Anno tricesimo

Georgii II. Regis.

An Act for enlarging the Terms and Powers granted by an Act passed in the Twelfth Year of the Reign of His present Majesty, for repairing and enlarging the Highways between the Top of *Kingsdown-Hill* and the City of *Bath*, and for amending several other Highways therein mentioned, leading to the said City; and also for repairing several other Roads therein mentioned.

WHEREAS by an Act of Parliament made and passed in the Sixth Year of the Reign of Her late Majesty Queen Anne, intituled, An Act for repairing, amending, and enlarging the Highways between the Top of *Kingsdown-Hill* and the City of *Bath*, and also several other Highways leading to and through the said City; and for cleansing, paving, and lightening the Streets, and regulating the Chairmen there; and by another Act made in the Seventh Year of the Reign of His late Majesty King George the First, for continuing the said former Act, and for explaining and making the same more effectual; Preamble, reciting an Act of 6 *Annæ*.

sectual; and by another Act made in the Twelfth Year of the Reign of His present Majesty, for enlarging the Term and Powers granted by the said Two former Acts; several Tolls, Duties, Powers, Authorities, Rules, Orders, and Provisions, were given, granted, continued, and established, for repairing the several Highways or Roads therein respectively mentioned; that is to say, The Highways between the Top of Kingsdown-Hill and the City of Bath, leading through the Parish of Box in the County of Wilts, and the Parishes of Bathford, Bath Easton, Swanswick, and Walcot, in the County of Somerset; and between the Top of Old-down alias Odwoodsdown Hill and the said City of Bath, leading through the Parish of Widcombe in the said County of Somerset; and between the Parish Church of Twiverton alias Tiverton, in the said County of Somerset, and the said City of Bath, leading through the said Parish of Twiverton, alias Tiverton, and Widcombe; and between the Top of Entry Hill and the said City of Bath, leading through the said Parish of Widcombe; and between the Top of Claverton alias Clarton Down and the City of Bath, leading also through the said Parish of Widcombe; and between the Top of Landsdown Hill and the said City of Bath, leading through the Parish of Charlcombe in the said County of Somerset, and the said Parish of Walcot; and between Lopbrook and the said City of Bath, leading through the Parish of Weston in the said County of Somerset, and the said Parish of Walcot; and also the Roads between a Place called Loxbrook and Bucklebrook in the County of Somerset, and between Tiverton Church and Tiverton Bridge alias Avon Bridge; and also the Roads or Highways leading from the Top of Old-down alias Odd-down to Dunkerton Bridge, and from the Top of Claverton Down alias Clarton Down to Newbridge, over Camberbrook; and the Road or Highway lying between Avon Bridge and the Globe Inn, in the Parish of Newton Saint Loe; and also Part of the Road leading from the City of Bath to the City of Bristol, which lies in the Parish of Kelson, between Bucklebrook and Combebrook, in the County of Somerset; and which said Tolls, Duties, Powers, and Provisions, were by the said Act of the Twelfth Year of his present Majesty, enacted and declared to continue and be in Force from the First Day of May, One thousand seven hundred and forty two, for the Term of Twenty one Years; and from thence to the End of the then next Session of Parliament; and Power and Authority was thereby given to the Surveyors and Commissioners

missioners therein mentioned to borrow and raise any Sum or Sums of Money on the Credit of the said Tolls and Duties, to be applied and disposed of for the Purposes in the said Act mentioned, so as the same should not exceed in the Whole the Sum of Three thousand Pounds: And whereas the said Sum of Three thousand Pounds was, by virtue of and under the Authority of the said last-mentioned Act, borrowed upon Security of the Tolls and Duties granted and made payable by the said several Acts; and the same, together with the said Tolls and Duties (as the same have from time to time arisen and been received respectively) have been applied and disposed of pursuant to the Directions of the said Acts respectively; and the said principal Sum of Three thousand Pounds remains still due and owing upon the said Security; and although great Progress hath been made in the repairing and amending the said Roads directed to be repaired by the said Acts; yet, by reason of the great Number of Waggons, and other heavy Carriages, passing through the same, and the severe Weather, and rainy Seasons, which have of late years frequently happened, the said Work hath been greatly retarded and obstructed, and the said Highways and Roads cannot be effectually amended and kept in Repair, and the Debt contracted under the Power and on the Credit of the said former Acts repaid and discharged, unless the Tolls and Duties thereby granted and continued respectively be augmented, and the Terms and Powers thereby granted be extended, enlarged, and rendered more effectual: And whereas the several Highways or Roads hereinafter mentioned and described; that is to say, The Road leading from the Top of Landsdown to the Monument upon Landsdown, being about Two Miles and an Half in Length; the Road leading from the Top of Entery Hill into the Bristol Road leading to Warminster, being about a Quarter of a Mile in Length; the Road leading from Bath Easton Bridge to Cullurne Gate upon the Fosse Road, being about Two Miles and an Half in Length; the Road leading from Dunkerton Bridge to the Six Mile Stone, in the Parish of Camerton, being about Two Miles in Length; the Road leading from the Sign of the Globe in the Parish of Newton Saint Loe, to the Cross Post leading to Pensford, being about Two Miles in Length; and also the Road leading from the Monument, through the Parishes of Bl[illegible]ton and Dun[illegible]ton, by Tracy Park, to the Bristol Turnpike Road in the Parish of Wick and Abson; do respectively join

The 3000 l. laid out.

New Roads.

unto, and communicate with, several of the Highways and Roads directed and appointed by the said former Acts to be repaired, and are all now in a ruinous Condition, and in the Winter, and rainy Seasons, impassable for Carriages; and the same cannot by the ordinary Course appointed by Law for repairing the Highways, be effectually amended, and kept in Repair: And whereas it would be of great Advantage to all Persons having Occasion to travel upon the said last-mentioned Roads, and for the Convenience and Benefit of the Country adjacent, and be a Means of more speedily and effectually answering the Purposes of the said former Acts, and carrying the same into Execution, that the said last-mentioned Roads should be communicated to, and comprized within, the Provisions and Directions made by the said former Acts, and be contributory therewith, for repairing, amending, and keeping in Repair, all and singular the Highways and Roads mentioned and described in the said former Acts, and this present Act, by the Ways and Means, and in Manner herein after-mentioned; But, as the good Ends and Purposes above-mentioned cannot be effected without the Aid and Authority of an Act of Parliament; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Trustees Names.

That the Right Honourable the Earl of Egmont, in the Kingdom of Ireland; the Right Honourable the Lord Digby, in the Kingdom of Ireland; the Right Honourable the Lord Carpenter, in the Kingdom of Ireland; the Right Honourable James Brydges, commonly called Marquis of Carnarvon; the Right Honourable Edward Seymour, commonly called Lord Seymour; the Right Honourable William Seymour, commonly called Lord William Seymour; the Right Honourable and Reverend Francis Seymour, commonly called Lord Francis Seymour; the Right Honourable Webb Seymour, commonly called Lord Webb Seymour; the Right Honourable William Pulteney, commonly called Lord Pulteney; the Right Honourable Thomas Hay, commonly called Lord Dupplin; the Right Honourable Charles Boyle, commonly called Lord Dungarvon; the Right Honourable William Pitt, the Honourable George Hamilton, Sir Robert Henley Knight, his Majesty's Attorney General; the Honourable Benjamin Bathurst, the Honourable George Somerville, the Honourable Hamilton Boyle, the Honourable Henry Frederick Thynne,

Thynne, the Honourable Sir John Ligonier, Knight of the Honourable Order of the Bath; Sir Abraham Elton, Sir Charles Kemys Tynte, Sir George Cobb, Sir William Codrington, Sir Robert Throckmorton, Sir Richard Warwick Bampfylde, Sir Robert Long, Baronets; the Mayor, Recorder, Aldermen, and Common Council, of the City of Bath, for the time being; the present Members of Parliament for the City of Bath, and the Members for the time being; the Members for the several Counties of Glouceſter, Somerſet, and Wilts, for the time being; the Rector of Bath for the time being; Sir Thomas Bulman Knight, John Awdry, Ambroſe Awdry, Jeremiah Awdry, Ralph Allen, Benjamin Adamſon, Townſend Andrews, Edward Andrews, Thomas Allen, Thomas Atwood, James Atwood, Henry Atwood, Philip Allen, Robert Balch, Edward Bayntun, William Blaithwayte, Charles Bragge, John Blackgrove, John Bytheſea, Richard Biggs, Norborne Berkeley, William Beckford, William Berrow, Edward Berkeley, Giles Baily, Coppleſtone Warre Bampfylde, Slade Baker, Philip Bennett, Daniel Boon, the Reverend Henry Brooke, John Baker, Philip Bliſs, Clerks; Baylies, Thomas Brewſter, Doctors in Phyſick; Thomas Beaker, William Bennet, William Buſby, John Baker, John Brickdale, John Browning, Samuel Buſh, Charles Biggs, Francis Bennet, the Reverend Oliver Batteley, Thomas Coward, Thomas Coward junior, John Cooper, John Hippeſley Coxe, Thomas Cheſter, the Reverend Robert Clarke, Arthur Culme, William Chapman, John Chapman, Cheney of Whiſton, Coker, Clerks; Richard Charleton, Cleland, Doctors in Phyſick; Benjamin Colbourne, Jos. Colorne, Nehemiah Champion, Henry Coulthurſt, Daniel Clutterbuck, Robert Codrington, George Cooper, William Colbourn, Leonard Coward, Edmund Cullume, Edward Buſhell Collibye, John Chapman, William Chapman, Simon Crooke, William Champion, Reverend Thomas Coker, Thomas Drewett, George Downes, George Dike, Thomas Deeke, Daniel Danvers, Robert Dingley, Richard Davis Doctor in Phyſick, John Dellamore, John Donne, Richard Hill Daw, Anthony Drewett, Peter Drewett, Thomas Dike, Ezekiel Dickenſon, Peter Davis, William Dellamore, Philip Ditcher, Giles Eyre, John Elderton, Iſaac Elton, Evans, Francis Evans, the Right Honourable Henry Fox, Thomas Fane, Francis Fane, George Flower, William Frankombe, James Frampton, the Reverend Fernyough, Fiddes, Clerks; Richard Frewin Doctor in Phyſick, Henry Fiſher, William Frederick, John Frankham, John Ford,

Ford, Thomas French, John Gunning, Thomas Goddard, John Gore, William Gore, Edward Gore, Thomas Goddard, the Reverend Grand, Gandy, Richard Graves, Clerks; Robert Gusthart Doctor in Physick, John Garth, Charles Garth, James Grist, William Gibbs, William Gallaway, Reverend Henry Gundy, Reverend Peter Grand, William Hedges, Charles Haines, Thomas Hedges, John Harrington, Isaac Horlock, Thomas Haines, Thomas Harris, Richard Houlton, John Houlton, Robert Hayward, George Hodges, Thomas Harding, Henry Hoare, Thomas Horner, Charles Holder, Henry Harrington, George Hungerford, the Reverend Arthur Hele, Harrington, John Harrington, Mark Hall, Henry Harris, Clerks; Edward Harrington, David Hartley, Doctors in Physick; William Harrington, Richard Hooper, William Hall, John Hawkins, George Harris, Robert Hayward, John Harford, John Hobhouse, Richard Harford, Henry Hobhouse, Samuel Howse, Charles Harford, Francis Hale, John Horton, Jonathan Henshaw, John Hickes, Roger Hereford, Thomas Haynes, John Jacob, William Jenkins, Jennings Doctor in Physick, John Jones, Giles Jones, Richard Jones, Thomas Knox, Thomas King, Richard Luther, Henry Leeves, Lutterell, Thomas Lockyer, Roger Lyde, John Lockyer, Joseph Langton, James Long of Draycott, Walter Long, Thomas Long, Richard Long, Thomas Liston, Richard Long junior, William Lea, Richard Langdown, Richard Lansdown, the Reverend Lacey, John Long, Clerks; James Lansdowne, James Lancashire, George Long, William Lansdowne, James Leake senior, Harford Lloyd, William Long, Joseph Little, John Lansdowne, John Lovell, Thomas Liston, Robert Maxwell, Abel Moysey M. D. John Macie, James Montague, John Montague, Edward Montague, Abednego Matthews, Paul Methuen, Thomas Masters, Thomas Medlycott, Charles Milson, William Oliver M. D. Thomas Palmer, John Stamford Parrot, Randolph Doctor in Physick, John Roberts, Richard Roberts, Johnson Robinson, Powell Snell, William Sandford, Jarrit Smith, John Smith of Combhay, Richard Skrine, Jacob Selfe, William Skrine, the Reverend Lionel Seaman D. D. Philip Stevens, Thomas Shute, Charles Simmes, James Salmon, Thomas Salmon, John Smith of Lyttleton, the Reverend Thomas Symonds, William Sparrow, James Sparrow, Robert Smith, Prince Sutton, Slater, Clerks; Isaac Sherin, John Still, Thomas Shute, William Savage, George Simmes, James Sparrow, John Smith, John Tatlock, Bartholomew Tipping, Philip Traherne, Samuel Trotman, Charles

Charles Tudway, George Tindale, John Taylor, Nicholas Tooker, James Tooker, John Talbot junior, Samuel Trotman, John Turner Clerk, Humphrey Tugwell, Reverend Samuel Trotman, Charles Whitworth, Edward Walter, John Whittington, Henry Waters, Walker Doctor in Physick, Ayliff White, Henry Wear, Richard Whatley, Matthew Worgan, George Willey, William Willey, Thomas Whittington, John Wood, John Wiltshire, John Walker, Basil Wake, William Wiltshire, Henry Wright, Walter Wiltshire, John Wittington, together with the several Justices of the Peace for the several Counties of Gloucester, Somerset, and Wilts; Mitchell Clerk, Abel Moysey Doctor in Physick, James Moore, Benjamin Moore, William Moore, Edward Marchant, Richard Marchant, Charles Morgan, James Martindale, Reverend John Morris Clerk, Robert Nugent, Robert Neale, Robert Neale junior, William Northey, John Norris, Richard Nash, John Birt Newton, the Reverend John Newman, Joseph Needham, John Norris, Clerks; Paul Newman, Paul Newman junior, Thomas Naish, Lionel Oliver Clerk, William Oliver Doctor in Physick, Daniel Oland, Joseph Oriel, Edward Popham, Peregrine Palmer, John Pigott, Thomas Prowse, William Phipps, Thomas Phipps, Thomas Palmer, Henry Portman, William Piers, Thomas Potter, John Pitt, the Reverend Page of Flamborough, Page, Samuel Purlewent, Paget, John Prowse, Clerks; Thomas Parry, Walter Perkins junior, Robert Powell, Robert Purnell, Edward Parker, John Stanford Parrott, John Pierce, Kedgwin Weelley, Samuel Purlement, Stocker Robinson, Henry Rodbard, James Roffey, Richard Roberts, John Zoode, Thomas Figgins senior, Thomas Figgins junior, Mathew Humphrys, Mathew Humphrys junior, Samuel Martyn, William Pinniger, Joseph Colborne, Thomas Holms, Rogers Holland junior, the Reverend John Rolt, Thomas Etherige, Edward Gale, John Trevanion, John Merewether M. D. Francis Welman Clerk, shall be, and they are hereby appointed and declared Trustees for repairing, amending, and keeping in Repair, as well the several Highways and Roads mentioned and described in the said former Acts, as also the several Highways and Roads herein before-mentioned, to join unto, and communicate with, several of the Highways and Roads thereby directed and appointed to be repaired respectively, and for putting the said former Acts, and this present Act, in Execution, for the said several Purposes, by the Ways and Means, and subject to the Rules, Orders, Directions, and Provisions, herein after

directed, appointed, declared, prescribed, and provided; and the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and impowered to continue, remove, take down, erect, set up, or order, and cause to be continued, removed, taken down, erected, and set up, such Gates, Turnpikes, and Toll-houses respectively in, across, or on the Sides of, any Part of the said Roads respectively, as to them shall seem requisite and expedient for the Purposes of this present Act.

Trustees to erect Toll-gates and Toll-houses.

And it is hereby further enacted and declared, That all the Turnpikes and Toll-gates erected and set up, or to be erected and set up, by virtue of, and under the Authority of, the said former Acts, and this present Act, and all the Tolls and Duties thereby respectively granted, continued, and made payable, shall be, and the same are hereby vested in the said Trustees herein before nominated and appointed, and their Successors; and that the said Trustees, or any Seven or more of them, and the Person and Persons to be by them, or any Seven or more of them, authorized and appointed in that Behalf, shall have such and the same Remedies and Powers for levying, receiving, and recovering, the said Tolls and Duties, during the Continuance of this Act, as were given, granted, and provided, in and by the said former Acts respectively, or any of them; and the said Commissioners, or any Seven or more of them, are hereby authorized and impowered to dispose of the said Toll-houses, Toll-gates, and Turnpikes, and the Materials thereof respectively, as they shall think proper, and also to bring Actions, or prefer Bills of Indictment, against any Person or Persons who shall destroy, break down, spoil, steal, or take away, the same, or any Part thereof respectively.

Property of the Turnpikes, &c. vested in Trustees.

Provided always, and it is hereby further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any Case, in the Execution of this Act, unless, at the Time of acting therein, he shall have, or be seised of, in his own Right, or in Right of his Wife, and in the actual Possession and Enjoyment, or Receipt, of the Rents, Issues, and Profits, of a Real Estate, in Law or Equity, of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of a Personal Estate, or of a Real and Personal Estate together, of the Amount or Value of Three thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Land of the clear yearly Value of Three hundred Pounds above Reprizes: And if any Person or Persons, hereby disqualified, or declared to be incapable to act in the Trust aforesaid,

Qualification of Trustees.

aforesaid, shall in any wise act as a Trustee in the Execution of this present Act, every such Person, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds, to be recovered by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof applied and disposed of in such Manner as the Tolls granted and made payable by this Act are directed to be applied and disposed of. Penalty on Person acting, if not duly qualified.

And it is hereby enacted and declared, That no Person shall act as a Trustee (except such Heir Apparent as herein before-mentioned) unless he shall take and subscribe the following Oath before Three or more of the said Trustees; which Oath the said Trustees, or any Three or more of them, are hereby impowered and required to administer; that is to say, Trustees to take the Oath following before they act.

I *A. B.* do swear, That I am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, above Reprizes, or possessed of a Personal Estate, or of a Real and Personal Estate together, to the Amount or Value of Three thousand Pounds. The Oath.

And if any Person or Persons shall act as a Trustee or Trustees without taking the said Oath, he shall forfeit the Sum of Fifty Pounds. Penalty on Persons acting, not taking the Oath.

And it is hereby further enacted and declared, That the said Trustees, hereby nominated and appointed as aforesaid, and their Successors, or any Seven or more of them, shall and may, and they are hereby authorized, impowered, and required, to meet on the Sixth Day of July, One thousand seven hundred and fifty seven, at the Sign of the Bear in the City of Bath, and then and there shall adjourn themselves, and afterwards meet at the Place aforesaid, or at any other such Place or Places in or near some Part of the said Roads, as the major Part of the said Trustees then assembled shall think proper and convenient for the Purposes of this Act; and also shall and may, at their said First, or any subsequent Meeting by Adjournment, nominate and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, of the Tolls arising, granted, and made payable by this Act; and also a Surveyor or Surveyors, to view and inspect the Conditions of the Highways and Roads hereby directed Time and Place of Trustees Meeting. Trustees to appoint Officers,

directed to be repaired, and to see, and take care, that the same be effectually widened, repaired, amended, and from time to time kept in Repair, pursuant to the Directions, and true Intent and Meaning, of this Act; and also from time to time, to displace and remove any of the said Officers so to be appointed, in case of Misbehaviour, and to nominate and appoint a new Officer, or new Officers, in the Place and Stead of any such of them as shall be so removed or displaced, or shall happen to die, respectively; and also that the said Trustees, and their Successors, or any Three or more of them, shall, and they are hereby required, to take Security from such Treasurer or Treasurers, and other Officer or Officers, for the due Execution of their several Offices; and the same Trustees, and their Successors, or any Seven or more of them, shall and may make such Allowances to the said respective Officers for their Care and Pains, and also to such other Persons who shall have been assisting in and about widening and repairing the said Roads, as to the said Trustees shall seem reasonable; and such Surveyor or Surveyors, and also the said Receiver or Receivers, Collector or Collectors, and every of them, shall, at any Meeting of the said Trustees (if thereunto required) by any Five or more of them, deliver in upon Oath (which Oath any Two or more of the said Trustees are hereby impowered to administer) a true, exact, and perfect Account, in Writing, under their respective Hands, of all Monies which he or they, and every of them, shall have received and disbursed by virtue of this Act, on account of his or their respective Offices: And if the said Surveyors, Receivers, or Collectors, or any of them, shall not make such Account, or shall not pay the Money remaining in his or their Hands, unto such Person or Persons as the said Trustees, or any Seven or more of them, shall, by Writing under their Hands, impower to receive the same; that then, and in either of the said Cases, any Two or more Justices of the Peace, at any Special Sessions, or other Meeting of them, to be held for the County or Counties in which the said respective Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors, shall reside, shall make Enquiry of and concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby required and impowered to administer without Fee or Reward;) and if any Person shall be thereof convicted, such Justices shall commit the Person so offending to the County Gaol, there to remain without Bail or Mainprize, until

and remove them, and appoint others.

Treasurer, &c. to give Security, &c.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers not making Account and Payment,

Justices upon Complaint to enquire into the Default;

and commit the Offender.

he

he or they shall have made a true and perfect Account and Payment, as aforesaid, or shall have compounded for the same, and paid such Composition; which Composition such Trustees, or any Seven or more of them, are hereby impowered to make.

In Default of sufficient Number to act,

And it is hereby further enacted, That if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees; then, and in such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand, to be affixed at or on the respective Gates or Turnpikes erected, or to be erected, by virtue of this or the said former Acts, at least Fourteen Days before the next Meeting, shall and may appoint the said Trustees to meet at the Place where the Meeting of the said Trustees was then last appointed to be held, on that Day Three Weeks upon which such last Meeting was appointed to be held; and that the said Trustees shall, at all their Meetings, pay their own Expences.

Notice to be given of other Meeting.

Trustees to bear their own Expences.

Reservation of Rights.

Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall confirm or prejudice the Right or Claim of any Person or Persons, Bodies Politick or Corporate, to any such Tolls or Duties as have, by long Usage, or any other Right, been paid or taken on any Part of the said Roads.

Surveyors may remove Annoyances,

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor and Surveyors, and such Person or Persons as he or they shall appoint in that Behalf, from time to time, to remove and prevent any Bars, or other Obstructions, and all Annoyances and Inconveniencies by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, laid open, or running into, along, or out of, any Part of the said Roads, or otherwise to the Prejudice thereof; and to open, scour, or cleanse, any Ditches or Watercourses adjoining to the said Roads, and to make the same as deep and as large as he or they shall think necessary; and also to cut down, lop, or top, any Trees or Hedges, and also any Branches or Bushes growing on the said Roads, or in the Banks or Hedges adjoining thereto, in case the Owners or Occupiers of the Premisses where such Obstructions or Annoyances, as aforesaid, shall happen to be, or the Persons causing the same respectively shall, for the Space of Ten Days after Notice, in Writing, given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, neglect to do the same, or cause the same to be done, respectively

and cleanse Ditches,

the Owners neglecting to remove the same, after Notice;

making Satisfaction for Timber trees.

Provided always, That in case any Timber Trees shall be cut down by virtue of, or under the Authority, and for the Purposes, of this Act, the same shall be left for the Use of the Owner, and such Satisfaction shall be made to the Owner of such Timber Trees, for or on account of the same being cut down, as to the said Trustees, or their Successors, or any Seven or more of them, shall seem proper and reasonable.

Charges of removing the Obstructions, to be reimbursed to the Surveyors.

And it is hereby enacted and declared, That the Expence and Charges of removing such Obstructions or Annoyances, and opening, scouring, and cleansing, such Ditches or Watercourses, and cutting down, lopping, or topping, and removing, such Trees, Branches, or Bushes, as aforesaid, shall, upon Demand, be reimbursed to the said respective Surveyor or Surveyors by such Owners and Occupiers, or Persons causing such Obstructions respectively as aforesaid; and such Charges shall be recovered by Distress and Sale of the Goods and Chattles of such Owner and Occupier, or Person causing such Obstruction, by Warrant under the Hands and Seals of Three or more of the said Trustees: And if, after Removal of any such Bars, Obstructions, or Annoyances, any Person or Persons shall again offend in the like Kind, every such Person so offending, and being thereof convicted on his or their own Confession, or upon the Oath of One credible Witness, before Three or more of the said Commissioners (which Oath the said Commissioners are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Ten Pounds, over and above the Charges of removing such Bars, Obstructions, or Annoyances.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and required, to cause the said Roads to be measured, and such Stones or Posts to be erected thereon, or in or near the Sides thereof, at the Distance of One Mile each from the other, in order to mark and denote the Distance from any Town or Place to any other Town or Place on the said Roads, as to such Trustees shall seem meet.

Tolls to be paid but Once for passing through any One Turnpike.

Provided always, That no Toll shall be taken at any One Turnpike or Toll-gate erected, or to be erected, by virtue or in pursuance of the said former Acts and this present Act respectively, for any Waggon, Carriage, Horse, or other Cattle, passing through any such Turnpike or Toll-gate, for which the Tolls and Duties shall have been before paid at such Turnpike or Toll-gate respectively, on the same Day

Provided

Persons and Things exempted from the Tolls.

Provided always, and it is hereby enacted and declared, That no Toll shall be collected or taken for any Waggon or other Carriage, Horse or other Cattle, which shall cross the said Roads only, or for any Waggon, Carriage, Horse, or other Cattle, laden with, or carrying, Gravel, Stone, or other Materials, for making, repairing, or widening, any of the said Roads hereby intended to be repaired, or any other Road within any of the Parishes, Townships, or Places, wherein the said Turnpike Roads do lie; or for any Carriage laden with Corn in the Straw, or Manure (except Lime) or for any Carriages, Horses, or Cattle, drawing Ploughs, Harrows, or other Implements of Husbandry, for the Tilling, Working, Improving, or Managing, of Lands; or for any Horses or Cattle going to, or returning from, Plough, Pasture, or Watering-places, or to or from any Fulling-mill or Corn-mill, with Cloth, Corn, or Meal, such Mill being within One Mile from any Turnpike now erected, or to be erected, by virtue of this Act; or for any Horse, Mare, Gelding, or Mule, going unloaden for, or loaden with, Coal; or for any Horses or Soldiers upon their March, or for Carriages attending them, or carrying their Baggage; or for any Horses or Carriages carrying the publick Post Mail or Packet; or for Horses or Carriages travelling with Vagrants sent by Passes; or for any Carriage or Horse carrying any Person or Persons having a Right to vote at the Election of Knights of the Shire for the Counties of Somerset, Gloucester, and Wilts, or of Citizens for the Cities of Bath and Bristol, such Person or Persons being then going to, or returning from, such Election respectively; nor for any Horse, Mare, or Gelding, not drawing a Carriage; nor for any Coach, Chariot, Chaise, Chair, or Calash, belonging to any Person or Persons resident in the Parishes of Walcot and Widcombe, adjoining to the said City of Bath, and which are going to the said City, or returning thence to the Habitation or Place of Residence of such Person or Persons in either of the said Parishes respectively: And that no other Person or Persons, Carriage or Carriages, Horse, or other Cattle, which are not exempted hereby from Payment of Tolls, shall be intitled to any Exemption therefrom.

Trustees may lease, &c. the Tolls.

And be it enacted by the Authority aforesaid, That the said Trustees, and their Successors, or any Seven or more of them, shall and may, and they are hereby impowered, by Writing under their Hands and Seals, at any Time during the Continuance of this Act, to set, demise, and to farm-let the Tolls to be collected and recovered by virtue

virtue of this Act, or any Part thereof, unto any Person or Persons who shall be willing to take or farm the same, for any Time not exceeding Three Years, One Month's Notice thereof in Writing to be fixed on all the Turnpike-gates or Bars erected or continued by virtue of this Act, and likewise by Advertisement in some publick News Paper, for the best Rent they can get for such Tolls, to be payable to the said Trustees, or to such Person or Persons as any Five or more of them shall, under their Hands, appoint to receive the same, with such Covenants therein to be contained, as the said Trustees, or any Five or more of them, shall think proper and requisite: And which said Rent, so to be paid by virtue of such Leases, as aforesaid, shall be applied and disposed of in such Manner as the Tolls granted and made payable by this present Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Trustees may contract for repairing the Roads.

And be it enacted by the Authority aforesaid, That the said Trustees, and their Successors, or any Seven or more of them, shall and may, and they are hereby authorized and impowered, upon giving such Notice in Writing as aforesaid, to enter into any Contract in Writing with any Person or Persons whatsoever, other than and except the Person or Persons to whom the said Tolls and Duties shall be set, demised, or to farm-letten as aforesaid, his, her, or their Assignee or Assigns, as well for the repairing of any Part or Parts of the Roads hereby directed and appointed to be repaired, as also for the maintaining and keeping any Part or Parts thereof in good Order and Repair.

Tolls may be assigned for Money borrowed.

And it is hereby further enacted and declared, That the said Trustees, and their Successors, or any Seven or more of them, shall and may, and they are hereby authorized and impowered, from time to time, to borrow and take up at Interest, such Sum or Sums of Money, not exceeding the Sum of Twelve thousand Pounds, as they, or any Seven or more of them, shall think requisite and necessary for the Purposes of this present Act; and shall and may, by Writing under their Hands and Seals, grant or assign over, by way of Mortgage, the Tolls and Duties granted and made payable by the said former Acts, and this present Act, or any Part or Parts thereof, and the yearly or other Income of such Tolls and Duties, or any Part thereof, for any Time or Times during the Continuance of this Act, as a Security for the Repayment of such Sum or Sums of Money as shall be so borrowed, with Interest for the same, not exceeding Four Pounds Ten Shillings per Centum per Annum, unto

Interest not to exceed 4*l.* 10*s.* *per Cent.*

unto the Person or Persons who shall advance and lend the same; so as Notice in Writing be for that Purpose affixed upon all the Turnpikes or Toll-gates erected, or to be erected, by virtue and in pursuance of the said former Acts, and this present Act, at least Thirty Days before the borrowing such Sum or Sums of Money respectively; and so as the principal Money so to be borrowed and taken up, and charged upon the said Tolls and Duties by virtue of the said former Acts, and this present Act respectively, do not together, at any One Time, exceed the Sum of Twelve thousand Pounds.

Assignments may be transferred, and the Manner of doing so.

And it is hereby further enacted and declared, That the said Mortgages or Securities, or any Part or Parts of the Money thereby respectively secured, shall and may, from time to time, be assigned, transferred, and set over, by the Person or Persons possessed of, and intitled to, the same, for the time being, by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals respectively, attested by Two or more credible Witnesses; and such Mortgages, Securities, Assignments, Deeds, and Writings, respectively, shall not, nor shall any of them, be liable to, or charged or chargeable with, any of the Stamp Duties, but shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers, so to be appointed as aforesaid, within Ten Days next after the Date of every such Mortgage, Security, or Assignment respectively; and such Clerk or Clerks, Treasurer or Treasurers, shall cause an Entry or Memorial to be made of every such Assignment, containing the Date and Parties Names, and Sum of Money, therein mentioned, and thereby intended to be secured, in a Book to be kept for that Purpose in the Office of such their Treasurer in the said City of Bath; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum or Sums of Money, not exceeding Two Shillings and Six Pence, as the said Trustees, or any Seven or more of them, shall order and direct; and after such Entry made, every such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment of the principal Money, and Interest, therein mentioned, and thereby intended to be secured; and which Book or Books may be inspected, at all reasonable Times, without Fee or Reward.

Clerk's Fee.

Application of the Money.

And it is hereby further enacted by the Authority aforesaid, That the several Tolls and Duties granted, continued, and made payable, by the said former Acts and this present Act, and the Rents and Sums of Money

arising and produced by leasing, letting, or setting the said Tolls and Duties, and the Money to be raised, borrowed, and taken up, upon Mortgage or Security of the said Tolls and Duties, in pursuance and upon the Credit of this present Act respectively, shall be applied and disposed of, in the First Place, for the paying and discharging all the Charges and Expences attending the Application for, and obtaining this present Act, and in the next Place, for the paying off and discharging the Principal Money borrowed and taken up by virtue and upon the Credit of the said former Acts, and the Interest attending the same; and afterwards for the widening, amending, and repairing, and keeping in Repair, the Highways and Roads directed and appointed to be widened, repaired, and amended, by the said former Acts and this present Act respectively, and in keeping down, paying off, and discharging, the Principal Money to be borrowed and taken up by virtue and upon the Credit of this present Act, in such Manner as to the Trustees and their Successors, at their respective Meetings, or any Seven or more of them, shall seem requisite and expedient.

Pavements in *Bath* not to be repaired by the Trustees.

Provided always, That nothing herein contained shall authorize and impower the said Trustees or their Successors, or any of them, to repair or amend any of the Highways, Roads, Lanes, or Passages, lying and being within the City of Bath.

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees and their Successors, or any Seven or more of them, shall and may, and they are hereby authorized and impowered to contract for and purchase any Lands, Grounds, Tenements, or Hereditaments, situate in, upon, or near, the said Roads, which they, or any Seven or more of them, shall think necessary to be purchased, in order to the amending, repairing, and widening, the said respective Roads, or to the diverting or turning the same, or any Part thereof, if the said Trustees, or any Seven or more of them, shall judge it more safe and commodious; and to take a Conveyance of the said Lands, Grounds, Tenements, and Hereditaments, in Fee-simple, to such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint, in Trust, for such Trustees and their Successors, to be converted into, and made Part of the said Roads, in such Manner as the said Trustees, or any Seven or more of them, shall think convenient and proper.

And whereas it may happen, that some Persons or Bodies Politick, Corporate, or Collegiate, Infants, Femes Covert,

Covert, Lunaticks, Feoffees or Lessees in Trust, are or may be seised or possessed of Lands, Grounds, Tenements, or Hereditaments, which by the said Trustees, appointed and to be appointed for the Purposes of this Act, shall be thought necessary and proper to be purchased, for the making, widening, diverting, or repairing the said Roads; and such Persons, Bodies Politick, Corporate, or Collegiate, and the Guardians and Committees of such Infants, Lunaticks, and such Trustees respectively, may be willing to treat and agree for the Sale of such Lands, Grounds, Tenements, and Hereditaments, but are or may not be capable of selling, granting, or conveying the same, by reason of Infancy, Coverture, or other Disabilities; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees or Lessees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on the Behalf of any Infants, Lunaticks, Femes Covert, or others, and for all and every other Person or Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree with the said Trustees nominated and appointed by this Act, and their Successors, or any Seven or more of them, for the Sale or Alienation of the same, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be good, valid, and effectual, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and all Feoffees or Lessees in Trust, Executors, Administrators, Guardians, Committees, and Trustees, Corporations Aggregate or Sole, and other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politick, or Corporate, &c. impowered to sell Lands to be taken into the Roads.

And it is hereby enacted, That if it shall happen that any of the Owners or Occupiers, Bodies Politick, Corporate, or Collegiate, or any other Person or Persons interested in the said Lands, Grounds, Tenements, or Hereditaments, directed or intended to be purchased, by virtue of, or under the Authority of this Act, upon Notice to them given, or left in Writing at the Dwelling-house or Dwelling-houses, or Place or Places of Abode, of such Person or Persons, or of the Chief Officer or Officers

Persons neglecting to treat for the Sale of such Lands;

Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken in and made Part of the said respective Roads as aforesaid, shall, by the Space of Three Months next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the same, or any of them respectively, as aforesaid, or by reason of Absence shall be prevented from treating, then, in every or any such Case, the said Trustees appointed by this Act, and their Successors, or any Three or more of them, are hereby impowered to issue their Warrant or Warrants, Precept or Precepts, to the Sheriff of the County or Counties where such Lands, Grounds, Tenements, and Hereditaments, do respectively lie, thereby commanding and requiring him to impanel and return a Jury of Twenty four substantial disinterested Persons, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be appointed; and the said Sheriff, or his Under Sheriff or Deputy, is and are hereby required to impanel, summon, and return, Twenty four substantial and disinterested Men of the said County, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant shall be appointed; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and the said Trustees, or any Seven or more of them, or Two or more Justices of the Peace for the said County or Counties respectively, shall cause Twelve Jurymen to be sworn, out of the Persons so impanelled and returned, or out of so many of them as shall appear according to or upon the said Summons; and for Default of a sufficient Number of Jurymen, the said Sheriff, his Under Sheriff or Deputy, shall return other honest and disinterested Men of the Standers-by, or that can speedily be procured to attend that Service, so as to make up the Number Twelve; and the said Trustees appointed by this Act, and their Successors, or any Seven or more of them, are hereby impowered and required, from time to time, as often as Occasion shall be, to summon and call before the said Jury, and examine, upon Oath, all and every Person and Persons whom it shall be thought proper and necessary to be examined, as a Witness or Witnesses touching or concerning the Premisses (which Oath any Three or more of such Trustees, or Two or more Justices of the Peace for the said County

Trustees to issue their Warrant to the Sheriff for returning a Jury.

Jurors may be challenged.

Witnesses may be summoned and examined upon Oath.

ty or Counties respectively, are hereby directed and impowered to administer) and they shall also order and call the said Jury to view the said Places in Question (if there shall be Occasion) and use all such other lawful Ways and Means, as well for their own as the said Jury's better Information of the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit; and the said Jury shall thereupon inquire what Damages will be sustained by, and what Recompence and Satisfaction ought to be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or on account of the taking or converting the same Lands, Grounds, Tenements, or Hereditaments, into the said Roads, or to any other Person or Persons who may be injured thereby; and shall assess and award the Sum or Sums to be paid to every such Person or Persons accordingly; and such Trustees, or any Seven or more of them, shall and may give Judgement for such Sum or Sums of Money, so to be assessed by such Jury or Juries respectively, and shall thereupon order the same to be paid to the Owners or Proprietors of, or other Persons interested in, the said Lands, Grounds, Tenements, or Hereditaments, according to such Verdict or Inquisition, and the said Judgement and Determination to be thereupon made; and which said Verdict or Inquisition, and the said Judgement or Determination so had and made, shall, after Tender of the Sum or Sums of Money so assessed and ordered, as aforesaid, or the same being left in the Hands of the Clerk of the Peace for the said County or Counties respectively, as hereafter mentioned, be final, binding, and conclusive, without any Appeal therefrom, to all Bodies Politick or Corporate, Infants, Lunaticks, Femes Covert, and other Persons, under any such Disability or Incapacity as aforesaid, and to all other Persons whatsoever, absent, present, claiming or intitled in Possession, Reversion, Remainder, or Expectancy; and all and every such Owners, Occupiers, and all and every Person and Persons, Bodies Politick and Corporate, interested in such Lands, Grounds, Tenements, or Hereditaments, shall thereby from thenceforth, to all Intents and Purposes, be absolutely divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same; and the same shall from thenceforth no longer remain or be deemed as private Property, but be converted into, and remain, and be used as Part of the publick Highway or Road for ever.

The Damages and Recompence to be assessed by a Jury.

Verdict of the Jury to be binding and conclusive.

Trustees may impose a Fine on Sheriff, &c. making Default.

And be it enacted by the Authority aforesaid, That the said Trustees appointed by this Act, or any Seven or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, Under Sheriff or Deputy, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury or Juries, who shall not appear, or appearing shall refuse to be sworn on the said Jury or Juries, or, being so sworn, shall refuse or neglect to give his, her, or their Verdict concerning the same, or in any other Manner shall wilfully neglect his, her, or their Duty therein, contrary to the true Intent and Meaning of this Act; and upon any Person or Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, in order to be examined, or shall refuse to give Evidence touching the same; and all such Fines shall be applied in such Manner as any Penalty by this Act inflicted is directed to be applied, so as no such Fine exceed the Sum of Ten Pounds on any One Person.

Fine not to exceed 10*l.*

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, and Satisfaction, to be agreed for, ascertained, assessed, adjudged, and determined, as aforesaid, shall be, and the same are hereby, charged and chargeable upon all the Tolls granted, continued, and made payable by the said former Acts, and this present Act, and upon the Monies to be raised and received by virtue and in pursuance of this present Act; and shall be paid thereout accordingly to the Persons respectively intitled thereto: And in case such Person or Persons shall neglect or refuse to accept the same, then the same shall and may be left in the Hands of the Clerk of the Peace for the said County or Counties respectively, for the Use of the Persons intitled thereto, and to be by him paid, upon Demand, to such Person or Persons, or according to his and their Appointment; and in case, after Twenty Days Notice thereof given to such Person or Persons, or left in Writing at the House or Houses of the Tenant or Tenants in Possession of the Premisses, he, she, or they shall still neglect or refuse to accept the same; it shall and may be lawful for the said Trustees, or any Seven or more of them, their Successors, Workmen, and Agents, to take the said Lands, Grounds, Tenements, and Hereditaments, into the said Roads; and also to ditch and fence off the same, in such Manner as the said Trustees, or any Seven or more of them, shall think fit.

Lands, &c. purchased to be made Part of the Road.

Provided

Provided always, and it is hereby declared and enacted, That nothing in this Act contained shall extend, or be construed to extend, to impower the Commissioners herein named, or to be named, to compel the Sale of any Land or Ground whereon any House or Houses stand, or of any Part of any Park, Paddock, Garden, Orchard, or Ground inclosed for a Plantation of Trees. Not to compel Sale of Houses, &c.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for, purchasing, or ascertaining, the Value of any Lands, Tenements, or Hereditaments, where he shall be concerned in Interest. Trustees not to act where interested.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at a general Meeting to be called or appointed for that Purpose, whereof Fourteen Days publick Notice in Writing shall be given and fixed upon all the Bars or Turnpikes erected, or to be erected, in the said Roads, from time to time, to lessen or reduce all or any of the Tolls hereby granted upon all or any of the Carriages, Cattle, and Horses, above-mentioned; and afterwards to raise and augment the same again, so as not to exceed the Tolls now payable by virtue of the said former Acts. Trustees may lessen the Tolls, &c. and raise them again.

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, in, upon, or along, any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, otherwise than upon Wheel Carriages or Sledges; or shall leave any Waggon, Cart, or other Carriage, in or upon any Part of the said Roads, without any Horse or Beast of Draught yoked thereto, or to draw the same; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Ten Shillings. Penalty on haling Timber, &c. otherwise than on Carriages.

And, for continuing a sufficient Number of Trustees to put this Act in Execution, be it further enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful to and for every such of the said Trustees as shall survive and remain, or any Seven or more of them, by Writing or Writings under their Hands and Seals, from time to time, to elect, nominate, and appoint, One or more fit Person or Persons (qualified to act as a Trustee or Trustees according to the Directions, and within the true Meaning, of this Act) in the Room or Place of such Trustee or Trustees so dying, removing, or refusing to act: And such Person or Persons so elected, nominated, and appointed, shall be joined with such surviving and remaining Trustees, as aforesaid, in the Execution of all and every the Powers in them reposed by virtue of this Act: On Death or Removal, others to be chosen.

Notice to be given of future Elections of Trustees.

Act: And Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees, shall be given by the Clerk or Clerks of such Trustees for the time being, who is and are hereby required to fix, or cause to be fixed, such Notice in Writing at or on all the Turnpike-gates which shall be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election: And all and every Person or Persons as shall be chosen or appointed to be joined with such surviving or remaining Trustees, shall and may, and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as such Trustees are by this Act authorized and impowered to act and do.

No Trustee to accept of any Place of Profit arising from the Tolls.

Provided always, and be it further enacted and declared, That no Person or Persons appointed, or to be appointed, by this Act a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising by Means of, or out of, the Tolls and Duties granted by this present Act.

The Power to compound repealed.

And it is hereby further enacted, That the Clause or Proviso inserted and contained in the said Act of the Twelfth Year of the Reign of His present Majesty, impowering the Commissioners therein named and appointed, or any Seven or more of them, to compound or agree by the Year, or otherwise, with any Person or Persons using to travel through the said Turnpike or Turnpikes, for any Sum of Money for and in lieu of the Payment of any Toll or Duty, shall be, and the same is hereby repealed and made void.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred, touching which no other Provision is herein made, shall be recovered by Distress and Sale of the Offenders Goods and Chattles, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, or of Two Justices of the Peace for any of the Counties aforesaid; which Warrant or Warrants the said Trustees, or any Five or more of them, or such Justice or Justices, is and are hereby impowered and required to grant, upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Trustees, or any Five or more of them, or the Justices, are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures, when received, after rendering the Overplus (if any be, and demanded) to the Party or Parties whose Goods and Chattles shall be so

distrained (the Charges of Distress and Sale first being deducted) shall be paid to the said Trustees, or any Five or more of them, or to the Treasurer or Treasurers respectively, for the time being, and shall by them respectively be applied and laid out, if not otherwise applied and disposed of by this Act, for and towards the amending the Roads intended to be repaired by virtue of this Act, where such Penalties and Forfeitures shall be incurred.

Former Acts continued,

And be it further enacted by the Authority aforesaid, That the Tolls and Duties given, granted, continued, and made payable, by the said Three former Acts, shall, from and after the Expiration of the Term granted and continued by the said Act of the Twelfth Year of His present Majesty, remain, continue, and be payable and paid, for and during the further Term of Five Years from thence next ensuing, pursuant to and according to the Tenor of an Act made and passed in the Twenty eighth Year of the Reign of His present Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto*; and from and after the End and Expiration of the said additional Term of Five Years, then for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; And that all and every the Powers, Authorities, Articles, Rules, Penalties, Forfeitures, Clauses, and other Provisions in the said former Acts respectively inserted and contained, and now in Force, so far as the same concern or relate to the repairing, amending, or enlarging, the Highways and Roads therein mentioned, described, and directed to be repaired, other than so far forth as the same, or any of them respectively, are varied, altered, explained, and rendered unnecessary, or otherwise provided for by the Force and Effect of this present Act, shall be exercised, practised, used, enforced, and put in Execution, as well for repairing, amending, and keeping in Repair, the several Highways and Roads mentioned and described in the said Three former Acts, as for the repairing the Road leading from the Top of Landsdown to the Monument upon Landsdown, the Road leading from the Top of Enterry Hill into the Bristol Road leading to Warminster; the Road leading from Bath Easton Bridge to Culverne Gate, upon the Road leading from Dunkerton Bridge to the Six Mile Stone, in the Parish of Camerton; the Road leading from the Sign of the Globe, in the Parish of Newton Saint Loe, to the Cross Post leading

and extended to new Roads.

ing to Pensford; and also the Road leading from the Monument through the Parishes of Bitton and Doynton, by Tracy Park, to the Bristol Turnpike Road, in the Parish of Wick and Abson respectively; in as full, ample, and beneficial Manner, to all Intents and Purposes, as if the said Powers, Authorities, Articles, Rules, Penalties, Forfeitures, Clauses, and Provisions, were respectively again repeated and re-enacted in the Body of this present Act.

Limitation of Actions. And be it further enacted by the Authority aforesaid, That if any Suit or Action shall be brought or prosecuted against any Person or Persons, for any thing done, or to be done, in pursuance of this present Act, or in relation to the Premisses, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County, City, or Place, wherein the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, shall and may General Issue. plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done; or if any such Action or Suit shall be brought after the Time before limited for bringing the same; or shall be brought in any other County, City, or Place; then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants Treble Costs. shall and may recover Treble Costs, upon Affidavit made, or the Certificate of the Judge before whom such Cause shall be tried; whereby it may appear, that such Suit was prosecuted against such Defendant or Defendants, for Matters contained in this Act; and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

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

FINIS.