaid River at the Place at or near which ſuch new Bridge acroſs the ſame River is intended to be erected, within One hundred Yards of the ſaid laſt mentioned Bridge, and alſo to dig and cut the Banks of the ſaid River in ſuch Manner as ſhall be neceſſary and proper for building the ſaid new Bridge and preſerving the ſame and the Navigation of the ſaid River near and under the ſaid new Bridge free and open, and alſo to turn, widen, and alter all or any of the Highways, Avenues, or Approaches leading to the ſaid Bridges reſpectively, within One hundred Yards of each End thereof, and ſhall for the Purpoſes of this Act have full Power and Authority at any Time within Five Years after the paſſing of this Act, to treat and agree with the Owner or Owners, Occupier or Occupiers, Leſſee or Leſſees, and all other Perſons intereſted therein, and to purchaſe, pull down, remove, alter, and make uſe of the ſeveral Meſſuages, Tenements, Houſes, Buildings, Lands and Hereditaments particularly mentioned and deſcribed in the Schedule to this Act annexed: Provided that if any of the Meſſuages, Tenements, Houſes, Buildings, Lands or Hereditaments mentioned and deſcribed in the Schedule hereunto annexed, or any of the Perſons in whoſe Poſſeſſion or Occupation the ſame or any Part thereof are or is ſtated or deſcribed to be, ſhall happen to be miſnamed or inaccurately deſcribed, ſuch Miſnomer or inaccurate Deſcription ſhall not prevent or retard the Execution of this Act, but the ſame Premiſes and every Part thereof ſhall and may be purchaſed and ſold, or aſſeſſed and valued by a Jury, and conveyed and diſpoſed of, and applied for and to the Purpoſes of this Act, as fully and effectually as if the ſame were more properly named or deſcribed in the ſaid Schedule.

Truſtees to embank a certain Piece of Land, etc.

XIV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby required to embank and incloſe from the ſaid River *Tone* adjoining the preſent Bridge on the Weſt, and the Meſſuage or Dwelling-houſe of *Joſeph Kingſbury* on the North, diſtinguiſhed in the Schedule of this Act by No. 7. a Piece or Parcel of Land, and after ſo embanking and incloſing the ſame, do and ſhall convey all ſuch Piece or Parcel of Land, and all other Land which the ſaid Truſtees may incloſe from the ſaid River on the North Side of the

the Meſſuage and Lands diſtinguiſhed by No. 6. in the ſaid Schedule, and on the Eaſt Side of the ſaid Bridge, except ſuch Part thereof as may be wanted for the Approach to the ſaid new Bridge, unto *Edward Sealy*, and ſuch other Perſon or Perſons as is, are, or ſhall be entitled to the ſaid Meſſuage or Lands to be taken for the Purpoſes of this Act, and diſtinguiſhed in the ſaid Schedule by No. 6. in lieu of or in part Recompence and Satisfaction for the ſaid laſt-mentioned Property, and ſuch Piece or Parcel of Land ſhall not be leſs than Sixty-three Feet from North to South, and One hundred Feet againſt the River, and that the Value of the ſaid Meſſuage and Lands diſtinguiſhed by No. 6. and alſo of the ſaid Piece or Parcel of Land ſo to be incloſed as aforeſaid, and of all Damage, Loſs, and Injury ſuſtained by the ſaid *Edward Sealy* by reaſon of ſuch Removal as aforeſaid, ſhall be reſpectively aſcertained by a Jury, and ſubject to appeal in the Manner herein-after particularly preſcribed, with reſpect to the other Property to be taken for the Purpoſes of this Act, in caſe the ſaid Truſtees and the ſaid *Edward Sealy*, and ſuch other Perſon or Perſons as may be entitled to the ſaid Meſſuage and Lands diſtinguiſhed by No. 6. in the ſaid Schedule, ſhall not agree as to ſuch Valuation.

Truſtees to do other Things neceſſary to the Purpoſes of the Act.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to do all ſuch other Acts, Matters, and Things, as they ſhall think neceſſary, uſeful, and convenient, for effectually building, erecting, enlarging and improving the ſaid Bridges and the Approaches thereto reſpectively, and all other Works and Conveniencies hereby authorized.

No Building except Toll Houſes, to be erected on or abut againſt the Bridges.

XVI. And be it further enacted, That no Houſe or Building whatſoever (Toll Houſes excepted) ſhall be erected upon the ſaid Bridges when built and improved, or abut againſt the ſame.

To provide Lamps for lighting the Paſſages over the Bridges.

XVII. And be it further enacted, That the ſaid Truſtees are hereby empowered and required from Time to Time to provide Lamps and Burners, and other neceſſary Articles thereto, for the well and ſufficiently lighting the Paſſages along the ſaid Bridges; and until the ſaid Bridges ſhall be completed, the Coſts and Charges attending the providing ſuch Lamps and of lighting the ſame, which the ſaid Truſtees are hereby required to do, ſhall be paid and defrayed out of the Monies ariſing or to be borrowed by virtue of this Act; and that when and for ever after the ſaid Bridges ſhall be completed, ſuch Coſts and Charges ſhall be paid and defrayed in ſuch and the ſame Manner, and by ſuch and the ſame Ways and Means, as the Coſts and Charges of providing and lighting the Lamps within the ſaid Town are paid and defrayed.

Tolls to be collected on the Road round the Town, and the Produce to be applied for the Purpoſes of this Act.

XVIII. And, in order to enable the ſaid Truſtees to carry the above mentioned Purpoſes into Execution, be it further enacted, That for and during the Term herein-after mentioned, there ſhall be payable and paid to the ſaid Truſtees, their Receiver, Collectors, and Leſſees, reſpectively on every Day in the Week, before any Cattle or Carriages chargeable with Toll by virtue of this Act, ſhall be permitted to paſs through any Turnpike or Turnpikes at which any Toll ſhall be payable by virtue of this Act, the following Tolls; (*videlicet*),

Tolls.

For every Horſe, Mare, Gelding, Mule or Aſs, drawing any Coach, Landau, Berlin, Chariot, Chaiſe, Calaſh, Chair, Hearſe, Waggon, Wain, Cart or other Carriage, the Sum of Three Halfpence:

For every Ox, Steer, Gale or Bull, drawing any Waggon, Wain, Cart or other Carriage, ſingly and not in Pairs or abreaſt, the Sum of One Penny:

For every Ox, Steer, Gale or Bull, drawing any Waggon, Wain, Cart or other Carriage abreaſt or in Pairs, the Sum of Three Farthings:

For every Horſe, Mare, Gelding, Mule or Aſs, not drawing, a Halfpenny:

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

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

Which ſaid reſpective Sums of Money ſhall and may be demanded and taken in the Name of and as a Toll at any Tollgate or Tollgates to be erected or appointed in purſuance of this Act; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame or any Part thereof, it ſhall be lawful for the Perſon or Perſons to be appointed as herein-mentioned for collecting ſuch Tolls, to ſeize and diſtrain any Horſe, Cattle or Beaſt upon which any ſuch Tolls are by this Act impoſed, or any of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of keeping the ſame, ſhall not be paid within Three Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe, Cattle, Beaſt, Goods and Chattels ſo diſtrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted; and that all the Tolls collected or levied, or to be collected or levied by virtue of this Act, ſhall be and are hereby veſted in the ſaid Truſtees for the Purpoſe of carrying this Act into Execution, and ſhall be applied or may be aſſigned in ſuch Manner as herein mentioned.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XIX. Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Quantity of Tolls due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain the ſame, or the Money ariſing by Sale thereof, as the Caſe may happen, until the Quantity of Tolls due and the Charges of ſeizing, diſtraining, keeping and ſelling the Diſtreſs ſhall be aſcertained by ſome Juſtice of the Peace for the County of *Somerſet*, who upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties or other Witneſs or Witneſſes, and determine the Quantity of the Toll due, and aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice; all which Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collector or other Perſon before he ſhall be obliged to return the Diſtreſs or the Overplus after the ſaid Sale, or of any Part thereof.

XX. And

Collectors of Tolls to be competent Witnesses.

XX. And be it further enacted, That in caſe any Diſpute, Suit or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be and are hereby declared not to be incompetent to give Evidence in any ſuch Diſpute or Litigation, by reaſon of his or their being appointed to collect the ſame, or acting by or under the Authority of the ſaid Truſtees.

For erecting Gates to collect the Tolls.

XXI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any Time or Times during the Term hereinafter mentioned, to cauſe to be erected any Turnpike or Turnpikes upon or acroſs the Roads leading over the ſaid Bridges reſpectively, within the Diſtance of One hundred Yards from the ſaid Bridges or either of them reſpectively, for the Purpoſe of collecting the ſeveral and reſpective Tolls hereby made payable, and may alſo cauſe to be erected or provided a Toll-houſe at or near ſuch Turnpike or Turnpikes, and from Time to Time remove or alter the ſame as they ſhall think fit, ſubject to the aforeſaid Limitation or Reſtriction as to Situation.

Tolls to be paid but once a Day.

XXII. Provided always, and be it further enacted, That no Horſe, Mare, Gelding, Mule or other Beaſt or Cattle whatſoever, nor any Perſon or Perſons in reſpect thereof, ſhall be ſubject to or charged with the Payment of any of the Tolls by this Act granted, more than once in one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, for paſſing and repaſſing through any one of the Gates whereat Toll is to be taken by virtue of this Act, but that all and every Perſon and Perſons after having paid Toll once as aforeſaid at any one Gate, and producing a Note or Ticket, Notes or Tickets denoting the Payment of ſuch Toll, ſhall afterwards paſs and repaſs with the ſame Horſes, Cattle, Beaſts and Carriages Toll-free during ſuch Day, to be computed as aforeſaid, through ſuch Gate, or any other Gate or Gates to be erected in purſuance of this Act; and all the reſpective Collectors of the Tolls at the ſaid reſpective Gates, are hereby required to deliver ſuch Notes or Tickets *gratis*, on Demand, on Receipt of the Tolls in manner aforeſaid.

Penalty on evading the Tolls.

XXIII. And be it further enacted; That if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the ſaid Tolls or any Part thereof ſhall be avoided, or if any Perſon or Perſons ſhall forcibly or wilfully paſs through any ſuch Turnpike with any Horſe or other Cattle or Beaſt, or ſhall do any other Act whereby or with an Intent to avoid the Payment of any of the ſaid Tolls, or of any Part thereof, every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds nor leſs than Forty Shillings, whereof one Moiety ſhall be paid to the Informer or Informers, and the other Moiety ſhall be paid to the ſaid Truſtees for the Purpoſes of this Act.

Exemption from Toll.

XXIV. Provided alſo, and it is hereby further enacted, That no Perſon or Perſons ſhall be charged with or compellable to pay any of the Tolls made payable by this Act for the going, paſſing, returning or repaſſing of any Waggon, Wain, Cart, Dray or other Carriage whatſoever, or

with any Horſe, Mare, Gelding, Ox, Mule, Aſs or other Beaſt drawing or not drawing the ſame, which ſhall be uſed or employed in the Carriage of any Stone, Gravel or other Materials for any of the Purpoſes of this Act, or for repairing any Turnpike Road or public Highway, or during the Months of *April*, *May*, *June*, *July*, *Auguſt*, and *September* yearly, in the Carriage of any Lime, Dung, Mold, Soil or Compoſt of any Kind, for the manuring of any Garden or other Land or Ground, or that ſhall be uſed or employed in the ploughing, ſowing, tilling, or cultivating of any Land or Ground, or at any Time in the Carriage of any Hay, Straw, or Corn in the Straw not ſold or diſpoſed of; or for the going, paſſing, returning or repaſſing of any Plough, Harrow, Dray or other Implement of Huſbandry, or of any Horſe or other Beaſt drawing the ſame, in order for the repairing thereof or uſing them in Huſbandry, or any Thing whatſoever that ſhall be uſed or employed in Huſbandry or manuring of Land; or for the going, paſſing, returning or repaſſing of any Horſe, Beaſt or other Cattle to or from Water or Paſture, for the Purpoſe of watering or grazing only, and not going for or coming from Sale; or of any Horſe or other Beaſt that is or ſhall be uſed only to ride on by the Owner or Driver of any Waggon or other Carriage, the ſame going and travelling along with ſuch Waggon or Carriage; or of any Waggon or other Carriage, or of any Horſe or other Beaſt drawing or not drawing the ſame, which ſhall be uſed or employed in the paſſing of Vagrants travelling with legal Paſſes; and that no Toll ſhall be demanded or taken for or in reſpect of any Horſes or Carriages of whatſoever Deſcription employed or to be employed in carrying the Mails of Letters or 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 therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty, nor for any Horſe, Mare or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption; or for Carts, Carriages or Waggons attending them or laden with their Arms or Baggage; nor for any Horſes, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty or for the Uſe of His Majeſty's Forces; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar or Curate, going to officiate or returning from officiating at any Church or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners, or any Elector or Electors going to or returning from any Election of a Member or Members to ſerve in Parliament for the County of *Somerſet*.

Tolls may be leaſed.

XXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to leaſe the ſaid Tolls, or any Part or Parts of ſuch Tolls, unto any Perſon or Perſons from Year to Year, or for any Term of Years not exceeding Two Years, for the beſt Rent that can be got

got for the ſame, payable at ſuch Times and under ſuch Conditions, and to ſuch Perſon or Perſons as the ſaid Truſtees ſhall direct or appoint; and the Monies ariſing thereby ſhall be applied in ſuch Manner as the Tolls to be ſo leaſed are hereby directed to be applied.

Truſtees may borrow Money, not exceeding 10,000l.

XXVI. And, for the more ſpeedily raiſing ſuch Money as may be neceſſary for the Purpoſes of this Act, be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, and they are hereby empowered from Time to Time to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think neceſſary, not exceeding the Sum of Ten thouſand Pounds in the whole, and by Writing under their Hands and Seals to aſſign over or mortgage the Tolls hereby granted, or any Part thereof, 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, all which Mortgages ſhall be in the Form or to the Effect following; (that is to ſay),

Form of the Mortgage.

"BY virtue of an Act, made in the Forty-ninth Year of the Reign of King *George* the Third, intituled, [*here 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 the Treaſurer 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, as the ſaid Sum of doth, or ſhall bear to the whole Sum charged and advanced or to be charged or advanced on the Credit of the ſaid Act, to be had and holden from this Day of in the Year of our Lord until the ſaid Sum of with Intereſt after the Rate of *per Centum per Annum* ſhall be repaid and ſatisfied. Given under our Hands and Seals, this Day of in the Year of our Lord

Subſcribers to pay their Money.

XXVII. And be it further enacted, That all and every Perſon or Perſons who hath or have ſubſcribed or ſhall ſubſcribe any Sum or Sums of Money for the Purpoſes of this Act, ſhall and they are hereby required to make Payment of the Sums by them ſeverally ſubſcribed or to be ſubſcribed to the Treaſurer to the ſaid Truſtees, upon his delivering or tendering a proper Security or Securities for Re-payment of the ſame out of the Tolls ariſing by virtue of this Act, and in Default of Payment thereof within Twenty-one Days next after Demand and ſuch Tender as aforeſaid, it ſhall be lawful for the ſaid Truſtees, in the Name or Names of any one or more of them, or of their Treaſurer, to ſue for and recover the ſame from the Perſon or Perſons ſo neglecting or refuſing to pay as aforeſaid, in any of His Majeſty's Courts of Record at *Weſtminſter* by Action of Debt, or upon the Caſe, Bill, Suit or Information, wherein no Eſſoign, Protection, Wager at Law, or more than one Imparlance ſhall be allowed.

Application of the Money.

XXVIII. And be it further enacted, That all the Monies which ſhall ariſe and be produced by Subſcriptions as aforeſaid, and from the Tolls by this Act granted, together with the Monies which ſhall from Time to Time be borrowed in purſuance of this Act, and all other Monies which ſhall ariſe

and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied to and for the several Uses, Intents, Purposes, and in the Order and Manner following; (that is to say), in the first Place, in Payment of the Costs, Charges and Expences of preparing and passing this Act, and other Business relative thereto; in the second Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on the several Mortgages or Securities made in pursuance of this Act; in the third Place, in defraying the Expences of erecting and enlarging the said Bridges, and widening and improving the Avenues and Approaches thereto, and providing Turnpikes, Toll Houses and other Buildings, and purchasing Lands and Hereditaments for those Purposes, and of executing the several other Powers and Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums for the Time being due on such Mortgages or Securities as aforesaid.

Corporations empowered to treat.

XXIX. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, 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 other Disability of acting for themselves, and for all and every Person and Persons who are or shall be seised, possessed of, or interested in any Messuages, Houses, Lands, Tenements, or Hereditaments, which may be necessary or expedient to be purchased for the Purposes of this Act, to treat and agree with the said Trustees for the absolute Sale thereof, or any Part thereof, or for their Interest therein, and to convey the same to the said Trustees for the Purposes of erecting the said Bridge, and the Toll Houses, Toll Gates, Works, and Conveniencies thereto, and of making the Avenues and Approaches to the said Bridges; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual to all Intents and Purposes whatsoever, any Law, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and all such Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and other Persons, are and shall be indemnified for what they shall do by virtue and in pursuance of this Act.

In case of Persons refusing to treat or not agreeing, a Jury to settle the Recompence.

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

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, ſigned by the Clerk to the ſaid Truſtees, ſhall, for the Space of Twenty-one 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 be lawful for the ſaid Truſtees to cauſe it to be inquired into and aſcertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Somerſet*, (which Oaths the ſaid Truſtees or any Two or more of them are hereby empowered to adminiſter), what Damage will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owner, Proprietor, Occupier, or other Perſon or Perſons intereſted, for or on Account of the taking or uſing of ſuch Meſſuages, Houſes, Lands, Tenements, or Hereditaments for the Purpoſes of this Act, and in order thereto the ſaid Truſtees or any Seven or more of them are hereby empowered and required, from Time to Time, to ſummon and call before them all and every Perſon and Perſons who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, and ſhall examine ſuch Witneſs or Witneſſes before the ſaid Jury upon Oath, (which Oath the ſaid Truſtees or any Seven or more of them are hereby empowered and required to adminiſter), and they ſhall order and cauſe the ſaid Jury to view the Place in queſtion, and uſe all other lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have ſo aſcertained and ſettled ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Owners, Proprietors or Occupiers of the ſaid Meſſuages, Houſes, Lands, Tenements, or Hereditaments, or other Perſons intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Judgement, Order or Determination ſo had or 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 anyways intereſted in ſuch Meſſuages, Houſes, Lands, Tenements, or Hereditaments, ſhall thereby be from thenceforth to all Intents and Purpoſes diveſted of all Right, Title, Claim, Intereſt or Property, of, in, to or out of the ſame; and upon Payment of the Money ſo aſſeſſed to the reſpective Perſons entitled thereto or their Agents, or (in caſe of Refuſal to accept ſuch Money) upon paying the ſame into the Bank of *England*, in manner by this Act directed, it ſhall be lawful 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 of Perſons entitled thereto; and for ſummoning and returning any ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants, ſigned by any Seven or more of them, to the Sheriff of the ſaid County of *Somerſet*, thereby commanding and requiring ſuch Sheriff to impannel, ſummon, and return an indifferent Jury of Twelve Perſons to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed, and ſuch Sheriff or his Deputy is hereby required thereupon to impannel, ſummon and return ſuch

Twelve Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve: Provided always, that all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter*, is or ſhall be by Law entitled to; and the ſaid Truſtees are hereby empowered to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy, who ſhall make Default in the Premiſes, and alſo, on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or having been ſworn ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein, and on any of the Perſons who being ſummoned or required to give Evidence before the ſaid Jury touching the Premiſes, ſhall neglect or refuſe to appear, or refuſe to be ſworn or examined or give Evidence touching the ſame, but no ſuch Fine ſhall exceed Five Pounds upon any one Perſon for any one Offence.

Juries may be challenged.

Sheriff, &c. to be fined for Neglect of Duty.

Dwelling-houſes, Gardens, &c. not to be damaged.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained ſhall empower the ſaid Truſtees, or any other Perſon or Perſons to pull down or damage any Dwelling-houſe or other Buildings, or to take or damage any Ground having been uſed as a Garden, Orchard, Yard, Walk, or Avenue to a Houſe, or Plantation or Nurſery of Trees, for the Space of Twelve Calendar Months then laſt paſt, without the Conſent in Writing of the Owner or Owners of every ſuch Dwelling-houſe or other Building, Garden, Walk, Avenue, or Plantation or Nurſery of Trees reſpectively, his, her, or their Agent or Agents, under their reſpective Hands for that Purpoſe firſt had and obtained, other than and except the ſeveral Dwelling-houſes and other Buildings, Gardens, Orchards, Yards, and Tenements ſpecified, mentioned or comprized in the Schedule hereunderwritten, with the Appurtenances thereunto reſpectively belonging, which it ſhall be lawful for the ſaid Truſtees to purchaſe without any ſuch Conſent as aforeſaid; but adequate Compenſation ſhall be made by the ſaid Truſtees to the reſpective Owners of ſuch of the ſaid Dwelling-houſes and Tenements as ſhall be taken for the Purpoſes of this Act, which Compenſation ſhall be aſcertained and paid in ſuch Manner as is herein-before provided in that Behalf.

By whom Expences of Jury to be paid, etc.

XXXII. And be it further enacted, That in caſe any ſuch Jury ſhall give in or 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 Meſſuages, Houſes, Lands,

Lands, Tenements or Hereditaments as aforesaid, then and in every such Case the Costs and Charges of summoning and returning the Jury and Witnesses, shall be borne and paid by the said Trustees out of the Money arising by virtue of this Act; but if any Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall by or on the 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 Messuages, Houses, Lands, Tenements or Hereditaments as aforesaid, then and in every such Case the Costs and Charges of summoning and returning the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have any 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 (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 incurred by this Act: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in manner aforesaid.

Application of Compensation if amounting to 200*l.*

XXXIII. And be it further enacted, That if any Money shall be paid or agreed, or awarded to be paid for the Purchase of any Messuages, Houses, 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 Messuages, Houses, Lands, Tenements or Hereditaments are limited in Strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages, Houses, Lands, Tenements or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid affecting the same Messuages, Houses, Lands, Tenements or Hereditaments, or affecting other Messuages, Houses, 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 Meſſuages, Houſes, Lands, Tenements or Hereditaments, which ſhall be conveyed and ſettled to, for or upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Meſſuages, Houſes, 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 meantime and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by order of the ſaid Court upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities, and in the meantime and until the ſame Bank Annuities ſhall be ordered by the ſame 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 Meſſuages, Houſes, Lands, Tenements and Hereditaments ſo hereby directed to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement was made.

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

XXXIV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Meſſuages, Houſes, 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 Meſſuages, Houſes, 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 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 Seven 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 Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compenſation if leſs than 20l.

XXXV. Provided alſo, and be it enacted, That where ſuch Money, ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Meſſuages, Houſes, Lands,

Lands, Tenements, or Hereditaments ſo purchaſed, taken or uſed for the Purpoſe 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, etc.

XXXVI. 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 Meſſuages, Houſes, 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 Meſſuages, Houſes, 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 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 Meſſuages, Houſes, 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 Eſtates, Title, or Intereſt of the Perſon or Perſons making claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Truſtees to ſell Ground not wanted;

XXXVII. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are hereby empowered to make by virtue of this Act, they may happen to be ſeiſed of ſome Piece or Pieces of Ground over and above what ſhall be neceſſary for effecting the Purpoſes of this Act, be it further enacted, That it ſhall be lawful for the ſaid Truſtees to ſell and diſpoſe of ſuch Piece or Pieces of Ground either together or in Parcels, as they ſhall find moſt advantageous and convenient, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame.

Perſons from whom Ground purchaſed having the Preference, &c.

XXXVIII. Provided always, and be it further enacted, That the ſaid Truſtees, before they ſhall ſell and diſpoſe of the ſaid Piece or Pieces of Ground, ſhall firſt offer to re-ſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Piece or Pieces of Ground; and in caſe ſuch Perſon or Perſons ſhall not then and thereupon agree or ſhall refuſe

to re-purchaſe the ſame, an Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County aforeſaid, by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was not agreed to or was refuſed by the Perſon or Perſons to whom it was made (as the Caſe may be); and in ſuch Caſe ſuch Perſon or Perſons ſhall be deſirous of re-purchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein-before directed, reſpecting the diſputed Value of the Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees *mutatis mutandis*, and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Reſpecting diſputed Titles, &c.

XXXIX. 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 Meſſuages, Houſes, Lands, Tenements or Hereditaments, or of any Eſtate, Right or Intereſt in any Meſſuages, Houſes, 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 of ſuch Meſſuages, Houſes, 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 Meſſuages, Houſes, 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 a 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 to order reaſonable Expences of Purchaſe to be paid by Truſtees.

XL. Provided alſo, and be it enacted, That when by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Meſſuages, Houſes, 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 Meſſuages, Houſes, Lands, Tenements, or

or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful 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 the 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.

To prevent damaging the Bridge by towing Boats.

XLI. And be it further enacted, That if any Perſon or Perſons ſhall break, throw down, injure or deſtroy, laſh, tie or make faſt any Cord, Rope or Cable to the Balluſtrades, Cornice or any other Part of the ſaid Bridge ſo to be built as aforeſaid, for the Purpoſe of mooring or ſtaying any Trow, Barge, Boat or other Veſſel, except to ſuch Rings as are or ſhall be fixed to the ſaid Bridge or Bridges by the Direction of the ſaid Truſtees for that Purpoſe, or ſhall wilfully or negligently drive or wheel any Carriage or Barrow, or drive or ride any Horſe upon the Foot Pavement of the ſaid Bridges, or on the Foot Pavement of any of the Avenues leading to the ſame reſpectively, every Perſon offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for drawing Timber or Stone on the Bridge otherwiſe than on Wheel Carriages.

XLII. And be it further enacted, That if any Perſon ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid new Bridge, or the Avenues or Approaches thereto, any Tree or Piece of Timber, or any Stone, otherwiſe than upon a Wheel Carriage, or ſhall ſuffer any Part of any Tree or Piece of Timber, which ſhall be conveyed upon any Wheel Carriage, to drag upon any Part of ſuch Bridge, or the Avenues or Approaches thereto, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

For preventing Annoyances.

XLIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or negligently leave any Waggon, Wain, Cart or other Carriage, or any Plough, Harrow or other Implement of Huſbandry (without ſome reaſonable Cauſe to be allowed by the Juſtice before whom the Perſon ſo offending ſhall be ſummoned or conveyed in order to his Conviction), in, upon, or on the Sides of the ſaid Bridge or Bridges, or the Avenues or Approaches thereto, either with or without any Horſe or Beaſt harneſſed or yoked thereto; or ſhall lay any Timber or Wood, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Annoyance whatſoever, upon any Part of the ſaid Bridge or Bridges, or the Aveuues or Approaches thereto, or on the Side or Sides thereof, to the Prejudice thereof or Annoyance of any Perſon travelling thereon, every Perſon ſo offending 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 for the Purpoſes of this Act.

Bridges veſted in the Truſtees.

XLIV. And be it further enacted, That from and after the paſſing of this Act, the ſaid Bridges called *The Tone Bridge* and *Shuttern Bridge*, and all the Stones, Timber, Iron and Materials of which the ſame are conſtructed or built, and alſo the new Bridge, Turnpikes, Toll Houſes, and other Matters and Things to be erected and provided by virtue of this Act, ſhall, during the Continuance thereof, belong to and be the

Property of, and vested in the said Trustees; and it shall be lawful for the said Trustees to bring or cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who shall steal, take or carry away, spoil, injure or destroy the said Bridges or other Erections, or the Stones, Timber, Iron and other Materials thereof, or other Matters or Things, hereby vested in them as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment, it shall be sufficient to state generally that the said Bridges, Matters and Things respectively, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment shall be preferred, is or are the Property of the Trustees for executing this Act, without particularly stating or specifying the Name or Names of all or any of the said Trustees.

When Debts paid, Tolls to cease.

XLV. And be it further enacted, That as soon as the several Purposes of this Act shall be carried into Execution, and the Principal Money and Interest borrowed and secured upon the Credit thereof, be paid and satisfied, then and from thenceforth all the Tolls hereby imposed shall absolutely cease and determine; and the said Bridges respectively, and the Ground forming the Highways or Approaches thereto within One hundred Yards on each Side thereof respectively, shall for ever thereafter be repaired and kept in Repair by such Person or Persons as are by Law liable to repair the said present Bridges and Highways or Approaches, and such Bridges and Highways shall be vested in and belong to such Person and Persons in the same Manner and no other, as the Person or Persons now liable to repair the said Bridges are possessed of the same.

Trustees may sue and be sued in the Name of their Clerk or Treasurer.

XLVI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing which shall be done against or by virtue of this Act in the Name of their Clerk or Treasurer for the Time being, and that no Action or Suit, to be brought or commenced by the Direction of or against the said Trustees in the Name of their Clerk or Treasurer by virtue of this Act, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees, but that the Clerk or Treasurer for the Time being to the Trustees, shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action; and every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages and Expences, as by the Event or in consequence of any such Action or Proceeding, he shall pay, bear, expend or be put unto or become chargeable with by reason of his being made Plaintiff or Defendant as aforesaid.

Recovery and Application of Penalties.

XLVII. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act or by virtue of the Powers thereof 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 County or Place where the Offence shall be committed (which Warrant such Justice is hereby empowered to grant

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 ſuch 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 be lawful for ſuch Juſtice, and he is hereby authorized and required by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County or Place where the Offence ſhall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof ſhall be ſooner fully paid and ſatisfied.

Form of Convictions.

'County of Somerſet, to wit.' } BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or*, us *Name and Style of convicting Juſtice, or, Juſtices*] for that the ſaid *A. B.* [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*here ſtate the Offence againſt the Act, according to the Fact*] contrary to the Form of the Statute made in the Forty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act*] and I [*or*, we] do therefore declare and adjudge, that the ſaid *A. B* [*Name of Offender*] has forfeited for his ſaid Offence the Sum of [*Fine*] or ſhall be committed to [*Place of Impriſonment*] for the Space of [*Time of Impriſonment*]. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt above written.'

Appeals.

XLVIII. Provided always and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by any Judgement or Determination, or by any Matter or Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General or Quarter Seſſions of the Peace to be holden for the County of *Somerſet*, (within which the Matter of Appeal ſhall ariſe) next, after the Expiration of Four Calendar Months 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 Three Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, with ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order and Award of the ſaid Court thereon; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of ſuch 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 the ſaid Juſtices may alſo order ſuch further Satisfaction to be made to the Party injured as they

shall judge reasonable; and all such Determinations of the said Justices shall be final, binding and conclusive to all Parties to all Intents and Purposes whatsoever.

Distress not unlawful for want of Form.

XLIX. 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 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 Information, 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 that 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.

L. And be it further enacted, That no Order, Verdict, Assessment, Judgement or other Proceedings made, 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 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.

Plaintiff not to recover without Notice, or after Tender of Amends.

LI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty 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 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 the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall be lawful 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 Judgement shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LII. 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 the Expiration of Six Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall arise and not elsewhere; and if any such Action or Suit shall be brought before Twenty Days Notice shall have been given, or after a sufficient Satisfaction made or Tender 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

nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Public Act.

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

Term and Continuance of the Act.

LIV. And be it further enacted, That this Act ſhall commence on the Twenty-fourth Day of *June* One thouſand eight hundred and nine, and continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

The SCHEDULE above referred to.

		OWNERS.	OCCUPIERS.
No. 1.	A Dwelling Houſe in Saint James Street, in the Pariſh of Taunton Saint James, near Tone Bridge -	Robert Young.	Sarah Penny.
No. 2.	A Dwelling Houſe adjoining No. 1 -	George Sheppard.	Robert Young.
No. 3.	A Smith's Shop adjoining No. 2 -	The Feoffees of Taunton Charity Lands.	John Carter.
No. 4.	A Coal or Merchant's Yard and Buildings thereon adjoining No. 3 -	The ſame.	Robert Young.
No. 5.	A Dwelling Houſe, Offices, and Coal Yard adjoining No. 4 -	John Buncomb.	——
No. 6.	A Dwelling Houſe, Offices, Warerooms, and Timber Yard, bounded by Tone Bridge on the Weſt, and the River Tone on the other Sides thereof - - -	Edward Sealy.	Himſelf and John Michell.
No. 7.	A Dwelling Houſe and Slip of Ground adjoining or near Tone Bridge, on the North Side - -	Joſeph Kingſbury.	Himſelf.
No. 8.	A Dwelling Houſe, Office, and Coal Yard, at the North-Weſt End of North Street, Taunton, partly bounded on the North by the River Tone - -	Henry Dodd.	Himſelf.
No. 9.	A Dwelling Houſe on the South Side of Tone Bridge, bounded on the South-Weſt partly by Horſe Lane and partly by the River Tone - -	Jane Collard.	Herſelf.
No. 10	A Dwelling Houſe adjoining No. 9, on the North Side thereof -	John Buncombe.	Saxy Way.
No. 11.	A Dwelling Houſe and Yard adjoining No. 10, on the North Side thereof - -	John Buncombe and James Pring.	Themſelves.
No. 12.	A Dwelling Houſe and Coal Yard adjoining or near the North Side of the Tone Bridge -	Thomas Pounſbery and James Locke.	Themſelves and —— Adams their Labourer.
No. 13.	Three Cottages or Dwelling Houſes and Paſſage or Way adjoining No. 12 - - -	Robert Young.	Mary Blackmore, William Hawkins and Robert Young.
No. 14.	A Plantation or Shrubbery adjoining the Paſſage or Way of No. 12	Mary Halliday, Elizabeth Halliday, and Prudence Halliday.	Themſelves.
No. 15.	A Dwelling Houſe in North Town, near Tone Bridge, oppoſite No. 14	James Mockridge.	Himſelf.
No. 16.	A Dwelling Houſe adjoining No. 15 -	Same.	James Bond.

The SCHEDULE continued.

		OWNERS.	OCCUPIERS.
No. 17.	A Garden and Out-houſes in Taunton, adjoining Shuttern Bridge on the South-eaſtward thereof, and a Coach-houſe and Stable adjoining the ſaid Garden on the Eaſt Side thereof - - -	John Wyatt.	Himſelf.
No. 18.	A Meſſuage adjoining No. 17 - -	John Corniſh.	Himſelf.
No. 19.	Do. - adjoining to No. 18 -	Joſeph White.	Elizabeth Dyer.
No. 20.	Do. - adjoining to No. 19 -	——	James Nowell.
No. 21.	Do. - adjoining to No. 20 -	——	Thomas Harcott.
No. 22.	Do. - adjoining No. 21 - -	——	William Cable.
No. 23.	A ſmall Parcel of Ground at the North Weſt Side of Shuttern Bridge - - -	James Pearſon, Eſq.	Himſelf.
No. 24.	A Meſſuage in Taunton, on the North Eaſtern Side of Shuttern Bridge	John Stower.	Richard Whetcombe.
No. 25.	A Court or Yard adjoining No. 24 -	Same.	Sarah Braſs and Thomas Corniſh.
No. 26.	A Meſſuage adjoining No. 25 - -	Same.	Thomas Corniſh.
No. 27.	Do. - adjoining No. 26 - -	Same.	Himſelf.
No. 28.	A Court or Yard adjoining No. 27 -	Same.	Himſelf and Sarah Ludlow.
No. 29.	A Court or Yard and Part of a Dwelling, adjoining No. 28 - -	David Sutton.	Himſelf.
No. 30.	A Meſſuage adjoining No. 29 -	James Weſtover.	William Royal.
No. 31.	Do. - adjoining No. 30 -	Same.	Himſelf.
No. 32.	Do. - adjoining No. 31 -	Same.	Joſeph Dyer.
No. 33.	Do. - adjoining No. 32 -	John Wyatt.	James Randell.
No. 34.	Do. - adjoining No. 33 -	Same.	Ambroſe Butſon.
No. 35.	A Paſſage or Way in common with Joſeph White, adjoining No. 34	Same.	Joſeph White and Ambroſe Butſon.
No. 36.	A Meſſuage adjoining No. 35 -	Same,	Joſeph White.
No. 37.	Do. - adjoining No. 36 -	Samuel Goodman.	Samuel Goodman.
No. 38.	Do. and a Paſſage in common with James Woodbury adjoining No. 37 - - -	Same.	Himſelf and James Woodbury.
No. 39.	A Meſſuage adjoining No. 38 -	James Woodbury.	James Woodbury.
No. 40.	A Meſſuage, Buildings, and Court adjoining No. 39 - -	William Fraunceis.	Himſelf.
No. 41.	A Meſſuage and Court Yard adjoining No. 40 - -	John Rodber.	Himſelf.

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