ANNO QUADRAGESIMO SEXTO

# GEORGII III. REGIS.

## *Cap.* 52.

An Act for continuing the Term, and altering and enlarging the Powers of an Act, passed in the Twenty-sixth Year of His present Majesty, for amending and widening several Roads leading from and through the Town of *Wivelisombe*, in the County of *Somerset*, and other Roads therein mentioned; and for amending and widening certain other Roads adjoining thereto. [23d *May* 1806.]

WHEREAS an Act was made in the Twenty-sixth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for amending and widening several Roads leading from and through the Town of* Wivelisombe, *in the County of* Somerset, *and other Roads adjoining or near thereto*: And whereas the Trustees appointed in or by virtue of the said Act, have proceeded to put the same in Execution, and have borrowed a considerable Sum of Money on the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be paid off, nor can the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Term of the said Act be further continued, and some of the Powers and Provisions thereof altered, amended, and enlarged; and it is necessary that the Tolls granted by the said Act should

46 G. 3. c. 135.

ſhould be increaſed: And whereas the Road leading from *Langford* Turnpike Gate, in the Pariſh of *Langford Budville*, to *Sandy Lane*, in the Pariſh of *Runnington*, and from thence to *Tone Bridge*, in the ſame Pariſh, and from *Sandy Lane* aforeſaid, to and over Part of *Langford Heathfield*, to join the Turnpike Road leading form *Wiveliſcombe* to *Homebames*, in the Pariſh of *Sampford Arundel*; and the Road leading from the Foot of *Brendon Hill*, in the Pariſh of *Elworthy*, to and beyond *Elworthy Croſs*, to join the *Minehead* Turnpike Road, oppoſite to *Hartrow Gate*, in the Pariſh of *Stogumber*, all in the ſaid County of *Somerſet*, are much out of Repair, and in ſome Parts narrow and incommodious, and it would be a great Benefit and Advantage to the ſaid Truſtees and the Publick, if the ſaid ſeveral Roads were put under the Care and Management of the ſaid Truſtees, and made Part of the Roads by the ſaid recited Act directed to be amended and kept in Repair; 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,

Former Act continued;

That the ſaid recited Act, paſſed in the Twenty-ſixth Year of the Reign of His ſaid preſent Majeſty, and all and every the Powers, Proviſions, Directions, Penalties, Forfeitures, Clauſes, Matters, and Things therein contained (except ſuch as relate to Exemptions from Stamp Duties, and except ſuch Part or Parts thereof as are hereby repealed) ſhall be and are hereby further continued for and during the Term hereinafter mentioned, for the Purpoſe of amending, widening, turning, altering, and keeping in

and the Proviſions thereof extended to new Roads.

Repair the ſeveral Roads comprized in the ſaid recited Act; and alſo the new or additional Roads hereinbefore particularly deſcribed, as fully and effectually, to all Intents and Purpoſes, as if the ſaid Powers, Proviſions, Directions, Penalties, Forfeitures, Clauſes, Matters, and Things (except as aforeſaid) were repeated and re-enacted in the Body of this Act, and as if the ſaid new or additional Roads had originally been Part of the Roads included in the ſaid recited Act; but ſubject nevertheleſs to the Amendments, Alterations, Variations, and Additions herein contained, and which ſhall commence and take effect immediately upon the paſſing of this Act; and this Act, and the additional Term and Tolls hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls granted by the ſaid recited Act, and alſo of ſuch other Sum and Sums of Money as ſhall or may be borrowed for the Purpoſes of the ſaid Act and this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

Place of Meeting of Truſtees altered.

II. And whereas by the ſaid recited Act all the Meetings of the Truſtees for executing the ſaid Act are required to be held within the ſaid Town of *Wiveliſcombe*: And whereas the ſame hath been found inconvenient; be it therefore enacted, That ſo much of the ſaid recited Act as requires the Meetings of the ſaid Truſtees to be held at *Wiveliſcombe* aforeſaid, ſhall be and the ſame is hereby repealed; and that, from and after the paſſing of this Act, the ſaid Truſtees ſhall and may from Time to Time hold any of their Meetings, or any Adjournment thereof, in the ſaid Town of *Wiveliſcombe*, or at ſuch other Place or Places within Four Miles thereof, as they ſhall think moſt convenient.

Appointing a Quorum of Truſtees.

III. And be it further enacted, That all Acts, Matters, and Things authorized or required by this Act to be done and executed by the ſaid

Truſtees in carrying the ſame into Execution, ſhall and may be done by any Five or more of the ſaid Truſtees preſent at any Meeting, being the Majority of ſuch of them as ſhall be then preſent; and the ſame when ſo done ſhall be as good, valid, and effectual, and ſhall have the ſame Force and Effect, as if ſuch Acts, Matters, and Things, had been done and executed by all or any greater Number than Five of the ſaid Truſtees.

Two Truſtees ſufficient to adjourn.

IV. Provided always, and be it further enacted, That Two Truſtees preſent at any Meeting, ſhall be ſufficient for the Purpoſe of Adjournment only, and if it ſhall happen that there ſhall not appear at any Meeting a ſufficient Number of Truſtees to act or to adjourn, or in caſe the Truſtees at any Time aſſembled ſhall not adjourn themſelves, the Clerk or Clerks to the ſaid Truſtees ſhall adjourn the Meeting to the Place where the laſt Meeting was appointed to have been held, at ſuch Time as he or they ſhall think fit, not exceeding the Space of Twenty-one Days from the Time of the laſt Default, and ſhall give Notice thereof in Writing, to be affixed on each of the Turnpike Gates then erected or ſtanding on the ſaid Roads; and in caſe no ſuch Adjournment, Notice, or Appointment for Meeting ſhall be made or given by ſuch Clerk or Clerks, then it ſhall be lawful for any Three or more of the ſaid Truſtees, to cauſe Notice in Writing to be affixed upon ſuch of the Turnpike Gates erected or to be erected on the ſaid Roads, as they ſhall think neceſſary, appointing a Meeting to be held at ſuch Time and Place as they the ſaid Truſtees, or any Three or more of them, ſhall think proper, not exceeding Twenty-one Days nor leſs than Six Days from the Time of affixing ſuch Notice; and all Orders and Determinations of the Truſtees in the Execution of the ſaid recited Act or this Act, which ſhall be made at Meetings to be held in purſuance of this Act, touching or concerning any Matter or Thing in reſpect of which no particular Time for giving Notice is directed by the ſaid recited Act, ſhall be good, valid, and effectual to all Intents and Purpoſes; any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

Aſcertaining the Junction of the Road from Pitsford Hill, with the Turnpike Road leading to Dunſter.

V. And whereas a Branch of the Road directed to be repaired by the ſaid recited Act is therein deſcribed as extending from *Pitsford Hill*, in the Pariſh of *Brompton Ralph*, to the Turnpike Road leading from *Hartrow* to *Dunſter*, in the ſaid County of *Somerſet*, but Doubts having ariſen touching the particular Part of the ſaid Turnpike Road, with which the ſaid Branch of Road was intended to communicate; be it therefore enacted and declared, That the ſaid Branch of Road ſhall be made from *Pitsford Hill* aforeſaid, to *Elworthy Croſs*, in the Pariſh of *Elworthy*, and from thence, by way of *Combe Sydenham*, to join and communicate with the ſaid Turnpike Road, at or in the Village of *Monkſilver*, in the ſaid County of *Somerſet*.

Aſcertaining the Junction of the Road from Coxburrow with the Turnpike Road leading from Taunton to Handy Croſs.

VI. And whereas Doubts have alſo ariſen touching a certain other Branch of Road which in the ſaid recited Act is deſcribed as extending from a Place called *Coxburrow*, through *Fitzhead* and *Northay*, to the Turnpike Road leading from *Taunton* to *Handy Croſs*, in the ſaid County of *Somerſet*; be it therefore further enacted and declared, That the ſaid Branch of Road ſhall be deemed and taken to be, and extend from the ſaid Place called *Coxburrow* to *Fitzhead* aforeſaid, and from thence to and through the Village of *Halſe*, and by way of *Aſh Common*, to join and communicate

municate with the ſaid laſt mentioned Turnpike Road, at a Place called *Gore Inn* in the Pariſh of *Biſhops Lydeard* in the ſaid County of *Somerſet*.

**Power to continue and erect Turnpike Gates.**

VII. And be it further enacted, That the ſaid Truſtees ſhall and may, and they are hereby authorized and empowered to continue all or any of the Gates or Turnpikes now erected in upon or acroſs or by the Sides of the ſaid Roads, and to cauſe to be erected and ſet up ſuch Number of other Gates or Turnpikes in, upon, acroſs, or by the Sides of the ſaid Roads, included in the ſaid recited Act and in this Act, or any or either of them, or in, upon, or acroſs any Lane or Way leading into, out of, or near the ſame; and alſo ſuch Number of Toll Houſes, with ſuitable Conveniencies thereto, and to incloſe ſuch Gardens for the ſaid Toll Houſes as they may think fit; and to erect ſuch Weighing Engines upon the ſaid Roads as they ſhall think neceſſary; and from Time to Time to cauſe any of ſuch Gates, Turnpikes, Toll Houſes, Buildings, and Weighing Engines, to be taken down, altered, or removed, as they ſhall judge proper, and to defray all the Expences thereof by Means of the Monies which ſhall come to the Hands of the ſaid Truſtees by virtue of the ſaid recited Act and of this Act.

**Additional Tolls on Horſes drawing Coaches, &c.**

VIII. And be it further enacted, That in Addition to the Tolls in and by the ſaid recited Act granted, there ſhall, from and after the paſſing of this Act, be demanded and taken, at all and every the Gates and Turnpikes erected, or to be erected or continued, by virtue of the ſaid recited Act or of this Act, the ſeveral Tolls following; that is to ſay,

**Tolls.**

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Coach, Landau, Berlin, Hearſe, Chariot, Chaiſe, Phaeton, Curricle, Chair, Gig, or other ſuch Carriage, the additional Sum of Three Halfpence:

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

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

**Truſtees empowered to take a Sunday's Toll.**

IX. And be it further enacted, That the ſaid Truſtees ſhall and may, and they are hereby authorized and empowered to cauſe to be demanded and taken at all and every the ſaid Gates and Turnpikes, on each and every *Sunday* (to be computed from Twelve of the Clock in the preceding *Saturday* Night, to Twelve of the Clock in the next ſucceeding *Sunday* Night) double the Tolls which ſhall for the Time being be authorized to be collected on any other Day, under or by virtue of the ſaid recited Act or of this Act.

**Tolls veſted in the Truſtees.**

X. And be it further enacted, That the ſaid ſeveral Tolls by this Act authorized to be taken ſhall be and the ſame are hereby veſted in the ſaid Truſtees; and the ſame and every Part thereof ſhall be collected, recovered, paid, applied, and diſpoſed of in ſuch and the ſame Manner, and by ſuch and the ſame Ways and Means, and with ſuch Remedies for Nonpayment or Evaſion thereof, as is or are mentioned and contained in the ſaid recited Act reſpecting the Tolls thereby authorized to be taken.

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For repealing a Clause in the said recited Act.

XI. And whereas it is by the said recited Act provided and enacted that, no Person or Persons shall be subject to the Payment of Toll more than once in any one Day, for the Passage of the same Cattle, Beast, or Carriage, through all or any of the Turnpikes or Toll Bars to be erected by virtue of the said Act, upon, across, or by the Side of the different Parts of the Roads therein described and distinguished as the *Dulverton* and *Wiveliscombe* Parts thereof respectively: And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That, from and after the passing of this Act, such Provision shall be and the same is hereby declared to be repealed.

Tolls payable but once a Day.

XII. And be it further enacted, That any Person who shall pay Toll for the passing of any Horse, or other Beast or Cattle, through any of the Gates or Turnpikes erected or to be erected by virtue of the said recited Act or this Act, shall, upon producing a Ticket of the Day denoting such Payment, be permitted to pass and repass with the same Horse, Beast, Cattle, or Carriage, at any Time or Times as often as he shall think proper, during the same Day (to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the next succeeding Night) through the same, and also through every other Gate or Turnpike which shall be then standing in, upon, across, or by the Side of any Part of the Roads included or comprized in the said recited Act or this Act.

Exemptions from Toll by former Act repealed, and new ones directed.

XIII. And whereas it is expedient that the several Exemptions from Payment of Toll allowed by the said recited Act should be repealed; be it therefore enacted, That all and singular the Exemptions from Toll granted and allowed by the said recited Act, shall be and the same are hereby declared to be repealed; and that, from and after the passing of this Act, no Person shall be charged with or compellable to pay any of the Tolls made payable by the said recited Act or this Act, for any Horse or other Beast drawing any Waggon, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches from Side to Side, which shall be going unladen for or shall be then used only in conveying or returning unladen or empty, after having been employed only in conveying Stone, Gravel, or other Materials for the repairing any publick Road or Highway; or any Lime, Dung, Mould, or Compost, for the manuring of any Garden, Land, or Ground; or for any Horse or other Beast not drawing, which shall be going unladen for or shall be then used only in carrying or returning unladen, after having been employed only in carrying any such Stone, Gravel, or other Materials, Lime, Dung, Mould, or Compost, for the Purposes aforesaid; or for any Carriage, Horse, or Cattle going, for the Purposes of, or returning from ploughing, tilling, or sowing any Land or Ground, or which shall be used or employed only in the Carriage of, or going empty or unladen for, or returning empty or unladen after having been employed only in carrying or drawing any Hay unsold and not for Sale, or any Corn in the Straw unsold and not for Sale, or any Straw or Wood for Fuel unsold and not for Sale; or for any Carriage or Cattle going for or passing with any Sull, Harrow, or other such Implement of Husbandry, which shall belong to any Inhabitant of the said respective Parishes; or for any Cattle going to or returning from Water or Pasture within the Distance of Two Miles; or for any Horses or Cattle going to be or returning from being shoed or farried; nor shall any Toll be demanded or taken from any Person going

to or returning from his 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 Horſes, Carts, or Waggons, attending any Soldiers or Volunteers upon their March or on Duty, or drawing any Carriage attending them with their Arms and Baggage; or for any Horſe, Mare, or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them 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 as aforeſaid; or for Horſes, Carts, or Waggons, employed in the Conveyance of Vagrants ſent by legal Paſſes; or for any Coach, Landau, Berlin, Chariot, Calaſh, Chair, or other Carriage, or the Horſes or Cattle drawing them, or for any Perſon on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid Counties of *Somerſet* and *Devon*, or either of them, on the Day or Days of ſuch Election, or on the Day before or after ſuch Election ſhall begin or be concluded; 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 Forty Shillings.

Carriages employed in carrying Timber between certain Periods ſubjected to an additional Toll.

XIV. And be it further enacted, That between the Firſt Day of *November* and the laſt Day of *February* in every Year, there ſhall be demanded and taken at each and every Gate or Turnpike erected or to be erected by virtue of the ſaid recited Act or this Act, an additional Toll equal to the Toll then otherwiſe payable, for every Horſe or other Beaſt of Draught drawing any Carriage employed in carrying or conveying any Timber Tree or Trees, except Carriages with One Horſe or other Beaſt of Draught, which ſhall not be liable to the Payment of ſuch additional Toll or any Part thereof.

To prevent Tolls from being evaded by paſſing through Jews Lane.

XV. And whereas the Payment of the Tolls granted by the ſaid recited Act and this Act, may be evaded by the Paſſage of Horſes and Cattle from *Weſt Street*, in the ſaid Town of *Wiveliſcombe*, through a Lane called *Jews Lane*, to and over *Maundown Hill*, in the Pariſh of *Wiveliſcombe* aforeſaid, which ſaid Lane runs nearly parallel to and ultimately communicates with a Branch of the Road comprized in the ſaid recited Act, and therein deſcribed as extending from the Town Hall of *Wiveliſcombe* aforeſaid, to *Cruwys's Croſs*, and from thence to the Turnpike Road leading from *Watchet* to *Bampton*; be it therefore enacted, That it ſhall be lawful for the ſaid

ſaid Truſtees to cauſe to be erected, ſet up, and continued, any Wall, Hedge, Gate, or other Fence, in, upon, or acroſs any Part of the ſaid Lane, and to cauſe the ſaid Lane to be ſhut or ſtopped up, ſo as to prevent the Paſſage of Horſes and Cattle through the ſame; and if any Perſon or Perſons ſhall wilfully pull down, damage, or deſtroy any ſuch Wall, Hedge, Gate, or other Fence ſo to be erected or ſet up, or ſhall open any Paſſage for any Horſes or Cattle through the ſame, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees any Sum not exceeding Five Pounds, and alſo the Expences of repairing or reſtoring ſuch Wall, Hedge, Gate, or other Fence, to be ſettled and aſcertained by any One Juſtice of the Peace of or for the ſaid County of *Somerſet*.

Truſtees may ſet up Banks and Fences on Commons, &c. for the Purpoſe of placing Turnpikes properly.

XVI. And be it further enacted, That for the Purpoſe of erecting and ſetting up a Gate or Gates, Turnpikes or Toll Houſes, on the ſaid Roads, or any Part thereof, and of collecting and receiving Tolls at the ſame, and to prevent the Payment of the ſaid Tolls from being evaded, it ſhall be lawful for the ſaid Truſtees to cauſe to be dug, made, ſet up, and continued, any Ditches, Hedges, Walls, Bars, or other Fences, in, upon, acroſs, or over all or any of the Commons or Waſte Grounds into, through, or upon which the ſaid Roads lead or ſhall paſs, in ſuch Manner as the ſaid Truſtees ſhall think proper; and if any Perſon or Perſons ſhall wilfully fill up, pull down, damage, or deſtroy any ſuch Ditch, Hedge, Wall, Bar, or other Fence ſo to be dug, made, or ſet up, or ſhall wilfully open any Paſſage for any Cattle or Carriage through the ſame, or any Part thereof, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees any Sum not exceeding Five Pounds, over and above the Coſts, Charges, and Expences of repairing or reſtoring ſuch Ditch, Hedge, Wall, Bar, or other Fence, to be ſettled and aſcertained by any One Juſtice of the Peace of or for the County in which the Offence ſhall be committed.

Collectors of Tolls, &c. to be competent Witneſſes.

XVII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the Tolls by the ſaid recited Act or this Act authorized to be collected, 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 not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being ſo appointed to collect the ſaid Tolls, or acting under the Authority of the ſaid Truſtees.

Power for Surveyor to ſhear Hedges.

XVIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Roads, and ſuch Perſon or Perſons as he or they ſhall appoint (having an Order from the ſaid Truſtees for that Purpoſe) to ſhear and cut, as often as Occaſion ſhall require, the Tops and Sides of all the Hedges ſtanding or growing by or near the Side or Sides of the ſaid Roads, in ſuch Manner as ſuch Surveyor or Surveyors ſhall think proper, in caſe the Owners or Occupiers of the Lands to which ſuch Hedges ſhall reſpectively belong, ſhall refuſe or neglect to ſhear and cut the ſame accordingly, for the Space of Twenty-one Days after Notice in Writing given by the ſaid Surveyor or Surveyors, the Charges whereof (to be ſetttled by the ſaid Truſtees) ſhall be reimburſed and paid to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers, and upon Non-payment thereof, ſhall be recovered in ſuch Manner as the Penalties and Forfeitures are hereinafter directed to be recovered.

Gates to Fields to open inwards.

XIX. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining to the said Roads, or any of them, shall be so made and hung as to open inward towards such Field or Ground, and not outward towards the said Roads; and that it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected, and open outward towards the said Roads, to be altered and made to open inward, as they the said Trustees shall think proper.

Penalty for laying Straw, or leaving Carriages, &c. in the Roads.

XX. And be it further enacted, That if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing in or upon any Part of the said Roads to be made into Manure, or shall scrape off any Gravel, Mud, Soil, or other Materials of or belonging to the said Roads, otherwise than by and under the Direction of the said Trustees, or shall wilfully turn out any Cattle or Pigs for the Purpose of feeding or straying in, along, or by the Side of the said Roads or any Part thereof; or if any Person or Persons shall leave any Waggon, Cart, or other such Carriage in or upon the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto (except in Cases of Accidents, and except also during such reasonable Time as such Waggon, 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, Dung, Manure, Earth, Soil, or other Matter or Thing whatsoever, in or upon 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 exceeding Forty Shillings.

Penalties how to be recovered.

XXI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed or inflicted, shall be levied and recovered in such and the same Manner as the Penalties and Forfeitures for Offences against the said recited Act, are in general Cases thereby directed to be levied and recovered, and shall from Time to Time be paid to the said Trustees or their Treasurer, and shall be applied (if not otherwise particularly directed) for and towards amending the said Roads, and other the Purposes of the said recited Act and this Act.

Trustees may reward Informers.

XXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees from Time to Time, if they shall see Cause, to pay and apply such Part, not exceeding one Moiety, of any Penalties, Forfeitures, and Fines by the said recited Act and this Act, or either of them, inflicted or authorized to be imposed (other than and except such as by the said recited Act are otherwise particularly directed to be applied) to and for the Use of the Informer or Informers, upon whose Oath the Offender or Offenders shall be convicted; any Thing in the said recited Act or this Act contained to the contrary notwithstanding.

Statute Labour.

XXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County in which such Roads are situate (as the Case may be) and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their

their Treaſurer, Clerk, or Surveyor, 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 ſame 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 to their Treaſurer or Treaſurers; and in order thereunto it ſhall be lawful 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 are or may be directed by any Law or Statute in force or effect for the Repairs of the publick Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads, as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done 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 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 the ſaid 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, them, at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor to 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 diſmiſs 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 as aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads,

all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe and imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Application of Compenſation, if amounting to 200 l.

XXIV. 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 the ſaid recited Act or this Act, for the Purpoſes thereof, which ſhall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee for and on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing the ſaid Act and this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, 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 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, to be purchaſed by virtue of the ſaid recited Act and this Act, in caſe ſuch Purchaſe or Settlement were made.

XXV. Provided

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

XXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under 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 Five of the Trustees for executing the said recited Act and 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 or Approbation of the Court of Chancery.

Application of Compensation if less than 20. l.

XXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Act and 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,

XXVII. 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 the said recited Act and 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 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

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

Part

Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary way of Proceeding or otherwise, as to the said Court shall ſeem meet, to order the same to be laid out and invested in the Publick 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 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 Sum or Sums of Money into the Bank as aforesaid.

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

XXVIII. Provided always, and be it further 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 the said recited Act and 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 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 or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, 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.

XXIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Act and 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 the said recited Act and 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 the said Act and 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 the said Act and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Ascertaining the Powers of selling Parkway.

XXX. And whereas the Trustees appointed in or by virtue of the said recited Act, in making the Road therein described from *Slape Bridge* to *Rock*

*Rock Corner*, in the Town of *Milverton*, have diverted and turned the ſame ſo as to avoid a certain Road called *Park Way*, in the Pariſh of *Milverton* aforeſaid, which is thereby become of little Uſe to the Publick; but inaſmuch as the new Road made by the ſaid Truſtees was made in Part only over incloſed Lands, ſome Doubts have ariſen whether under the Powers of the ſaid recited Act, ſufficient Authority was given to ſell and diſpoſe of the ſaid Road called *Park Way*; be it therefore enacted, That the Land or Ground comprized in or conſtituting the ſaid Road called *Park Way*, from the Corner of a Field called *Fair Cloſe*, to the Weſt End of the ſaid Road, ſhall be and is hereby declared to be veſted in the ſaid Truſtees, and ſhall and may be ſold and diſpoſed of by them, in ſuch and the ſame Manner as the Lands and Grounds conſtituting any other old or former Road, are in and by the ſaid recited Act directed to be ſold and diſpoſed of.

Perſons whoſe Lands adjoin, to have the Preference.

XXXI. Provided always, and be it further enacted, That the ſaid Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of old Road, ſhall firſt offer the ſame to the Perſon or Perſons whoſe Lands, ſhall adjoin thereto; and that the ſaid Truſtees, before they ſhall ſell or diſpoſe of any Piece or Pieces of Overplus Ground, ſhall firſt offer to reſell 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 reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe or repurchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County or Place where ſuch Piece or Pieces of old Road or Ground ſhall be, by ſome Perſon or Perſons noways intereſted in the ſaid Piece or Pieces of old Road or Ground, ſtating that ſuch Offer was made by or on the 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 ſuch Offer was made, as the Caſe may be; and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing or repurchaſing 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 in the ſaid recited Act directed, with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees, and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as the Expence of hearing and determining Differences is by the ſaid recited Act directed to be borne and paid, with reſpect to Purchaſes 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 Parcel of old Road or 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 Nonapplication of ſuch Money.

Expences of this Act to be firſt paid.

XXXII. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid and diſcharged out of any Money already collected or received by virtue of the ſaid recited Act, or out of the firſt Monies to ariſe by

and subject thereto the Tolls to remain a Security for the Money now due and hereafter to become due.

virtue of the said recited Act and this Act, in Preference to all other Payments whatsoever; and that after Payment thereof, the Tolls authorized to be collected by the said recited Act and this Act shall, during the Continuance of the Term hereby granted, be and remain subject and liable to the Payment of all Monies now due and owing, and which shall or may hereafter be borrowed and become due on the Credit of the said Tolls, and of all Interest due and to grow due for the same respectively.

Publick Act.

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

Commencement and Continuance of the Act.

XXXIV. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Act, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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