Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing and widening the Roads from the East End of the Town of *Chard*, to the South End of *West Moor*; and from the West End of the *Yeovil* Turnpike Road, through *Ilmister*, to *Kenny Gate*; and from the West End of *Pease Marsh Lane*, to *Horton Elm*; and from *Saint Rane Hill*, to *Ilmister*; and from *White Cross*, to *Chillington Down*; and from a Place called *Three Oaks*, over *Ilford Bridges*, to *Bridge Cross* in the County of *Somerset*.



WHEREAS the Roads leading from the East End of the Town of Chard, through the Town of Ilmister, to the South End of a Moor, commonly called West Moor; and from the West End of the Yeovil Turnpike Road, in the Parish of Brimpton, through the Parishes of Odcombe, Montacute, East and West Stoke, commonly called The Lower Way, over South Petherton Bridge; and through the Town of Ilmister, to a Place called Kenny Gate, in the Parish of Ashill; and from the West End of Preamble.

Peaſe Marſh Lane, in the Pariſh of Ilmiſter, through the Pariſh of Donyat, to a Place called Horton Elm, in the ſaid Pariſh of Ilmiſter; and from the Turnpike Road on Saint Rane Hill, through Kingſtone, to the ſaid Town of Ilmiſter; and from a certain Place called White Croſs, near Lopen, through the Pariſh of Dinnington, to the Turnpike Road on Chillington Down; and from a Place called Three Oaks, in the ſaid Pariſh of Aſhill, through the Pariſh of Ilton; and over Ilford Bridges, to a Place called Bridge Croſs, in the Pariſh of South Petherton, in the County of Somerſet, are in a ruinous Condition, and, in ſeveral Places, very narrow and incommodious, and ſubject to be overflowed and annoyed with Water; and the ſaid Roads cannot be effectually repaired and widened by the Methods appointed by the Laws in being; May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable John Percival Earl of Egmont in the Kingdom of Ireland; the Right Honourable Percy Wyndham Obrien Earl of Thomond in the Kingdom of Ireland; the Right Honourable Frederick North, commonly called Lord North; the Right Honourable John James Percival, commonly called Lord Percival; the Right Honourable George Carpenter Lord Carpenter in the Kingdom of Ireland; Sir Charles Kemys Tynte, Sir William Pynſent, Sir Robert Hamilton, Sir Richard Groſvenor, Baronets; Copleſtone Warre Bampfylde, John Bragge, William Burridge, John Cockerell, John Collins, Richard Combe, Thomas Darch, Caleb Dickenſon, Goodenough Earl, Abraham Elton, Thomas Fane, John Fane, Thomas Groſvenor, Thomas Gunſton, Francis Gwynn, John Halliday, Robert Hanning, John Helliar, James Hooper, John Howe, George Howe, John Jeane, Thomas Jeane, John Mallack, the Honourable Robert Maxwell, James Marwood, the Honourable Brownlowe North, Edward Phelips, John Frederick Pinney, Azariah Pinney, John Pitt, Amos Pittard, John Popham, Henry William Portman, Portman, Henry Powell, Thomas Prowſe, William Raw, Henry Rodbard, William Rodbard, John Serle, George Speke, Simon Wellman, Eſquires; Michael Dickſon, Richard Paget, Doctors in Phyſick; Thomas Alford, Nicholas Baker, Reginald Beane, John Blake, Thomas Bowyer, George Bowyer, John Caſtelmen, John Coles, Thomas Davis, Francis Drake, William

Truſtees Names.

Ewens, William Fewtrell, William French, Abraham Gapper, Henry Good, Arthur Hood, Robert Leach the younger, James Nimiſie, George Notley, William Palmer the younger, John Phelips, George Popham, Charles Pulteney, John Sanford, William Speke, William Speke the younger, Thomas Stringer, Chriſtopher Tatchell, John Taylor, Nicholas Vere, James Uttermare, White, Richard Woodward, Clerks; Richard Abrahams, William Allembridge, Richard Alford, William Alford, William Alford the younger, Joſias Anſtice, James Aſton, Edward Aſton, John Baker of Ilton, Thomas Baker, William Bandfield, Robert Batten, Samuel Bartlett, Thomas Beedall, John Biſhop, Lyte Brown, James Bryant, Robert Bryant of Ilmiſter, Robert Burd, Thomas Buſh, Samuel Buſh, Robert Chaffey, Thomas Chapman, John Churchill, John Mitchell Cleeves, Robert Collins of Horton, Robert Collins of Ilmiſter, William Collins, John Collins, Robert Collins of Chard, Charles Cox, William Crabb, William Croft, John Cuff, Marks Dight, John Donne of Crewkerne, James Donne, John Donne of Puckington, Robert Donne, Harry Donne, John Eames Sadler, John Eaſon, John England, Edward England, Henry England, Andrew Everton, Edward Forbes, Philip Francis, Joſeph Gillett, Richard Gould, Joſeph Hallett, William Hanning, Adam Helliar, John Hodges, Jacob Hodges, Ralph Horſey, William Houſe, William Hoyte, William James, Samuel Iſaac, Joſeph Keetch, James Kirkpatrick, Samuel Kitſon, Richard Lawrence, Robert Leach, John Lock, Thomas Lowde, Nicholas Marſhall, Robert Mitchel, James Mico, John Morley, John Mullett, Thomas Muſgrave, Luke Noble, John Notley, John Peſter, George Prowſe, Sylveſter Pryor, John Pyke, Matthew Quantock, William Quire, Edward Raw, Thomas Roſſiter, James Saliſbury, Samuel Saunders, Thomas Slatter, Thomas Slatter the younger, Robert Slatter, John Standerwick, William Sylveſter, Ellis Taylor, Robert Trent, Theophilus Tucker, Sydenham Vere, George Warry, William Webb, Auguſtine Wheadan, Auguſtine Wheadan the younger, William Whibby, George Whibby, Robert Willy, John Wills, Robert Wilton, Francis Wright, and the Mayor and Corporation of the Town of Taunton for the time being; ſhall be, and they and their Succeſſors, to be elected in the Manner herein after-mentioned, are hereby appointed Truſtees for repairing, widening, and keeping in Repair, all the ſaid Roads, and for putting in Execution all the Powers hereby granted.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be actually seised, in his own Right, or in the Right of his Wife, or intitled, under some Lease or Grant determinable upon One or more Life or Lives, or for any Term or Terms of Years not less than Ninety nine Years, to the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or intitled, for his own Life, or the Life of any other Person, to a clear annual Payment or Sum of One hundred Pounds, or upwards, out of any real or personal Estate, or possessed of, or intitled unto a personal Estate alone, or real and personal Estate together, of the Value of Two thousand Pounds, after Payment of all Debts, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Three hundred Pounds: And if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on Persons acting, if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the House of David Cox, known by the Sign of The George, in the Town of Ilminster, on the Day Three Weeks after the passing of this Act, and proceed to the Execution of this Act; and the said Trustees, or any Five or more of them, may then, and from time to time afterwards, adjourn themselves to meet at such Place or Places, upon or near any Part of the said Roads, as they the said Trustees, or any Five or more of them, shall, from time to time, think most convenient: And if, at any Meeting or Meetings to be appointed by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, and so adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks

In Default of a sufficient Number of Trustees to act,

to the said Trustees, shall, from time to time, as often as such Case shall so happen, by publick Notice in Writing, to be affixed upon the Market House at Ilminster, at least Ten Days before the next Meeting, appoint the Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House upon or near some Part of the said Roads, on the Fourteenth Day next after the Day on which such last Meeting was appointed to be held; and that the said Trustees, at all their Meetings, shall defray their own Expences.

10 Days Notice to be given of another Meeting.

Trustees to defray their own Expences.

Provided always, and be it further enacted by the Authority aforesaid, That all Orders and Determinations of the said Trustees, in Execution of any of the Powers hereby granted, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be valid, unless the Majority of the Trustees present at such Meetings shall concur therein, such Majority not being less than the respective Numbers in this Act authorized to make such Orders or Determinations.

No Act of Trustees to be done, but at a publick Meeting.

Provided also, That no Person shall be capable of acting as a Trustee during such Time as he shall hold any Place of Profit under this Act, or in relation thereto.

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

And be it further enacted by the Authority aforesaid, That such Trustees as are or shall be in the Commission of the Peace for the said County of Somerset, shall and may act nevertheless as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be personally interested.

Trustees, who are in the Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, by Writing under their Hands, from time to time, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of the Trustee so dying or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be affixed in Writing, under the Hand of the Clerk or Clerks to the Trustees, upon all the Turnpikes which shall be erected by virtue of this Act, at least Twenty one Days before every such Meeting; and all Persons who shall be so chosen, shall be joined with such surviving or remaining Trustees, and are hereby impowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample Manner as if such Persons had been particularly appointed Trustees by this Act.

On Death or Removal of Trustees, others to be chosen.

21 Days Notice of Election to be given.

And

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may cause to be erected One or more Turnpike or Turnpikes in, upon, or across, the said Roads, and also a Turnpike or Turnpikes on the Sides of the said Roads, and cross any Lane or Way leading into the same; and also to be erected or provided a Toll-house, at or near each Turnpike, and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said Trustees, or any Seven or more of them, shall, from time to time, appoint for that Purpose, before any Cattle, Beasts, or Carriage, shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, drawing in any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, or Litter, Four Pence Halfpenny.

For every Horse, Mare, Gelding, Mule, or Ass, drawing in any other Carriage, Three Pence.

For every Ox, Bull, Steer, Gale, or Neat Cattle, drawing in any Carriage, Two Pence.

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or lesser Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or lesser Number.

Tolls may be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, or any Goods or Carriage, upon which any Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may

Distress may be sold after 4 Days.

sell

sell the Horse, Cattle, Carriages, Goods, or Chattles, so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure and Distress, and of detaining and keeping the same, and of such Sale, shall be deducted; and that all the Tolls, collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied or may be assigned in such Manner as is herein after mentioned. Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected or provided by virtue of this Act, and of the Materials for building the same, and of all Materials which shall be actually got or collected for repairing the said Roads, shall be, and are hereby, vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks; or to prefer, or order the preferring of, Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof, or retain or hold Possession thereof after being required by the Order of any Five or more of the said Trustees to deliver up the same. Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied by virtue of this Act, or of the Monies to be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay all the Expences incurred in, and in relation to, the obtaining this Act; and One hundred Pounds, Part of such Expences, shall be defrayed out of the Monies which are applicable to the repairing, amending, and widening, the said Roads from Saint Rane Hill to Ilminster, and from White Cross to Chillington Down; and afterwards such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, altering, widening, and keeping in Repair, the said Roads, and building and repairing of Bridges, and of executing the Purposes of this Act, and to no other Purpose whatsoever. Application of the Monies.

Provided always, and be it enacted by the Authority aforesaid, That the Monies to be laid out and applied in and upon account of the making, repairing, widening, or keeping in Repair, the said Roads from Saint Rane Hill to Ilminster, and from White Cross to Chillington

Down, shall not exceed the Tolls to be collected on such respective Roads, and such a Proportion of the Money to be borrowed thereon, and on all the other Tolls to be collected by virtue of this Act, as the Tolls collected on such respective last-mentioned Roads shall bear to all the other Tolls collected on the several other Roads hereby intended to be repaired as aforesaid.

Trustees not to repair Pavements.

And be it enacted by the Authority aforesaid, That nothing in this Act contained shall authorize the said Trustees, or any of them, to repair or amend the Pavements in the Streets of any Town through which the said Roads lead.

Trustees, with Consent of the Creditors, may lessen the Tolls, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Nine or more of them, at their First Meeting, or with the Consent of the Mortgagee or Mortgagees at any subsequent Meeting, to lessen all, or any, or either, of the said Tolls, for such Time or Times as they shall think proper; but Notice in Writing, under the Hand of the Clerk or Clerks to the Trustees, shall be affixed upon all the said Turnpikes, at least Fourteen Days before the holding of such subsequent Meeting, and the Intention to lessen such Tolls expressed in such Notice; and such Tolls, so lessened, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage, through all or any of the Turnpikes to be erected by virtue of this Act, cross and on the Sides of the said Roads, and cross any Lane or Way leading into the same respectively; but all and every such Person and Persons, after having paid Toll Once, and producing a Note or Ticket, denoting the Payment of such Toll, shall afterwards pass with such Cattle or Carriage Toll-free, during such Day, through all or any of the said Turnpikes; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll.

Persons and Things exempted from Tolls.

Provided always, and be it further enacted, by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage or Cattle going unloaden for, and returning loaden only with, Stones, Gravel, or other Materials

Materials for repairing of the said Roads, or any Highway in any of the Parishes through or into which any Part of the said Roads lead, or in any of the neighbouring Parishes; or going unloaden for, and returning loaden only with, Hay or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or other Places, belonging to any of the Inhabitants of any of the said respective Parishes; or going unloaden for, and returning only loaden with, any Lime, Dung, Mould, or Compost, of any Nature or Kind whatsoever, to be used in manuring or improving of Land in such Parishes; nor for any Carriage or Cattle going for, or passing with, any Bull, Harrow, or other Implement of Husbandry only, which shall belong to the Inhabitants of any of the Parishes through or into which the said Roads lead; nor shall any Toll be demanded or taken for any Post-horse carrying the Mail or Pacquet; nor for any Horse, or other Cattle or Beast, loaden with any Woollen Goods going to, or returning from, any Fulling Mill, or loaden with Corn or Grist going to, or returning from, any Corn Mills, provided such Horse, or other Cattle or Beast, be the Property of, or hired by, the Occupier or Occupiers of such Fulling or Corn-Mills; nor for any Horse which shall be used only to ride on by the Driver of any Pack-horses, Waggon, Cart, or Carriage which shall pass through any of the said Turnpikes with such Pack-horses, Waggon, Cart, or Carriage; nor for any Cattle going to or from Water or Pasture; nor for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; nor for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Somerset, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall forfeit the Sum of Twenty Shillings. Penalty on making illegal Claims, not being intitled thereto.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Cattle or Carriage whatsoever, pass through any Land, Ground, or Hereditament, adjoining to, or lying near, any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway;) or if any Owner or Occupier Penalty on Persons permitting, or going through, private Passage,

cupier of any such Ground, Land, or Hereditament, shall knowingly or willingly permit or suffer any Person or Persons, with any Cattle or Carriage whatsoever, to pass through the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit, any Ticket by this Act directed to be given by the Collectors of the Tolls, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, or other Cattle, without Payment of Toll; or shall take off, or cause to be taken off, any Horse, or other Cattle, from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, or other Cattle, or any Goods, with an Intent to avoid the Payment of any of the said Tolls, or any Part thereof; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings, whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied.

or giving or receiving Tickets, &c.

or taking off Horses, &c.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, at their First or any subsequent Meeting, upon the Credit of the said Tolls, in such Manner as they shall think proper, to borrow and take up at Interest, not exceeding Four Pounds Ten Shillings per Centum per Annum, such Sum and Sums of Money as they, or any Seven or more of them, shall think fit; and may, and they, or any Seven or more of them, are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, after such First Meeting, unless Notice be for that Purpose fixed in Writing either upon the

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

Market Houses in the Towns of Ilminster and Chard aforesaid, or upon all the said Turnpikes, at least Fourteen Days before the borrowing of such Money; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money, therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments; for which the Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without any Fee or Reward; and, after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

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

Clerk's Fee.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said Tolls, or any Part thereof, in respect to the Priority of advancing such Sum or Sums; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be in Proportion to the Sum or Sums therein mentioned, Creditors on such Tolls in equal Degree one with another.

All Creditors to be deemed equal in Degree.

Provided, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same,

Trustees not subject to the Payment of Debts contracted upon this Act.

same, by reason of their or any of their signing or sealing any such Mortgages, Assignments, or other Securities, to be made in pursuance of this Act, or any or either of them.

And whereas the Payment of the said Tolls may be evaded, or greatly lessened, by the Passage of Cattle and Carriages from Knowle Lane across Chard Common, and also through a Lane called Stockham Lane, between the said Common and Clayhanger Common; be it therefore enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to cause such Trenches, Ditches, and Fences, to be made and maintained from either Corner of the said Lane called Knowle Lane, across the said Common, to the said Road leading from Chard to Ilminster; and also on the said Side of such Road; and also the said Lane called Stockham Lane, to be fenced or stopped up in such Manner, as the said Trustees, or any Five or more of them, shall, from time to time, think proper; and if any Person or Persons shall wilfully damage or destroy any such Trench, Ditch, or Fence, aforesaid, or open any Passage through the same, every such Person shall pay to the said Trustees, or their Treasurer, the Expence of repairing and restoring such Trench, Ditch, or Fence; and shall also for every Offence, forfeit the Sum of Five Pounds; which said Expence shall be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered.

Trustees to fence off, &c. *Knowle Lane* and *Stockham Lane*, &c. to prevent Cattle or Carriages evading the Tolls.

Penalty of destroying the said Fences.

And be it further enacted by the Authority aforesaid, That the Trustees, or any Seven or more of them, may and are hereby impowered, from time to time, to appoint a Collector or Collectors of the Tolls, and a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Roads, and such other Officer or Officers, as they shall think necessary or convenient; and shall take such Securities for the due Execution of their respective Offices, as they shall think fit; and may remove such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, and appoint others in their Stead (but Ten Days Notice shall be given of every Meeting, where any such Appointment or Removal shall be made, after the First Meeting of the said Trustees upon all the said Turnpikes) and may and are hereby impowered, out of the Tolls, or the Monies to be borrowed on the Credit thereof, to allow to such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

other

other Person and Persons as shall be assisting in or about the repairing, widening, or altering the said Roads, or executing this Act, such Salaries, Rewards, and Allowances, as to them the said Trustees, or any Seven or more of them, shall seem reasonable and convenient.

No Officer to gain a Settlement by this Act.

Provided always, That no such Collector, Surveyor, or other Officer, shall gain a Settlement in any Parish or Place, by reason of his being appointed to, or serving in, such Office.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all Persons whatsoever, who shall receive, or be employed in the Receipt or Expenditure of, any of the Monies arising by virtue of this Act, shall, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct and appoint, produce and deliver to such Trustees, or such Person or Persons as they shall appoint, true and perfect Accounts in Writing, under their respective Hands, of all the Monies which shall have been by such Persons so directed to deliver such Account respectively, had, collected, or received; and how, to whom, and for what Purposes, such Monies shall have been applied, together with the proper Vouchers for such Payments; and shall pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they, or any Five or more of them, shall direct and appoint; and that all the said Officers and Persons, so accounting as aforesaid, shall, if required upon their several Oaths (which Oaths the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts, and the particular Articles thereof: And if any such Officer or Person shall refuse or neglect to give a true and perfect Account in Writing, as aforesaid, or shall knowingly deliver a false or imperfect Account, or shall refuse or neglect to produce or deliver up the Receipts and Vouchers relating to the same, or to verify the Articles thereof upon his Oath, or shall refuse or neglect to pay over, in Manner as aforesaid, all the Monies which shall appear to remain in his Hands; and if any Clerk, or other Officer to the said Trustees, shall refuse or neglect to deliver up to the Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; in each or any,

Officers refusing to account;

or

Justices to enquire into the Default,

or either of the said Cases, it shall be lawful for any One or more of the Justices of the Peace for the said County, and such Justice or Justices, upon Complaint thereof to him or them made, is and are hereby required to make Enquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Reward) and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to any Common Gaol or House of Correction in the said County, there to remain without Bail or Mainprize, until he shall give a true and perfect Account in Writing, and verify the same as aforesaid, and make such Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Seven or more of them, and shall have paid such Composition to such Trustees, or to any Five or more of them, or according to their Appointment; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make; or until he shall have delivered up such Books, Papers, and Writings, as aforesaid, or given Satisfaction, in respect thereof, to the said Trustees, or any Seven or more of them.

and, upon Conviction, may commit the Offender to Gaol,

until he shall have compounded;

or delivered up his Accounts.

Trustees may remove Officers, though not at a publick Meeting.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Nine or more of the said Trustees, though not assembled at any Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls; and such Person shall continue to collect the same, until the Trustees shall, at a Meeting to be held in pursuance of this Act, appoint a Collector of such Tolls; any thing herein contained to the contrary notwithstanding.

Surveyors may dig Gravel, &c. in Waste Grounds,

And be it further enacted by the Authority aforesaid, That the said Surveyor or Surveyors, and such other Persons as shall be employed by him or them for that Purpose, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, in, upon, out of, or from, any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said Roads lies, or in any neighbouring Parish, Town, or Place, without paying any thing for the same; such Surveyors or other Persons filling up the

without paying for the same;

Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also in, upon, or out of, from and over, the Lands of any Person or Persons where the same may be had (not being a Yard, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) they the said Surveyors, or other Persons aforesaid, having an Order from such Trustees, or any Five or more of them, for so doing, and paying, or tendering Payment, after such Rates, for such Materials, and for the Damage done to the Owners or Occupiers of the inclosed Lands where and from whence the same shall be cut, digged, gathered, and conveyed, and over which the same shall be carried; as also for the Damage done to the Owners and Occupiers of inclosed Lands over which any such Materials gotten in any Waste Ground, Common, River, or Brook, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

levelling the Pits;

and where sufficient Materials are not to be there had, they may be taken from private Grounds;

making Satisfaction to the Owners.

Provided always, That the said Surveyor or Surveyors, or any other Person or Persons employed or directed so to do by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, may, and they are hereby authorized to enter into any Lime Quarry, Stone Quarry, or other Quarry, and to take and carry away the Chipping and Rubbish thereof, without paying any thing for the same; the Owner or Occupier of such Quarry being present, or Notice being given to such Owner or Occupier, or to some or One of his Family, at least Three Days before such taking and carrying away, as aforesaid.

Surveyors to get Materials out of Quarries.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order from the Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise; and also to turn any Watercourses, Sinks, or Drains, running into, along, or out of the same, to the Prejudice thereof, and to open, scour, or cleanse, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, and to cut down, lop or top, any Trees or Bushes growing in the said Roads, or in the Hedges

Surveyors may remove Annoyances,

turn Watercourses,

cleanse Ditches, &c.

cut down Bushes, &c.

or Banks adjoining thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to lop or top, or to cut down and carry away, such Trees or Bushes, as aforesaid, or to open, scour, or cleanse, such Water-courses or Ditches, or remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such respective Surveyor or Surveyors, the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered in such Manner as the Penalties and Forfeitures are hereinafter directed to be recovered: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

the Owners neglecting to remove the same after Notice.

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways and Drains in and upon the said Roads, and also Ditches and Drains through any Ground lying contiguous thereto, and to erect Bridges or Arches in or upon the said Roads, and also cross any such Ditch or Drain, where necessary; and also to make, or cause to be made, a Road through the Grounds adjoining to any narrow or ruinous Part of the said Roads (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, and Carriages, as a publick Highway, whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass through the same; making such Recompence to the Owners and Occupiers of the Ground respectively, through which any such Drain or temporary Road shall be made, or on which any such Arch or Bridge shall be erected, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them.

Surveyors may make Causeways, &c.

erect Bridges,

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall think proper to widen, turn, or alter, any Part or Parts of the said Roads, such Trustees, or any Seven or more of them, are hereby impowered, from time to time, to contract and agree with the several Owners,

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

Owners, Occupiers of, and Persons interested in, any Lands or Hereditaments lying contiguous or near to the said Roads, or any Part thereof, for the Purchase of any such Lands or Hereditaments, or for the Loss or Damage such Owners, Occupiers, and Persons interested, shall thereby sustain; and out of the said Tolls arising by virtue of this Act, or the Money to be borrowed on the Credit thereof, to pay for such Lands or Hereditaments, and for such Loss or Damage, and also the Charges attending such Agreement and Purchase: And it shall be lawful for all Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees, and Feoffees in Trust, Guardians, and Committees for Lunaticks or Idiots, Executors, Administrators, Guardians, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes-covert, or other Person or Persons whatsoever, and to and for all Femes-covert who are or shall be seised in their own Right, and to and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Seven or more of them; and sell to them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding: And all such Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act; and if any such Body Politick or Corporate, Corporation Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments (upon Notice to him, her, or them, given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of such Body Politick or Corporate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to any Part of such Roads, or through which any Part of such Roads

Bodies Politick, &c. may contract for the Sale of Lands.

Where Persons refuse or neglect to treat, &c. for the Sale of such Lands;

Roads is intended to be turned or altered, shall, for the Space of Thirty Days after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said County; and, in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of such Trustees are hereby impowered to administer;) and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses; and after the said Jury shall have inquired of, and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick or Corporate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, Contingency, or otherwise, their Heirs, Executors, and Administrators: And for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff or any Coroner of the said County, thereby commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, qualified to serve upon Juries, to appear before the said Trustees, or any Five

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned and examined upon Oath.

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, or Coroner, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and to attend at the Time and Place so appointed; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid: And in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, or Coroner, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned, shall have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Five 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, his Deputies, Bailiffs, or Agents, or Coroner, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or not giving their Verdict, or in any other Manner, wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined, or to give Evidence; and to levy and apply such Fine or Fines in such Manner, as the Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine be more than Ten Pounds, nor less than Forty Shillings, upon any One Person for One Offence.

Jurors may be challenged.

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

Fine not to exceed 10*l.*

And be it further enacted by the Authority aforesaid, That every Sum of Money, or Recompence, to be agreed for, or ascertained as aforesaid, shall be, and is hereby charged upon the said Tolls, or out of the Monies to be borrowed upon the Credit thereof; and that upon Payment or Tender of such Money or Recompence to the Person or Persons intitled thereto, or to his, her, or their Agent or Agents, and in case of Refusal to accept the same, upon leaving the same in the Hands of the

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

Clerk or Clerks to the Trustees, for the Use of such Person or Persons; and after Twenty Days Notice thereof given to such Person or Persons, or left with the Occupier or Occupiers of the Premisses, it shall be lawful for any Person or Persons, authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to take into, or add to such Roads, or to turn such Roads through such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and such Lands or Hereditaments, so taken into, or made Part of the said Roads, shall be, to all Intents and Purposes, a Common Highway, and shall be repaired, and kept in Repair, in such Manner, as the Roads hereby appointed to be repaired and widened, are by this or any other Law to be repaired; and after any such new Road shall be completed, the Lands constituting the former Road, unless the same leads to some Village, Town, Place, or private Lands, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Nine or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied in such Manner as the said Tolls are hereby directed to applied.

Lands when purchased to be deemed a Publick Highway.

Old Road may be sold.

Provided always, That this Act, or any thing herein contained, shall not extend to authorize, enable, or impower any Person or Persons whatsoever, to cut down, lop, or top, any Tree or Trees growing in, or to dig, cut, break down, or destroy, any Bank or Fence adjoining to, or inclosing any Yard, Garden, Orchard, Park, Paddock, planted Walk, Avenue to any House, ornamental Plantation, or inclosed Ground, set apart as a Nursery for Trees, in, upon, or belonging to a certain Farm within the Parish of Chillington, in the County aforesaid, called Hill Farm, or being between a Place commonly called Standlands Knap and Chillington Down, or between a Place called Dinnington Gate, in the Parish of Dinnington, and the End of the Road on Saint Rane Hill; or to take down or destroy any Dwelling-house, or other Building, or to take in or lay open any Yard, Garden, Orchard, Park, Paddock, planted Walk, Avenue to any House, inclosed Ground, set apart as a Nursery for Trees, or ornamental Plantation whatsoever; any thing herein contained to the contrary notwithstanding.

Trustees, &c. disabled from cutting down, &c. the Trees, Fences, and Banks, &c. upon *Hill Farm*, or between *Standlands Knap*, and *Chillington Down*, and *Dinnington Gate*, and *Saint Rane Hill*, &c.

Provided

Trustees not to act where interested.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing of any Lands or Hereditaments, where he shall be particularly concerned in Interest.

Bodies Politick, &c. liable to the Repair of the Roads, to continue so.

And be it further enacted by the Authority aforesaid, That all Persons, and the Inhabitants of every Parish and Place, and Bodies Politick and Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Executors, Administrators, and all other Persons, who, before the making of this Act, have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part of the Roads hereby intended to be repaired, shall still be liable to such Repairs in the same Manner as they have heretofore usually been, or ought to be; and that the Inhabitants of the several Parishes and Places through or into which the said Roads lead, who by Law are or shall be liable to perform Statute-work, shall still be subject to and perform the same Work; and are hereby required to perform such and so many Days Work in such Parts of the said Roads as lie within such Parishes or Places, at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint: And that every Inhabitant of the said Parishes and Places respectively, who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or upwards, shall be deemed to keep a Team for every Fifty Pounds he shall so rent, hold, or occupy; and shall perform such Work in the repairing the Highways of the several Parishes and Places in which he or she respectively resides, as any Person or Persons keeping a Team or Teams is or are obliged by Law to do: And the Surveyors of the Highways for each of the said Parishes and Places are hereby required, once in every Year, at such Time and Place as shall be appointed by the said Trustees, or any Five or more of them, Ten Days previous Notice at least in Writing being given thereof to such Surveyor or Surveyors, to deliver to the said Trustees, or any Five or more of them, or to their Surveyor or Surveyors, true and perfect Lists in Writing, under the Hands of such Surveyors for such Parishes and Places respectively, the Names of all the Inhabitants, who are liable to do Statute-work upon the Highways within every such Parish and Place; and shall, in all such Lists, distinguish and set forth which of the

Persons renting 50 *l. per Ann.* to be deemed Teamholders.

Parish Surveyors to deliver in Lists of Persons who are chargeable with Statute-work.

said

said Inhabitants shall, and by this Act are deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams: And if any such Surveyor for any Parish or Place shall not deliver in to the said Trustees, or to their Surveyor or Surveyors as aforesaid, true and perfect Lists of such Inhabitants, in the Manner, and at such Times, as shall be appointed as aforesaid, every such Surveyor for any Parish or Place, shall forfeit, for every such Default, the Sum of Five Pounds: And if any Inhabitant of any such Parish or Place, being liable by Law to do Statute-work upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as shall be appointed and directed by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, every such Inhabitant shall, for every such Default, forfeit the several Sums herein after-mentioned; that is to say, Every such Inhabitant who shall keep, or, by virtue of this Act, be deemed to keep a Team or Teams, for every Day's Work, for every such Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being, by virtue of this Act, not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling and Six Pence: And if any Person, who shall come or be sent to work with a Team, or as a Labourer, on the said Roads, shall be found idle or negligent by the Turnpike Surveyor or Surveyors, in such Case such Surveyor or Surveyors may, and is, and are hereby impowered and required to discharge every such Person; and it shall be esteemed and taken as if such Team or Labourer had not come or been sent to work on such Road.

Penalty on Surveyors not delivering in such Lists;

and on Persons not performing Statute-work.

Persons found idle to be turned off.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, being impowered so to do by the said Trustees, or any Five or more of them, may, and is, and are hereby impowered to compound with the several Inhabitants of the said Parishes and Places, or any of them, or with any of the Possessors or Occupiers of such Lands or Hereditaments as are or shall be liable or chargeable to the Repair of any Part of the said Roads, or with any Body Politick or Corporate, Corporations Aggregate or Sole, Trustees, and Feoffees in Trust, Guardians, Executors, Administrators, and all other Persons whatsoever, for a cer-

Trustees may compound with Parishes, &c. for Statute-work.

tain Sum of Money by the Year, or otherwise, in lieu of their Statute or other Work, to be done on the said Roads; which said Money shall be instantly paid, and shall be applied to the Repair of the Roads for or in relation to which such Composition was made.

Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

Provided also, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being for any of the said Parishes or Places, shall think the said Trustees, or their Surveyor or Surveyors, hath or have directed or appointed too large a Proportion of the Statute-work in any Parish or Place to be done on the said Roads; it shall be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace, to be held for the said County next after such Direction or Appointment is given, in case such Direction or Appointment shall be given Thirty Days before the holding such Quarter Session; and in case such Direction or Appointment shall not be given Thirty Days before the holding of such Quarter Session, then such Surveyor or Surveyors may appeal to the next succeeding Quarter Session; and the Justices, in such respective Quarter Session, are hereby impowered finally to adjust and determine what Proportion of the Statute-work in any Parish or Place shall be done on the said Roads; such Surveyor or Surveyors of the Highways as aforesaid having first given Ten intire Days Notice in Writing of such Appeal to the Turnpike Surveyor or Surveyors.

Penalty on drawing Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill-stones excepted) otherwise than upon Wheel-carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof, every such Person or Persons, for every such Offence, shall forfeit the Sum of Twenty Shillings.

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 cause the said Roads to be measured, and Stones or Posts to be set up in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any

Penalty on defacing Mile-stones, &c.

any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted, upon Oath, by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for the said County (which Oath such Justice is hereby impowered and required to administer, without Fee or Reward) every such Person so offending, shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the House of Correction, there to remain without Bail or Mainprize for the Space of One Calendar Month; and every such Offender in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures hereby inflicted (the Manner of levying and Recovery whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively, before any One Justice of the Peace of the said County, either by the Confession of such Party or Parties, or by the Oath of One Witness (which Oath any such Justice is hereby impowered and required to administer, without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice of the Peace, which Warrant or Warrants any such Justice is hereby impowered to grant for those Purposes; and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties and Forfeitures, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to the said Treasurer or Treasurers, and applied in Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful

lawful for any such Justice of the Peace, and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the House of Correction, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Three Months.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved, by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace, to be held for the County or Place wherein the Cause of Complaint shall arise, within Four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Fourteen intire Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Six Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, in any Sum not exceeding Twenty Pounds, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Session; and the said Justices at the said Session, upon Proof of such Notice being given as aforesaid, and of the entering into such Recognizance shall hear and finally determine the Causes and Matters of such Appeal, in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be binding and conclusive to all Intents and Purposes.

Notice of Appeal to be given,

and Security given to prosecute.

Proceedings not to be quash'd for want of Form,

And be it further enacted, That no Order, Conviction, Judgement, or other Proceedings, to be had or made in pursuance of this Act, shall be quashed or vacated for want of Form, nor shall be removed or removeable by Certiorari, or other Writ or Process, into any of his Majesty's Courts of Record at Westminster; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Want of Form in,

nor removeable by *Certiorari*.

Distress not to be deemed unlawful for want of Form,

in, or Deed of, Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto;

nor the Party distraining deemed a Trespasser, *ab initio*.

nor shall the Party or Parties distraining, be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may recover all Satisfaction for the Special Damage, in an Action upon the Case; but no Plaintiff shall recover in any

Plaintiff not to recover, if Tender of Amends shall have been made.

Action, for any such Irregularity as aforesaid, Trespass, or other wrongful Proceedings, by virtue of this Act, if Tender of Amends be made before such Action is brought, by, or on behalf of, the Party or Parties who shall commit or cause to be committed any such Irregularities, Trespass, or wrongful Proceedings.

Proceedings to be entered in a Book,

And be it further enacted by the Authority aforesaid, That all Receipts, Payments, Debts, Orders, and Contracts, had or made, or contracted, or entered into, by or on the Behalf of the said Trustees, or any of them; and all Orders, Acts, and Proceedings, of such Trustees, in the Execution of this Act, shall be entered in One or more Book or Books to be kept for that Purpose by the said Clerk or Clerks; and that all and every Person and Persons whatsoever may take Copies of all or any Part of such Book or Books, paying for every Copy not exceeding One hundred Words, Six Pence, and so proportionably for any greater Number of Words; and such

and signed by the Clerk.

Acts, Orders, and Proceedings, so entered, shall be signed by the said Clerk or Clerks, and being so signed, shall

Books may be read in Evidence.

be deemed and taken to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Indorsement, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, relating to the Execution or in pursuance of this Act, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, unless 9 Trustees be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning, the Execution of the Trusts and Authorities of this Act, shall be revoked, repealed, altered or set aside, by any subsequent Order of the Trustees, unless Nine Trustees shall be present

sent at a Meeting to be held for that Purpose; of which Ten Days previous Notice shall be given upon all the Turnpikes erected by virtue of this Act.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Tolls raised by former Acts not to be expended on these Roads.

And whereas some Parts of the Roads herein before described may be mentioned in, and directed to be repaired by, some former Act or Acts of Parliament, and it is necessary that the Trustees or Commissioners for putting such former Act or Acts in Execution should be discharged from the Repair of such Parts of the said Roads, and be restrained from causing any Turnpikes to be erected, or Tolls to be taken thereon; be it therefore enacted by the Authority aforesaid, That from and after the Commencement of this Act, the Trustees or Commissioners for putting such former Act or Acts in Execution, shall be, and are hereby discharged from the Repair of, and shall be and are hereby restrained from erecting any Turnpike, or causing any Tolls to be collected on such Parts of the said Roads.

Proviso.

Provided always, That no Turnpike shall be erected, or Tolls taken by virtue of this Act, upon the said Bridge called Petherton Bridge, or within the Distance of Two hundred Yards from either End thereof.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, every such Action and Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried, in the said County of Somerset, and not elsewhere; and the Defendant or Defendants in all such Actions and Suits, may plead the General Issue, and give this Act, and the Special Matter in Evidence, on 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 not be commenced within the Time before limited, or shall be laid or brought in any other County than as aforesaid, the Jury or Juries shall find for the Defendant or Defendants; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuited,

General Issue.

or suffer a Discontinuance of such Action or Suit, or if, upon any Demurrer, Judgement shall be given for the Defendant or Defendants, then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs in any other Cases by Law. Treble Costs.

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

FINIS.