ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. cxiii.

An Act to enable the Trustees of the *Yeovil* Turnpike Trust and the *Ilchester* Turnpike Trust to make certain new Roads; to repeal existing Acts, and create further Terms in the said Roads; and for other Purposes. [17th *June* 1852.]

WHEREAS the following Acts (Local and Personal) have been passed for repairing several Roads in the Counties of *Somerset* and *Dorset*, passing through or near the Town of
Yeovil, and otherwise in relation thereto; to wit, an Act of the 40 G. 3.
Fortieth Year of the Reign of King *George* the Third, Chapter Sixty- c. 61.
one; an Act of the Fifty-fifth Year of the same Reign, Chapter Sixty, 55 G. 3. c. 60.
and an Act of the Fifty-ninth Year of the same Reign, Chapter Fifty- 59 G. 3.
two, which Acts are herein-after referred to as the "*Yeovil* Trust c. 52.
Acts:" And whereas by the First of the said *Yeovil* Trust Acts the Roads therein comprised were divided into Two Districts, called "The First District" and "The Second District," and by the Second of the *Yeovil* Trust Acts the First of those Acts was repealed, so far as the same related to the Roads comprised in the said Second District, and other Powers were granted for repairing the last-mentioned Roads: And whereas by the Third of the said *Yeovil* Trust Acts, which related to the First District, a certain Highway leading from *Mudford*

Bridge to *Marston Elm* in the County of *Somerset* was added to and made Part of the said First District: And whereas the following Acts (Local and Personal) have been passed for keeping in repair several Roads leading from the Town of *Ivelchester* (otherwise *Ilchester*) in the County of *Somerset*, or in relation thereto; to wit, an Act of the Fortieth Year of the Reign of King *George* the Third, Chapter Seven, and an Act of the Second Year of the Reign of King *George* the Fourth, Chapter Nineteen, which Two last-mentioned Acts are herein-after referred to as "the *Ilchester* Trust Acts:" And whereas the Terms of Years respectively limited by the *Yeovil* Trust Acts and the *Ilchester* Trust Acts for the Continuance in force of those Acts respectively have long since expired, and the said Acts respectively have been from Time to Time continued in force for limited Periods by virtue of divers Acts for continuing certain Turnpike Acts in *Great Britain*, and are now so continued until the First Day of *October* One thousand eight hundred and fifty-two, and to the End of the then next Session of Parliament: And whereas certain Sums of Money have been advanced upon the Credit of the Tolls arising on the First District of the Roads comprised in the *Yeovil* Trust Acts, and on the Roads comprised in the *Ilchester* Trust Acts respectively, some Portions whereof still remain owing: And whereas it would be of public Utility if the Trustees of the First District of Roads comprised in the *Yeovil* Trust Acts and the Trustees of the Roads comprised in the *Ilchester* Trust Acts were empowered to make the new Line of Road or Deviation herein-after mentioned, and to relinquish as Turnpike so much of their present Lines of Road as lie between *Windmill Head* and *King's House*, which will by the Construction of such new Line or Deviation become unnecessary, and it would also be of public Utility if the several Highways herein-after mentioned were placed under the Care and Management of the same Trustees respectively, with Powers for them respectively to keep in repair and to improve the same, and to take Tolls thereon, and also if the Portion of Turnpike Road herein-after mentioned now belonging to and under the Care and Management of the Trustees of the *Sherborne* Turnpike Roads, were transferred to the Trustees of the Roads comprised in the *Ilchester* Trust Acts, and annexed to those Roads, and it would also be of public Utility if the Commissioners acting in the Execution of the Act (Local and Personal) of the Eleventh Year of the Reign of King *George* the Fourth, Chapter One hundred and sixteen, were empowered to widen and improve Part of a Street known as *Middle Street* in the Town of *Yeovil*, and if the Trustees of the First District of Roads comprised in the *Yeovil* Trust Acts were empowered to contribute towards such widening and improving: And whereas the Money so advanced and owing as aforesaid cannot be paid off, nor the new Line of Road or Deviation nor the said Improvements made and other Objects effected, nor the existing Roads effectually kept in repair, unless further Powers and Terms of Years be granted with respect thereto: And whereas it is expedient that

40 G. 3. c. 7.
2 G. 4. c. 19.

11 G. 4. c. 116.

that the said *Yeovil* Trust Acts (so far as the same relate to the said First District) and also the said *Ilchester* Trust Acts should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Recited Acts repealed.

I. That from and after the passing of this Act the said *Yeovil* Trust Acts, Fortieth *George* the Third, Chapter Sixty-one, and Fifty-ninth *George* the Third, Chapter Fifty-two, and the said *Ilchester* Trust Acts, Fortieth *George* the Third, Chapter Seven, and Second *George* the Fourth, Chapter Nineteen, shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Yeovil and Ilchester* Turnpike Trusts Act, 1852."

Interpretation of Terms.

III. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "*Yeovil* District" shall mean and comprise the several Roads and Highways firstly herein-after described:

The Expression "*Ilchester* District" shall mean and comprise the several Roads and Highways secondly herein-after described:

The Expression "*Yeovil* Trustees" shall mean the Trustees for the Time being appointed for putting this Act into execution with reference to the *Yeovil* District:

The Expression "*Ilchester* Trustees" shall mean the Trustees for the Time being appointed for putting this Act into execution with reference to the *Ilchester* District:

The Expression "*Sherborne* Act" shall mean the Local and Personal Act of the 3rd Year of the Reign of King *George* the 4th, Chapter 62.:

The Expression "*Sherborne* Trustees" shall mean the Trustees for the Time being acting in the Execution of the *Sherborne* Act:

The Expression "*Yeovil* Town Act" shall mean the said Act of the 11th Year of the Reign of King *George* the 4th, Chapter 116.:

The Word "Commissioners" shall mean the Commissioners for the Time being acting in the Execution of the *Yeovil* Town Act:

The Expression "Toll Gates" shall include Turnpike, Bars, Chains, and Side Gates:

The Word "Lands" shall include Messuages, Tenements, and Hereditaments.

IV. That

The Yeovil and Ilchester Turnpike Trusts Act, 1852.

Monies and Property vested in the new Trustees.

IV. That all Monies due to, and all Tolls and Arrears of Tolls, and all Property, as well Real as Personal, and all Books, Accounts, Papers, Writings, and other Things, and all Choses in Action, vested in or belonging to the Trustees of the First District of the *Yeovil* Roads acting under the *Yeovil* Trust Acts hereby repealed, and the legal Estate of and in all Lands and Hereditaments belonging to them, shall immediately on the Commencement of this Act vest in and belong to the *Yeovil* Trustees; and all Monies due to, and all Property, as well Real as Personal, and all Books, Accounts, Papers, Writings, and other Things, and all Choses in Action, vested in or belonging to the Trustees acting under the said *Ilchester* Trust Acts, and the legal Estate of and in all Lands and Hereditaments belonging to them, shall immediately on the Commencement of this Act vest in and belong to the *Ilchester* Trustees; and the Trustees in whom the same respectively shall vest under this Act may sue for and recover the same as effectually as if the same had been vested in or belonged to them under the said repealed Acts or any of them; and the *Yeovil* Trustees shall be liable to all the Debts and Engagements to which the Trustees of the *Yeovil* First District under the said *Yeovil* Trust Acts may be liable at the Repeal thereof; and the *Ilchester* Trustees shall be liable to all the Debts and Engagements to which the Trustees under the said *Ilchester* Trust Acts may be liable at the Repeal thereof.

For continuing Securities on Tolls.

V. That all Monies which at the Commencement of this Act shall be charged or secured upon the Tolls arising on the Roads comprised in the said First District mentioned in the *Yeovil* Trust Acts shall thereupon become charged and secured upon the Tolls to arise on the *Yeovil* District under this Act; and all Monies which at that Time shall be charged or secured upon the Tolls arising on the Roads comprised in the *Ilchester* Trust Acts shall thereupon become charged and secured upon the Tolls to arise on the *Ilchester* District under this Act.

Roads to which this Act is applicable.

VI. That this Act shall be put into execution for the Purpose of more effectually maintaining, improving, and keeping in repair the several Roads herein-after described; (that is to say,)

Firstly, the Road leading from the *Halfway House* in the Parish of *Nether Compton* in the County of *Dorset*, through the Town of *Yeovil*, by a certain Place called *Cut-hedge*, in or near the Parish of *West Coker*, through the Parish and Village of *West Coker* to the Bottom of *Chinnock Hill*, and from thence to *Haselbury Bridge* in the County of *Somerset*, except so much of the said Road as lies within the Town of *Yeovil* as defined by the *Yeovil* Town Act; a Branch Road from *Cut-hedge* aforesaid to the First Cross Road in the Parish of *Odcombe;* also the several Roads commencing at the outside Limits of the Town of *Yeovil*, defined as aforesaid, and leading to the several Places following, (that is to

to say,) to *Mudford Bridge*, and through *Preston* to the Parish of *Odcombe*, and to *Stoford Bridge* in the Village of *Stoford*, and to *Whistle Bridge* in or near the Parish of *Barwick* otherwise *Berwick* in the County of *Somerset;* also the Road commencing at the outside Limits of the Town of *Yeovil*, defined as aforesaid, and leading to the Place called *Windmill Head*, and from thence to the Bottom of *Vagg Hill* towards the Town of *Ilchester*, and from *Windmill Head* aforesaid through *Thorn Hollow* towards and unto the Parish of *Chilthorne Domer;* also the Road commencing from or near to *Mudford Bridge*, and leading thence to *Marston Elm* aforesaid in the County of *Somerset;* also the present public Highway commencing at the End of the last-mentioned Road at *Marston Elm*, and terminating at *Marston* Inn in the Parish of *Marston Magna* by a Junction with the Road by this Act transferred from the *Sherborne* Trustees to the *Ilchester* Trustees, and herein-after declared to form Part of the *Ilchester* District; and also the following Portion of the new Line of Road or Deviation herein-after authorized to be made, (that is to say,) from the Commencement thereof near *Brimsmore Tree* in the Parish of *Yeovil* to a Point at the House of *Samuel Collard* situate in *Oakley Lane*, being in Length One Mile Two Furlongs and Sixty-five Yards; which said Roads herein-before described shall constitute "The *Yeovil* District:"

Secondly, the Road from the Red Post by *Lydford Park Farm* Gate to and through *Ilchester* to *South Petherton Bridge*, also the Road leading from *Ilchester* aforesaid to the Cross Post in *Vagg Hollow* in the Parish of *Yeovil*, also the Road from *Ilchester* to *Sparkford Bridge*, and the Road from *Ilchester* aforesaid on the South Side of *Kingsdon Hill* where the Crossways meet on the Road leading to *Somerton*, all in the said County of *Somerset;* also so much of the Roads comprised in the *Sherborne* Act as lies between *Marston* Inn and *Marston Bridge* in the Parish of *Marston Magna* in the County of *Somerset;* also the present public Highway leading from *Marston Bridge* aforesaid, passing from, in, through, or into the several Parishes of *Marston Magna*, *Queen Camel*, and *Sparkford*, and terminating by a Junction with the present *Ilchester* Turnpike Road leading from *Ilchester* towards *Wincanton* at or near to a Place called *Sparkford Cross* in the said Parish of *Sparkford;* also the Two Branch Roads herein-after authorized to be made by the *Ilchester* Trustees out of the said Highway, and also so much of the new Line of Road or Deviation and Branch Road leading therefrom, herein-after authorized to be made, as is not comprised among the Roads firstly herein-before described as constituting the *Yeovil* District; which said secondly-described Roads shall constitute "The *Ilchester* District."

Portion of Sherborne Road to be under Care of Ilchester Trustees.

VII. That from the passing of this Act that Portion of Road now forming Part of the *Sherborne* Trust, and which extends between *Marston* Inn and *Marston Bridge* in the Parish of *Marston Magna*, as aforesaid, shall be transferred to and vested in the *Ilchester* Trustees, and shall be under their Management and Control, as fully and effectually as the same may have been previously vested in and under the Management and Control of the *Sherborne* Trustees; and then and thenceforth the *Sherborne* Trustees shall not levy or collect any Toll on the said Portion of Road, nor be liable to the Care, Management, or Repairs thereof, nor shall the *Ilchester* Trustees erect any Gate or collect Tolls on such last-mentioned Portion of Roads, or within One hundred Yards thereof.

Appointment of Trustees for Yeovil First District.

VIII. That all Her Majesty's Justices of the Peace for the Time being acting for the Counties of *Somerset* and *Dorset* respectively, together with the Reverend *John Bayly* Clerk, *John Batten* the younger, *George Bullock*, the Reverend *Charles Smith Coxwell* Clerk, *John Goodden*, *Henry Goodford*, the Reverend *Robert Grant* Clerk, *Frederick Greenham*, *George Harbin*, the Reverend *Hugh Welman Helyar* Clerk, *William Hawker Helyar*, the Reverend *Henry Hoskins* Clerk, *Thomas Hoskins*, *William Hoskins*, the Reverend *Rowland Huyshe* Clerk, *John Newman*, *Charles Pearson*, the Reverend *Robert Phelips* Clerk, *William Phelips*, *John Matthew Quantock*, *William Hagget Richards*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution with reference to the *Yeovil* District.

Appointment of Trustees of Ilchester District.

IX. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Somerset*, together with *Henry Genge Andrews*, the Reverend *John Bayly* Clerk, the Reverend *Henry Bennett* Clerk, the Reverend *Thomas Brancker* Clerk, the Reverend *William Buckler* Clerk, *Robert Chaffey*, the Reverend *William Hungerford Colston* Doctor of Divinity, *William Hungerford Morris Colston*, *Francis Henry Dickinson*, *Edmund Henry Dickinson*, the Reverend *Sidney East* Clerk, the Reverend *Thomas Fitzherbert* Clerk, *John Francis*, the Reverend *William Wilkins Gale* Clerk, the Reverend *Charles Culliford Gooden* Clerk, the Reverend *Charles Langdon* Clerk, the Reverend *Walter Burton Leach* Clerk, *Charles Aaron Moody*, *William Moody*, the Reverend *William Layton Metcalf* Clerk, *Paulett Henry Saint John Mildmay*, the Reverend *William Robert Newbolt* Clerk, the Reverend *Percy Joseph Newell* Clerk, *William Pinney*, the Reverend *Reginald Pole* Clerk, *William Phelips*, *William Poole*, *Charles Pearson*, *John Matthew Quantock*, *Thomas Richards*, *Henry Shute*, the Reverend *Williams Sabine* Clerk, the Reverend *Henry Digby Serrell* Clerk, the Reverend *William Hamilton Twemlow* Clerk, *Richard Walter*, *John Winter Walter*, *William Robert Warry*, *George Thomas Williams*, and their Successors, being duly qualified to act as Trustees

Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution with reference to the *Ilchester* District.

Power to appoint additional Trustees.

X. That the Trustees of each of the said Districts may from Time to Time, at any Meeting under this Act, elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding, in respect of each of the said Districts, Three in the whole, to be Trustees for executing the Purposes of this Act with reference to either of the said Districts, in addition to the Trustees hereby nominated; and the Trustees so elected shall, with reference to the District in respect of which they shall have been elected, have the same Powers and Authorities for executing this Act as if they had been hereby appointed Trustees of such District.

Meetings of Trustees.

XI. That the Trustees of each of the said Districts shall hold their First Meeting on the Seventh Day after the passing of this Act between the Hours of Ten and Two of the Clock, such First Meeting of the *Yeovil* Trustees to be held at the *Mermaid* Inn in the Town of *Yeovil*, and such First Meeting of the *Ilchester* Trustees to be held at the Town Hall in the Town of *Ilchester* aforesaid, or at some other convenient Places in the Neighbourhood of their respective Districts; and the said Trustees respectively may then and from Time to Time thereafter adjourn to and meet at such Times and Places in the Neighbourhood of their respective Districts as they shall think proper.

Power to appoint Committees.

XII. That the Trustees of each of the said Districts for the Time being may appoint Committees out of their own Number to take the Care and Management of any particular Part of the Roads within their District, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and such Committees and their Surveyors may proceed to act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Construction of new Road to be at the joint Expense, &c.

XIII. That it shall be lawful for the *Yeovil* Trustees and the *Ilchester* Trustees jointly, and at their joint Expense, in equal Proportions, to make and complete the following new Line of Road or Deviation, Branch Road, and Works; (that is to say,)

A Line of Road or Deviation to commence by a Junction with the present Turnpike Road (Part of the *Yeovil* District) leading from *Yeovil* towards *Ilchester* at a Point about Three hundred Yards to the South of a Place called *Brimsmore Tree* in the Parish of *Yeovil*, and to terminate by a Junction with the present Turnpike Road (Part of the *Ilchester* District) leadingfrom *Ilchester* towards *Yeovil* at a Point about Fifty Yards to the North of

of a Place called *King's House*, in the Parish of *Chilthorne Domer*:

Also a Branch Road to commence out of the said new Road or Deviation at a Point in the said Parish of *Chilthorne Domer* about Fifty Yards to the East of *King's House* aforesaid, and to terminate by a Junction with the said present Turnpike Road leading from *Ilchester* towards *Yeovil* at a Point in the same Parish about Five Yards to the North of *King's House* aforesaid; which said Deviation and Branch Road will pass or be made from, in, through, or into the several Parishes, Townships, and Extra-parochial Places of *Yeovil*, *Kingston-juxta-Yeovil* otherwise *Pitney*, *Yeovil Marsh*, and *Chilthorne Domer*, all in the County of *Somerset*:

Also to stop up the Footpath leading from *King's House* aforesaid through *Yeovil Marsh* to *Brimsmore Tree* aforesaid, as delineated in the Plans herein-after referred to.

Widening of Middle Street.

XIV. That it shall be lawful for the Commissioners to widen, alter, and improve *Middle Street* otherwise *Pitt Lane* in the Town of *Yeovil* aforesaid, so as to render the same a more commodious Thoroughfare for Carriages; and it shall be lawful for the *Yeovil* Trustees to pay to the Commissioners any Sums, not exceeding in the whole Three hundred Pounds, as a Contribution towards the Expense of widening, altering, and improving the said Street; and all the Clauses and Provisions of the *Yeovil* Town Act with reference to the Sale and Purchase of Lands, Tenements, and Hereditaments for the Purposes of that Act shall apply to the Sale and Purchase of Lands and Houses for the Purpose of altering and improving the said Street.

Works to be executed by Ilchester Trustees.

XV. That it shall be lawful for the *Ilchester* Trustees to execute the Works following; (that is to say,)

To widen, alter, and improve the aforesaid present Highway or public Carriage Road commencing at *Marston Bridge* aforesaid, and terminating by a Junction with the present Turnpike Road leading from *Ilchester* towards *Wincanton*, from a Point about Fifty Yards North of *Queen Camel Bridge* in the said Parish of *Queen Camel* up to the Limekiln in the said Parish of *Sparkford*:

To make and maintain a Road to commence out of the last-mentioned Highway at *Marston Bridge* aforesaid near *Shepherd*'s Blacksmith's Shop, and proceeding thence along the Course of a Footpath and Stream of Water leading into the said last-mentioned Highway near a House now in the Occupation of *James Taylor*; which said last-mentioned Branch Road will be wholly situate within the Parish of *Marston Magna* in the County of *Somerset*:

To

To make and maintain another Road to commence out of the last-mentioned Highway in the said Parish of *Queen Camel* at or near a House called "The *Mildmay Arms*," and to terminate by a Junction with the same Highway at a Point about Fifty Yards North of *Queen Camel Bridge*; which said last-mentioned Branch Road will be wholly situate within the Parish of *Queen Camel* in the County of *Somerset*.

Works to be made according to deposited Plans.

XVI. Whereas Plans and Sections of the intended new Road or Deviation, Branch Roads, Widenings, Alterations, and Improvements, together with Books of Reference thereto, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through and in which the same are intended to pass and be made, have been deposited at the Office of the Clerk of the Peace for the County of *Somerset*: Be it enacted, That the Persons, Trustees, or other Bodies herein-before respectively authorized to execute each of the said Works may make and complete the same in the Line and in and through the Lands delineated in the Plan thereof, and described in the Book of Reference to such Plan, so deposited as aforesaid, of such Width as they may think proper, together with all such Foot-paths to, along, across, or on the Sides of the said Road and Works, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto respectively, as they may think requisite, and for the Purposes aforesaid they may take possession of the Lands and Premises described in such Plan and Book of Reference, making Satisfaction for the same to the Owners thereof and other Persons interested therein for the Damage which such Owners or other Persons may respectively sustain thereby; and the Persons, Trustees, or other Bodies herein-before respectively authorized as aforesaid, their Surveyors and Workmen, may from Time to Time enter upon the said Lands, and mark and stake out the same for the Purposes of this Act, at such Times and in such Manner as they or their Surveyors shall think necessary or expedient.

Power of Deviation.

XVII. That the Persons, Trustees, or other Body herein-before respectively authorized to execute any Work may, in constructing the same, deviate from the Line thereof to the Extent delineated upon the said Plans, but not in any Case into the Lands of any Person not described in the Plan of such Work, or the Book of Reference thereto, without the Consent in Writing of such Person.

Trustees to have Power to deviate from Levels.

XVIII. That the Trustees hereby authorized to execute any Work as aforesaid shall have full Power and Authority to deviate from the Levels, as marked on the Sections so deposited with the Clerk of the Peace, to any Extent not exceeding Five Feet, or, upon obtaining the Consent in Writing of the Owner and Occupier of the Land in which such Deviation is intended to be made, to any greater Extent than Five Feet.

Errors in Book of Reference may be corrected by Two Justices, who shall certify the same.

XIX. That the Works by this Act authorized may be made in or through any Lands delineated on the said Plans, although such Lands, or the Situation thereof, or the Names of the Owners, Lessees, or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in the said Plans or Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Somerset* in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of the said County for the Time being.

Extending certain Provisions of General Acts to new Works.

XX. That all the Provisions of the Public General Acts now in force relating to Turnpike Roads in *England* (except where it is in this Act otherwise provided) shall extend and be applicable to the several Districts of Road comprised in this Act, and the new Lines of Road, Deviation, Alterations, and Improvements by this Act authorized to be made: Provided always, that the Restrictions in those Acts contained with reference to taking or pulling down any Dwelling House or Building, or to taking in or making use of any Garden, Yard, or Paddock, Park, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, shall not extend or apply to any Lands delineated on the Plans and described in the Books of Reference so deposited as aforesaid.

Houses not to be taken without Consent, except those mentioned in the Books of Reference.

XXI. Provided always, That the Powers and Authorities by this Act granted shall not authorize the Trustees or other Persons executing any Work by this Act authorized to pull down, or take, use, or injure, any Dwelling House or other Building, or take, use, or injure any Garden, Yard, Park, Lawn, Shrubbery, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, (except such as are mentioned in the said Book of Reference so deposited with the Clerk of the Peace as aforesaid,) without the Consent in Writing of the Owner or Proprietors or other Persons interested therein first obtained.

Freehold and Inheritance of Lands to remain in Persons of whom they are purchased.

XXII. That in case any Lands shall be hereafter purchased by the respective Trustees for the Purposes of this Act, except for Sites of Toll Houses, the Freehold and Inheritance in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure, the Estate and Interest therein, shall not (notwithstanding any Provision in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase,

or

or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but such Freehold and Inheritance or the Estate and Interest in such Lands shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and such Purchase and Conveyance or Assurance shall only confer a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Land not wanted.

XXIII. Provided always, That if at any Time any Lands purchased by any Trustees under the Authority of this Act shall not be wanted for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over the said Lands shall cease and be extinguished, and the Freehold and Inheritance in the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands, in case the same shall be of any other Tenure, shall be and remain in the Persons then entitled to the same, freed and discharged from such Right of Way.

Trustees to have the same Powers of cutting and digging as if they had purchased the Fee Simple.

XXIV. Provided also, That the Trustees hereby authorized to execute any Work shall have the same Power and Authority of cutting, digging, and using the Lands taken by them for the Purposes of this Act, or of building any Arch or Arches thereon, as the said Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest in the said Lands.

Period for compulsory Purchase of Lands limited.

XXV. That the Powers of the *Yeovil* Trustees and the *Ilchester* Trustees jointly and respectively, and of the Commissioners for the compulsory Purchase of Lands for the Purposes of the new Works by this Act authorized, and shown on the said Plans, may be exercised within, but shall not be exercised after, the Expiration of Three Years from the Commencement of this Act.

Period for Completion of Works.

XXVI. That the Works by this Act authorized may and shall be completed within Five Years from the Commencement of this Act, and on the Expiration of that Period the Powers by this Act given for executing the same shall cease to be exercised.

Trustees to relinquish part of existing Roads.

XXVII. That upon the Completion of the said new Line of Road or Deviation the *Yeovil* Trustees and the *Ilchester* Trustees respectively shall relinquish as Turnpike, and be no longer liable to maintain or repair, nor shall they collect any Toll upon, so much of the existing Roads as lies between a Place called *Windmill Head* in the Parish of *Yeovil* and the Terminus of the intended new Road or Deviation at *King's House*.

XXVIII. That

Trustees may make Causeways.

XXVIII. That it shall be lawful for the *Yeovil* Trustees and *Ilchester* Trustees respectively to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways, pitched or paved Paths, for the Use of Foot Passengers, in, upon, or on the Sides of any of the Roads through any Town, Village, or Hamlet, or elsewhere within their respective Districts.

Trustees may purchase Lands for Toll Houses.

XXIX. That it shall be lawful for the *Yeovil* Trustees and *Ilchester* Trustees respectively to purchase by Agreement, under the Provisions of the Public General Acts now in force relating to Turnpike Roads in *England*, any Pieces of Land not exceeding in any One Place One Quarter of an Acre, for the Purpose of erecting and providing, subject to the Provisions of the Act of Ninth *George* the Fourth, Chapter Seventy-seven, Toll Houses with Gardens and Appurtenances thereto.

Trustees may enter into Agreements, &c. as to joint Works.

XXX. That it shall be lawful for the *Yeovil* Trustees and the *Ilchester* Trustees to enter into and carry into execution all such Contracts, Agreements, Deeds, and Instruments as they shall think fit, with reference to the Construction and Maintenance of the Works which they are by this Act authorized jointly to construct, the Management thereof, and the Expenditure thereon, the levying of Tolls thereon, and the Appropriation, Distribution or Division of such Tolls: Provided always, that every such Contract, Agreement, Deed, or Instrument shall be in Writing, and duly stamped, and shall be under the Hand or Hands and Seals of Three or more of the *Yeovil* Trustees and of Three or more of the *Ilchester* Trustees.

Present Tolls continued for a Term.

XXXI. That, notwithstanding the Repeal of the said recited Acts, the several Tolls thereby respectively granted and made payable shall continue to be paid at the Toll Gates to be erected or continued on or on the Sides of the Roads respectively comprised in those Acts until the First Day of *January* One thousand eight hundred and fifty-three.

Power to take Tolls on the Yeovil District.

XXXII. That upon and after that Period the *Yeovil* Trustees may demand and take, at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the Roads comprised in the *Yeovil* District, such Tolls as the *Yeovil* Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, or other Beast, (except an Ox, Steer, Gale, Bull, Ass, or Dog,) drawing any Carriage, Waggon, Cart, or Vehicle whatsoever, the Sum of Sixpence:

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

For every Ass drawing any Carriage, Waggon, Cart, or Vehicle whatsoever, the Sum of Threepence:

For every Dog drawing any Truck, Sledge, Barrow, Cart, or other Vehicle whatsoever, the Sum of One Penny:

For every Horse or Mule not drawing, the Sum of Twopence:

For every Ass not drawing, the Sum of One Penny:

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

For every Drove of Swine, Calves, Sheep, or Lambs, the Sum of Fivepence *per* Score; and so in proportion for any greater or less Number:

For every Carriage propelled by Steam or Machinery, or other than Human or Animal Power, the Sum of Two Shillings and Sixpence:

For every Horse or other Beast drawing any Carriage laden with or conveying any Timber or any Tree or Trees, between the First Day of *November* in any Year and the last Day of *February* in the next succeeding Year, (where such Carriage shall be drawn by Two or more Horses or other Beasts,) an additional Sum equal to One Half of the Toll payable for such Horse or Beast under the foregoing Provisions.

Power to take Tolls on the Ilchester District.

XXXIII. That upon and after the First Day of *January* One thousand eight hundred and fifty-three the *Ilchester* Trustees may demand and take, at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the Roads comprised in the *Ilchester* District, such Tolls as the *Ilchester* Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or Mule drawing any Carriage whatsoever, the Sum of Sixpence:

For every Ass drawing any Carriage whatsoever, the Sum of Threepence:

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

For every Dog drawing any Truck, Sledge, Barrow, Cart, or other Vehicle whatsoever, the Sum of One Penny:

For every Horse or Mule not drawing, the Sum of Twopence:

For every Ass not drawing, the Sum of One Penny:

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

For every Drove of Swine, Calves, Sheep, or Lambs, the Sum of

Fivepence *per* Score; and so in proportion for any greater or less Number:

For every Carriage propelled by Steam or Machinery, or other than Human or Animal Power, the Sum of Two Shillings and Sixpence:

For every Horse or other Beast drawing any Carriage laden with or conveying any Timber or any Tree or Trees, between the First Day of *November* in any Year and the last Day of *February* in the next Year, (where such Carriage shall be drawn by Two or more Horses or other Beasts,) an additional Sum equal to One Half of the Toll payable for such Horse or Beast under the foregoing Provisions.

Tolls to be taken before passing through Gates.

XXXIV. That the aforesaid Tolls shall be taken before any Horse, Animal or Carriage whatsoever shall be permitted to pass through any Toll Gate at which the same shall by virtue of this Act be payable.

As to the Fraction of a Halfpenny in Tolls.

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

Limiting Number of Tolls.

XXXVI. That on the *Yeovil* District not more than One full Toll, and on the *Ilchester* District not more than Two full Tolls, shall be taken for passing and repassing any Number of Times in the same Day, with the same Horses, Mules, or other Animal or Thing liable to Toll, through all the Toll Gates erected or to be erected or continued on the Roads comprised in those Districts respectively (except as in this Act is otherwise provided).

Persons having paid Toll to return Toll free.

XXXVII. That all Horses, Cattle, and Animals (except as in this Act is otherwise provided) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate upon or on the Sides of any Road comprised in the *Yeovil* District or in the *Ilchester* District respectively shall, upon a Ticket denoting such Payment being produced, be permitted, in returning, passing, and repassing through the same Toll Gate, or such other Toll Gate (if any) belonging to the same District as the Ticket for such Payment shall free, to pass Toll-free the same Day.

As to Postchaises.

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

XXXIX. That

As to Carriages travelling for Hire.

XXXIX. That all Horses and Animals drawing any Stage Coach, Omnibus, Waggon, Cart, or other Carriage conveying Passengers, Goods, Materials, or other Thing whatsoever, for Hire or Reward, for which Tolls shall have been paid at any Toll Gate on either of the said Districts, shall, on repassing such Toll Gate on the same Day, be liable to pay Toll a Second Time.

Regulations as to Stage Coaches.

XL. That (subject as aforesaid) all Horses and Animals drawing any Stage Coach, Omnibus, Waggon, Cart, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass Once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses or Animals drawing any other Carriage, and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate the Payment of which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers or Goods, or of the Horses or Animals drawing the same having been changed.

Exemptions from Toll.

XLI. That, in addition to Exemptions from Tolls provided by the General Turnpike Acts, no Toll shall be demanded or taken upon any Road comprised in the *Ilchester* District for any Horses, Cattle, or Carriage employed only in carrying or conveying, or going unladen to fetch, carry, or convey, or returning unladen from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Wood, Apples, or Milk, not sold or disposed of, or intended to be sold or disposed of, nor for any Horses or Cattle drawing or going with, or going empty or returning empty after being laden only with, Stone, Tiles, or other Materials for draining Lands, or for anything whatsoever that shall be used or employed in the manuring, clearing, draining, fencing, or stocking of Land belonging to any Inhabitants or Occupiers in any of the Parishes or Places through which the said Roads lead, nor for any Horse or Horses or other Cattle going to or from Water, Pasture, or Plough or other Works in Husbandry, upon or in any of the Lands within any of the said several Parishes and Places, or for any Horses or other Beasts conveying or drawing any Person, being Owner or Occupier of any Farm or Lands in any Parish or Place contiguous to any of the said Roads, to his or their Farm or Lands, only to view the same, not going or travelling from or out of the Parish or Place where such Farms or Lands are situate; and in respect of any Road comprised in the *Yeovil* District, no Toll shall be demanded or taken for any Horses, Cattle, or Carriage employed only in carrying or conveying, or going unladen to fetch, carry, or convey, or returning unladen from carrying or conveying,

any

any Hemp, Flax, Apples, or Wood, not sold or disposed of, but to be laid up or placed in the Outhouses or on the Lands of the Owner thereof, or any Corn, Grain, or Grass Seeds which shall be conveyed upon the said Roads for the Purpose of being sown, and shall not pass thereon further than to the next adjoining Parish, or for any Horses or Cattle going to or returning from Pasture or Watering Places, or for any Horses going to or returning from being shoed or farried.

Provision as to Carriages having Wheels of uneven Surface.

XLII. That all Waggons, Wains, Carts, or other such Carriages, passing on any Road comprised in this Act, or by any of the Weighing Engines now or hereafter to be erected thereon, the Sole or Bottom of the Wheels whereof shall deviate more than Half an Inch from a flat or level Surface, shall be liable to be weighed, and to pay the same Toll at any Toll Gate or Weighing Machine on such Road as if the same were a Carriage on Wheels whose Sole or Bottom is of less Width than Six Inches.

No Gate to be erected or Toll taken near Foxwell Lane.

XLIII. That no Toll Gate shall hereafter be erected across the Road (Part of the *Yeovil* District) leading from *Yeovil* to *Crewkerne* at or near *Foxwell Lane*, nor shall any Toll be taken thereon, and the Toll Gate and Toll House now being upon that Road at or near *Foxwell Lane* aforesaid shall be removed as soon as conveniently may be after the Commencement of this Act; and the *Yeovil* Trustees may sell and dispose of the Materials, and in case they shall have purchased the Site of the said Toll Gate and Toll House, may sell and dispose of the Site thereof, as directed by the Public General Act of the Fourth Year of the Reign of King *George* the Fourth, Chapter Ninety-five, in reference to Toll Houses becoming useless, and no longer required for the Purposes of any Road.

Expenses of Act.

XLIV. That the Costs, Charges, and Expenses of applying for and obtaining this Act and incident thereto shall be borne by the *Yeovil* Trustees and *Ilchester* Trustees in equal Proportions, and shall be paid by them respectively out of the First Monies that shall come to or be in their Hands.

Application of Money arising on Yeovil District.

XLV. That all Money which shall be received by the *Yeovil* Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, in paying and discharging their Proportion of the Expense of applying for and obtaining this Act, or incidental thereto;

Secondly, in paying the necessary Expenses of erecting, providing, altering, and repairing Toll Gates and Toll Houses, the Salaries of Officers, and other Expenses of Management of the Roads comprised in the *Yeovil* District;

Thirdly, in Payment of a Sum of Three hundred Pounds hereinbefore authorized to be contributed by the *Yeovil* Trustees towards the Improvement of *Middle Street* in the Town of *Yeovil*;

Fourthly,

Fourthly, in paying the Interest upon the Principal Sums borrowed previously to the passing of this Act, and for the Time being due on the Credit of the Tolls arising on the Roads comprised in the *Yeovil* District;

Fifthly, in paying Interest upon all Principal Sums borrowed subsequent to the passing of this Act, and for the Time being due on the Credit of the said last-mentioned Tolls;

Sixthly, in setting apart the Sum of Five Pounds *per Centum per Annum* on the Amount of all Principal Sums borrowed either previously or subsequently to the passing of this Act, and for the Time being due on the Credit of the last-mentioned Tolls;

Seventhly, in the Execution of the new Roads and Works by this Act authorized to be executed by the *Yeovil* Trustees, and in maintaining and keeping in repair the Roads constituting the *Yeovil* District;

Eighthly, in reducing, paying off, and discharging all Principal Sums borrowed previously to the passing of this Act, and for the Time being remaining due on the Credit of the same Tolls, according to their respective Priorities; and

Lastly, in paying off and discharging the Principal Sums borrowed subsequently to the passing of this Act, and for the Time being due on the Credit of the said Tolls.

Application of the Monies arising on the Ilchester District.

XLVI. That all Monies which shall be received by the *Ilchester* Trustees by virtue of this Act shall be applied as follows; (that is to say,)

Firstly, in paying and discharging their Proportion of the Expenses of applying for and obtaining this Act and incidental thereto;

Secondly, in paying the Expenses of providing, erecting, altering, and repairing Toll Gates and Toll Houses on the Roads in the *Ilchester* District, the Salaries of Officers, and Expenses of Management of the same Roads;

Thirdly, in paying off the Sum of One hundred Pounds and Interest, being the Amount of Principal Sums due on the Credit of the Tolls arising on the *Ilchester* District, and borrowed previously to the passing of this Act;

Fourthly, in paying Interest on any Sums which may be borrowed under the Provisions of this Act, and for the Time being due on the Credit of the Tolls arising on the Roads comprised in the *Ilchester* District;

Fifthly, in setting apart the Sum of Five Pounds *per Centum per Annum* on the Amount of all Principal Sums borrowed subsequently to the passing of this Act, and for the Time being due on the Credit of the last-mentioned Tolls;

Sixthly, in the Execution of the new Works and Roads by this Act authorized to be executed by the *Ilchester* Trustees, and in

maintaining and keeping in repair the Roads constituting the *Ilchester* District; and,

Lastly, in reducing, paying off, and discharging the Principal Monies borrowed subsequently to the passing of this Act, and for the Time being due on the Credit of the last-mentioned Tolls.

Mortgagees not to take possession of Toll Gates, &c. but for Interest only.

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

As to Mode of discharging Debt.

XLVIII. That when and so often as the Sum in the Hands of the Trustees of either District, whether arising from the Sinking Funds herein-before provided for, or otherwise, applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the Tolls arising on either of the said Districts, shall amount to the Sum of Two hundred Pounds, the Trustees of such District shall, at any general annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such general annual

annual or other Meeting, cause Notice to be given of such Meeting, and of the Object or Purpose thereof, so far as the same shall relate to the Application of such Sum, by Circular sent by Post to each Mortgagee; and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the Tolls of the District from which such Sum shall have arisen, to the Creditor who shall by Proposal in Writing, transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Payment of other Monies owing on the Security of the same Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors on the same District by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the Tolls of the District from which the same shall have arisen, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

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

XLIX. That no Money shall be laid out by the *Yeovil* Trustees or the *Ilchester* Trustees on any Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Tolls be collected by them therein, except as herein-before provided with reference to the Sum of Three hundred Pounds, herein-before authorized to be contributed by the *Yeovil* Trustees towards the Improvement of *Middle Street* in the Town of *Yeovil*.

Roads not exempt from Provisions of future General Act.

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

LI. That

The Yeovil and Ilchester Turnpike Trusts Act, 1852.

Commencement and Term of Act.

LI. That this Act shall commence on the Day of the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall thence next follow.

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