Anno primo

Georgii III. Regis.

An Act for repairing and widening the Roads from *Dyed Way*, to *Somerton*; and from *Gawbridge*, to *Tintinhull Fords*; and from a Stream of Water called *Ford*, to *Cartgate*, in *Martock*, in the County of *Somerſet*.

WHEREAS the Road from the Direction Stone at a Place called Dyed Way, adjoining to the Ivelcheſter Turnpike, in Bower Hinton, within the Pariſh and Hundred of Martock, in the County of Somerſet, by and through Martock Pariſh and Hundred, and Long Sutton, to the Town of Somerton, in the ſaid County; and the Road from a certain County Bridge called Gawbridge, lying over the River Perratt, which divides the Pariſhes of Kingſbury Epiſcopi and Martock aforeſaid, through Coate Stapleton and Aſh, in the ſaid Pariſh and Hundred of Martock, to a certain Place called Preamble.

Tintinhull Fords, adjoining to Ivelcheſter Turnpike, which divides the Pariſhes of Tintinhull and Martock aforeſaid; and alſo the Road from a Stream of Water in the ſaid Pariſh of Martock, called Ford, to a certain Place called Cartgate, in the Pariſh of Martock aforeſaid, are conſiderable Roads for the Paſſage of Waggons and other Carriages, and are in a very ruinous Condition, in many Parts thereof, and, in the Winter, liable to be overflowed, in ſeveral Places, ſo as to endanger the Lives or Safety of Paſſengers, and to be almoſt impaſſable for Wheel Carriages, and are, in ſeveral Parts, very narrow and incommodious: And whereas the ſaid Roads cannot be effectually altered, widened, and repaired, by the ordinary Courſe 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 Frederick North, commonly called Lord North; the Honourable Vere Poulett, the Honourable Anne Poulett, Sir Charles Kemys Tynte, Sir William Pynſent, Sir Richard Groſvenor, Baronets; Caleb Dickenſon, Thomas Fane, John Fane, Robert Gooden, John Gould of Upway, Swaine Harbin, John Howe, George Howe, Barnaby Eveleiſh Leigh, Thomas Lockyer, Joſeph Tolſon Lockyer, Andrew Napper the elder, Andrew Napper the younger, John Napper, Andrew Napper, Edward Phelips, Amos Pittard, Thomas Prowſe, George Prowſe, William Rodbard, William Rodbard the younger, Henry Rodbard, George Speke, Giles Strangways, William Trevillian, Eſquires; Nicholas Baker, Benjamin Barry of Odcombe, Reginald Bean, Thomas Bowyer, George Bowyer, Joſeph Good, Charles Lewis, William Marſh, John Phelips, Chriſtopher Tatchell, Robert Weſtcott, Clerks; William Adams, Thomas Adams, George Adams, Joſiah Anſtice, Harbin Arnold, Gabriel Baker, William Baker, Edward Ball, Thomas Bailey, Joſeph Bicknell, William Bicknell, Wadham Lyte Brown, Joſeph Butler, Thomas Carey, Robert Chaffey, John Mitchell Cleeves, William Cole, William Cole the younger, Charles Cox, Henry Culliford, John Culliford, Edward Damer, William Elliott, William Elliott the younger, Edward England, Henry England, Thomas Goodden, William Goodden, Robert Hilliard of Wigborough, Joſeph Horſey, Nicholas Hutchings, Thomas Jeanes the elder, Thomas Jeanes the younger, Robert Leach,

Truſtees Names.

Leach, Robert Leach the younger, Thomas Musgrave, John Stocker Norton, William Ostler, Henry Palmer, Edward Patten, William Patten, James Patten, John Patten, Robert Patten the younger, John Potenger, Thomas Potenger, Matthew Quantock, Matthew Quantock the younger, Thomas Rooke, William Silvester, Henry Slade, John Slade, John Stuckey, Elias Taylor, John Toller, John Westcott, Stephen Westcott, James White, Thomas Willy, Joseph Winter, Joseph Wood, Joseph Wood the younger, and Robert Wood, shall be, and they and their Successors, to be elected and chosen in Manner herein after-mentioned, are hereby appointed Trustees for surveying, ordering, altering, widening, draining, amending, and keeping in Repair, the said Roads, and for putting in Execution all other Powers by this Act given.

Trustees may erect Turnpikes and Toll-houses;

And it is hereby further enacted and declared, That the said Trustees, and their Successors, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize or appoint, shall and may, and they are hereby authorized and impowered, to erect and set up, or cause to be erected and set up, One or more Turnpike or Turnpikes, Toll-gate or Toll-gates, in, upon, or across the said Roads, and also a Turnpike or Turnpikes on the Sides of the said Roads, or 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, from time to time, to remove or alter the same, as they the said Trustees, or any Five or more of them, shall think meet or expedient; and also shall and may demand and take, by such Person or Persons as the said Trustees, or any Nine or more of them, shall, from time to time, appoint for that Purpose, before any Horse, Beast, Cattle, or Carriage whatsoever, made chargeable with, and liable to pay, any Toll or Duty by virtue of this Act, shall be permitted to pass through any of such Turnpikes or Toll-gates, the respective Duties and Tolls herein after-mentioned; that is to say,

and take Tolls thereat.

The Tolls.

For every Horse or other Beast, drawing any Coach, Chariot, Berlin, Landau, Hearse, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, the Sum of Three Pence.

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

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

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of 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 less Number.

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

Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the several Duties and Tolls hereby granted and made payable, shall and may be demanded and taken in the Name of, and as a Toll and Duty; and the Money so to be raised as aforesaid, shall be, and is hereby vested in the said Trustees, and their Successors; and the same, and every Part thereof, shall be paid, applied, disposed of, and employed, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after-mentioned, ordered, provided, and directed.

No Gate to be set up within 1 Mile of *Somerton*.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize the said Trustees to set up, or cause to be set up, any Gate or Turnpike upon any Part of the Roads hereby intended and directed to be repaired, within the Distance of One Mile of the Town of Somerton; any thing herein before contained to the contrary notwithstanding.

Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses, which shall be erected and built 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 their Successors; and they, or any Five or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper, and to bring Actions in their Names, or in the Name of any One or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or to prefer, or cause to be preferred, a Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break down, spoil or damage such Turnpikes or Toll-houses, or any of them, so to be erected and built as aforesaid, or any Part thereof.

Provided always, That no Person or Persons shall be liable to pay Toll more than once for passing or repassing at any Time or Times in one Day (to be computed from the Hour of Twelve at Night to the Hour of Twelve 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, across, or 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 directed to give gratis, on Receipt of the Toll. Toll to be paid but once a Day.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees for the time being, or any Five or more of them, or any such Person or Persons as they, or any Nine or more of them, under their Hands, shall, from time to time, nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons who, after Demand thereof, shall neglect or refuse to pay such Tolls and Duties as aforesaid, by Distress of any Horse or Horses, or any other Cattle or Goods upon or on account, or in respect of which such Toll or Duty is by this Act imposed or made payable, or by Distress of any other Goods and Chattles of such Person and Persons who ought to pay the same, and to keep and detain the same until such Tolls and Duties, with the reasonable Charges of such distraining, detaining, and keeping, shall be paid; and that it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken (such Toll or Duty, with the reasonable Charges of such distraining, detaining, and keeping, not being then paid) to sell the Goods so distrained and detained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll and Duty, and reasonable Charges for distraining, detaining, keeping, and selling the same, shall be deducted and paid. Tolls may be levied by Distress and Sale. Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That if any Owner or Occupier of any Ground, Land, or Hereditaments adjoining to, or lying near to, any of the said Turnpikes, shall permit any Person or Persons Penalty on Persons permitting or going thro' private Passage,

to

to pass through the same Ground, Land, or Hereditaments, with any Coach, or other Carriage, or Horse, or other Cattle; or if any Person or Persons shall pass through any Ground, Parcel of Land, or other Place adjoining to, or lying near, any or either of the Gates or Turnpikes to be by virtue of this Act erected (the same not being a publick Highway) with any Coach or other Carriage, or Horse or other Cattle as aforesaid; or if any Person or Persons shall give to or receive of any other Person or Persons (except the Person or Persons appointed to collect and receive the Tolls hereby made payable) or shall forge or counterfeit any Note or Ticket by this Act directed to be given by the Collectors of the said Tolls, whereby the Payment 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 if any Person or Persons shall unload, or cause to be unloaded, any Goods or other Merchandize; or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, with an Intent to avoid paying any of the said Tolls, or shall leave, or cause to be left, upon or near to any of the said Roads, any Cattle or Carriage as aforesaid, or shall conceal or secrete any Goods, or other Things chargeable with Toll, with such Intent as aforesaid; every such Person so offending in any of the said Cases, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be paid and applied in such Manner as other Penalties are herein directed to be paid and applied.

to avoid paying the Tolls.

Penalty on unloading Goods, &c.

to avoid Payment of the Tolls.

Exemptions from Tolls.

Provided always, and it is hereby further declared and enacted, That no Toll shall be collected or taken on the Day or Days of Election for a Knight or Knights of the Shire to serve in Parliament for the County of Somerset, nor on the Day before or Day after such Election shall begin, or be concluded; and that no Person or Persons shall be charged with, or compellable to pay, any of the Tolls made payable by this Act, for the going, passing, returning, or repassing of any Waggon, or other Carriage, Horse, or other Cattle or Beast drawing or not drawing the same, which shall be used and employed in and for the Carriage of any Stones, Gravel, or other Materials for widening and repairing the said Roads, or any of the Roads in any of the Towns, Parishes, Tythings, or Places wherein the same do lie; or that

shall

shall be used or employed in the Carriage of any Dung, Mould, Soil, or Compost of any Kind, for the manuring of any Garden, or other Land or Ground, or in the Carriage of any Hay, Straw, or Corn in the Straw going to be laid up or stacked in the Houses, Out-houses, Barns, Yards, or Grounds, of the Owner or Owners thereof; and that no Toll shall be taken of any Person residing in any of the Parishes or Places in which any of the said Roads lie, who shall pass through any Turnpike or Gate attending the Funeral of any Person who shall die, and be buried in any of the said Parishes or Places; nor shall any Toll be taken for any Horse or other Cattle drawing Ploughs, Harrows, or any other Implements of Husbandry for the manuring, improving, or stocking of Land; nor for any Cloth, or other Woollen Stuff, carrying to or from any Fulling-mill; nor for any Horses or Cattle going to or returning from Plough, Pasture, or Watering-places; nor for the Horses of Soldiers upon their March; nor for Carriages attending them; nor for any Horse or Carriage having the publick Mail or Packet; nor for Horses or Carriages travelling with Vagrants sent by Passes: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled thereto, such Person shall forfeit and pay the Sum of Twenty Shillings.

Penalty on claiming Exemptions, not being intitled thereto.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby impowered 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 the Sum of Five Pounds per Centum per Annum, such Sum and Sums of Money, as they or any Nine or more of them shall think fit, and from time to time, by Writing under their Hands and Seals, to assign over or mortgage the said Tolls, and the yearly or other Income of such Tolls, or any Part thereof (the Costs and Charges of such Assignments or Mortgages to be borne and paid out of such Tolls) for any Time or Times during the Continuance of this Act, as a Security or Securities for the Repayment of the several Sum or Sums of Money as shall be so borrowed to the Person or Persons, and his, her, and their Assigns, who shall advance and lend the same, with Interest for the same as aforesaid: But no Money shall be borrowed by the said Trustees on the Credit of the said Tolls, or yearly or other Income hereby granted, after the First Meeting,

Trustees may borrow Money on the Credit of the Tolls.

10 Days Notice to be given of borrowing Money.

by virtue of this Act, unless Notice in Writing under the Hands of Five or more of the said Trustees for that Purpose be affixed upon all the Turnpikes erected by virtue of this Act, and upon the publick Cross in Martock, at least Ten Days before the borrowing of such Money.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, as a Security or Securities for any Sum or Sums of Money by any Person or Persons whomsoever, lent and advanced on the Credit of the said Tolls, or who shall be entitled to the Monies thereby secured, may, and is and are hereby impowered, from time to time, by Assignment to be indorsed on the Back of his, her, or their, Security or Securities, or by any other Writing or Writings under his, her, or their, Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, to assign or transfer his, her, or their, Right, Title, Interest, or Benefit, to the Principal or Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, within Thirty Days next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment, containing the Dates, Parties Names, and Sums of Money, therein mentioned to be transferred, in a Book to be kept for that Purpose; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum or Sums of Money, as the said Trustees, or any Five or more of them, shall order and direct; and after such Entry made, such Assignment shall entitle such Assignee, his, her, or their, Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign, and so toties quoties; and that it shall not be in the Power of such Person or Persons who shall make such Assignment, to make void, release, or discharge, the same, or any Monies thereby due, or any Part thereof.

Assignments to be entered in a Book.

All Creditors to be deemed equal in Degree.

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.

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

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 or with the Payment of the 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.

Trustees, with Consent of the Creditors, may lessen the Tolls,

Provided also, and it is hereby enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, by and with the Consent of the respective Mortgagees and Assignees of such Tolls in Writing first had and obtained at a General Meeting to be called for that Purpose, whereof Twenty Days publick Notice in Writing shall be affixed upon all the said Turnpikes, and at the publick Cross in Martock, from time to time, to lessen and reduce all or any of the said Tolls hereby granted, and afterwards to raise and augment the same, so as not to exceed the Sums hereby granted; and the Tolls so lessened and reduced, or augmented again, shall and may be collected and levied in such a Manner, and applied to such Purposes only, as the Tolls hereby granted are directed to be collected, levied, and applied.

and raise them again.

Charges of passing this Act to be first paid.

And be it enacted by the Authority aforesaid, That the Monies arising from the Tolls and Duties by virtue or in pursuance of this Act, or that shall be borrowed on the Credit thereof, shall, by the said Trustees, or any Five or more of them, in the First Place, be applied and disposed of for the paying and defraying all the Charges and Expences incurred in and in relation to the obtaining and passing this present Act; and afterwards such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Toll-gates and Toll-houses, and of repairing, altering, widening, and keeping in Repair, the said Roads, and building and repairing of Bridges, and in discharging the Money borrowed by virtue of this Act, with the Interest thereof, and of executing the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

No Part of the Tolls to be applied in repairing the Road from *Gawbridge* to *Tintinhull Fords*, till the other Roads be first repaired.

Provided always, That no Part of the Tolls arising by virtue of this Act, or the Monies to be borrowed upon the Credit thereof, shall be applied, laid out, or expended, in or about altering, widening, or repairing, of the said Road leading from Gawbridge, to Tintinhull Fords, until the other Roads to be repaired by virtue of

of this Act, are fully and effectually altered, widened, and repaired.

Clause for paying off the Creditors, if the major Part in Number and Value shall signify their Desire for that Purpose.

And it is hereby enacted by the Authority aforesaid, That in case the major Part in Number and Value of the Persons who shall lend and advance Monies on the Credit of the said Tolls, or who shall be intitled to such Monies as Assignee or Assignees of the Lender or Lenders thereof, at any Time during their continuing Creditors thereto, shall be desirous to receive the Money due to them, and shall deliver a Notice in Writing signed by them (signifying such their Desire) to the Clerk or Clerks, Treasurer or Treasurers, of the said Trustees, at some General Meeting of the said Trustees, that then and in such Case, the said Treasurer or Treasurers shall, and is and are hereby required to pay all and every such Sum and Sums of Money, as shall, from time to time, after the Delivery of such Notice, be collected and raised at the said Turnpikes, and come to his or their Hands (the Salaries to the Gate-keepers and other Officers being first deducted) unto such Creditors, rateably and proportionably to the several Sums of Money which shall be due to such Creditors, until they shall be fully paid and satisfied the respective Sums so due to them; and in case such Treasurer or Treasurers shall neglect or refuse to pay and distribute such Sum and Sums of Money as aforesaid, within Three Months next after the same shall, from time to time, come to his or their Hands, then it shall and may be lawful to and for the said Creditors to receive and collect, or cause to be received and collected, the Tolls and Duties granted by this Act, and to apply the same rateably and proportionably to the Payment of the Principal and Interest of their respective Debts, until the same, together with their Costs and Charges occasioned by the Non-payment thereof, shall be fully paid and discharged.

Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

And it is hereby further enacted, That in case the said Trustees, or any Nine or more of them, shall, in their Judgement, think it more easy, safe, and commodious, for the Passage of Horses and Carriages, to divert and turn the said Roads over and through any Lands and Grounds being the private Property of any Person or Persons, then, and such Case, the said Trustees, or any Nine or more of them, are hereby authorized and impowered to contract for the Purchase of any Lands, Grounds, or Houses, Buildings, Tenements, or Hereditaments, situate in, upon or near the said Roads, being the

the private Property of any Person or Persons, which they, or any Nine or more of them, shall think necessary to be purchased, in order to the repairing and widening the said Roads, or to the diverting or turning the same, or any Part thereof, and to take a Conveyance of the said Lands, Ground, Houses, Buildings, Tenements, and Hereditaments, in Fee, to such Person or Persons as the said Trustees, or any Nine or more of them, shall appoint, in Trust for such Trustees and their Successors, and to the Intent the said Houses and Buildings shall and may be pulled down, and the Ground whereon the same stand, together with the other Lands and Grounds so to be purchased, shall and may be made use of, and shall be converted into, and be made Part of, the said Roads, in such Manner as the said Trustees, or any Nine or more of them, shall think convenient and proper; and the said Lands so to be converted into, and made Part of, the said Roads, shall be sufficiently ditched and fenced out for that Purpose, and, from time to time, repaired, out of the Money arising by virtue of this Act, by such Person or Persons as such Trustees, or any Nine or more of them, shall order, direct, or appoint, and the said former Road, if the said Lands and Premisses so to be purchased, or any Part thereof, be to make any new Road, shall be sold by such Trustees, or any Nine or more of them, except it lead to, or communicate with, some other Town or Place; and the Money thereby arising, shall be applied for repairing and amending the Roads hereby directed to be repaired, and Conveyances of the said old Roads being executed by such Trustees, or any Nine or more of them, shall be good and effectual.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Infants, Femes Covert, Feoffees, or Lessees in Trust, or others, are or may be seised or possessed of Lands, Grounds, Houses, Buildings, Tenements, or Hereditaments, which, by the said Trustees, shall be thought necessary and proper to be purchased for the making the said intended Roads; and such Persons, Bodies Politick, Corporate, or Collegiate, Infants, Feme Coverts, Feoffees, or Lessees, may be willing to treat or agree for the Sale of such Lands, Grounds, Houses, Buildings, Tenements, or Hereditaments, but are or may be incapable of selling, granting, or conveying the same, by reason of Infancy, 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, Collegiate, Corporations Aggregate

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

gregate or Sole, and all Feoffees or Leſſees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees whatſoever, for or on the Behalf of any Infants, Feme Coverts, or others, and for all and every other Perſon and Perſons whatſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands, Grounds, Houſes, Buildings, Tenements, and Hereditaments, to treat, contract, and agree with the ſaid Truſtees, or any Nine 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, Cuſtom, 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, and Truſtees, Corporations Aggregate or Sole, or other Perſons, ſhall and may be indemnified for what they ſhall do by virtue or in purſuance of this Act.

Where Perſons refuſe to treat, &c. for Sale of ſuch Lands, &c.

And it is hereby further enacted by the Authority aforeſaid, 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 or Grounds directed or intended to be purchaſed by virtue, or under the Authority, of this Act, upon Notice to them given, or left in Writing at the Dwelling-houſe or Dwelling-houſes, Place or Places of Abode, of ſuch Perſon or Perſons, or of the Chief Officer or Officers of ſuch Bodies Politick, Corporate, or Collegiate, or at the Houſe of the Tenant of the Lands or Grounds (not being the Ground whereon any Houſe or Houſes, or Buildings, ſtand, or a Garden, Orchard, planted Walks, or Avenue to any Houſe already planted, or any Piece or Parcel of incloſed Ground, planted, ſet apart, and uſed, as a Plantation or Nurſery for Trees) ſo to be made Part of the ſaid Roads as aforeſaid, ſhall, by the Space of Two Calendar 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, or any Five or more of them, are hereby impowered to iſſue their Warrant or Warrants, Precept or Precepts, to the Sheriff of the County where ſuch Lands and Premiſſes ſhall lie, thereby commanding and requiring

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

ing him to impanel and return a Jury of Twenty four ſubſtantial diſintereſted Perſons, to appear before the ſaid Truſtees, or any Five 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 Deputy or Deputies, is and are hereby required to impanel, ſummon, and return Twenty four good, ſubſtantial, diſintereſted Men of the ſaid County to appear before the ſaid Truſtees, or any Five 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 out of the Perſons ſo impanelled or returned, or out of ſo many of them as ſhall appear according to or upon the ſaid Summons, the ſaid Truſtees, or any Five or more of them, or any Two or more Juſtices of the Peace for the ſaid County where ſuch Lands and Premiſſes ſhall lie, ſhall ſwear, or cauſe to be ſworn, Twelve; and for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and diſintereſted Men of the Standers-by, or who can ſpeedily be procured to attend that Service, ſo as to make up the Number of Twelve: And the ſaid Truſtees, or any Five 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 One or more of ſuch Truſtees, or One or more Juſtice or Juſtices of the Peace for the ſaid County, are hereby directed and impowered to adminiſter) and they ſhall alſo order and cauſe 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 for the ſaid Jury's better Information of the Premiſſes, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the ſaid Juries 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 or Grounds into the ſaid Roads, or to any other Perſon or Perſons who may be intereſted therein, and ſhall aſſeſs and award the Sum or Sums to be paid to every ſuch Perſon or Perſons accordingly; and ſuch Truſtees,

Jurors may be challenged.

Witneſſes to be ſummoned, and examined upon Oath.

The Damage and Recompence to be ſettled by a Jury.

Trustees, or any Five 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 or Grounds, according to such Verdict or Inquisition, and the said Judgement and Determination; 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 County where such Damages shall have been sustained as hereafter mentioned, be final, binding, and conclusive, without any Appeal therefrom, to all Intents and Purposes, against all Parties and Persons whatsoever claiming in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs and Successors, as well absent as present, Infants, Feme Coverts, and Persons under what Disabilities soever, Bodies Politick, Corporate, or Collegiate, as well as all other Persons whatsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any wise interested in such Lands or Grounds, 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 thenceforth no longer remain, or be deemed as private Property, but be converted into, and remain, and be used and kept in Repair, as Part of the said publick Highway or Road for ever.

Verdict of the Jury to be binding and conclusive.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them acting in the Premisses, shall have Power, from time to time, to impose One or more reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, 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 refuse to be sworn on the said Jury or Juries, or being so sworn, shall refuse or neglect to give his or their Verdict concerning the same, or in any other Manner shall wilfully neglect his 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,

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

examined, or give Evidence touching the same; and all such Fines shall be levied, in such Manner as any Penalty by this Act inflicted is directed to be levied, so as no such Fine exceeds the Sum of Five Pounds, on any One Person for One Offence. Fine not to exceed 5 *l.*

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money, Consideration, Recompence, and Satisfaction, to be agreed for, or ascertained, and assessed as aforesaid, shall be, and are hereby charged and chargeable upon all the Tolls and Monies which shall be raised, received, and borrowed, by virtue of, and for the Purposes 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 of Somerset, for the Use of the Persons entitled thereto, and to be by him paid, upon Demand, to such Person or Persons, according to his, her, or their Appointment; and in case after Thirty 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 Five or more of them, their Surveyors, Workmen, and Agents, to take the said Lands and Grounds into the said Road; and also to ditch and fence off the same, in such Manner as the said Trustees, or any Five or more of them, shall think fit. Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted, That the Ground or Grounds, Land or Lands, that shall be purchased or adjudged and taken, and the Soil of such Houses, Buildings, and Tenements, as shall be pulled down by virtue of this Act, and so to be converted and made into the said Roads, shall, to all Intents and Purposes, from thenceforth become, and be deemed and taken to be a publick Highway, and repaired as such. Lands, &c. when purchased to be made and deemed a publick Highway, and kept in Repair as such.

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, Grounds, Buildings, Tenements, or Hereditaments, where he shall be concerned in Interest. Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and are hereby impowered, from time to time, to appoint a Collector or Collectors of the Tolls, and a Trustees may appoint Officers;

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, and appoint others in their Stead; (but Ten Days Notice shall be given upon all the said Turnpikes of every Meeting, where any such Appointment or Removal shall be made after the First Meeting of the said Trustees) and out of the Money arising by virtue of this Act, the said Trustees, or any Nine or more of them, shall and may allow such Salaries and Rewards, and 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 diverting, altering, draining, widening, and repairing the said Roads, as to the said Trustees, or any Nine or more of them, 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 in case the said Surveyors, Receivers, or Collectors, or any of them, 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 Oath, or shall refuse or neglect to pay over all the Monies remaining in his or their Hands, unto such Person or Persons as the said Trustees, or any Five or more of them, shall, by Writing under their Hands and Seals, impower to receive the same; and if any Clerk, or other Officer to the said Trustees, shall refuse or neglect to deliver up to the said 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 relating to the Execution of this Act; that then, and in either of the said Cases, any Two or more Justices of the Peace, at any Special Sessions,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

Justices to enquired into the Default;

or other Meeting of them, to be held for the County in which the said respective Clerk or Clerks, Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors, shall reside, shall make Inquiry 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, on 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 Party to the Common Gaol of the County where the Offence shall be committed, there to remain, without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment, or shall have compounded for the same, and paid such Composition; which Composition the said Trustees, or any Five 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 Five or more of them.

and commit the Offender, until he shall conform, or compound for the same.

Provided always, and be it enacted by the Authority aforesaid, That the Treasurer or Treasurers, Receiver or Receivers, to be appointed as aforesaid, shall, before he or they enter upon the said Office, give such Security for the due Execution thereof, as to the said Trustees, or any Nine or more of them, shall seem meet.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That if any Toll-gatherer or Person duly appointed by the said Trustees, or any Nine or more of them, in Manner herein before-mentioned, to collect and receive the several Tolls at any of the Turnpikes or Toll-gates to be erected by virtue of this Act, shall, at any Time or Times hereafter, neglect or refuse to quit his Employment conformable to the Order of the said Trustees, or any Nine or more of them, and to deliver up the Possession of the Turnpike or Toll-gate, and Toll-house, to the said Trustees, or to such Person or Persons as they, or any Nine or more of them, shall appoint; and of such Neglect or Refusal, shall be convicted before One or more Justice or Justices of the Peace of the said County of Somerset, either upon his own Confession, or by the Oath of Two or more credible Witnesses; that then, and so often, it shall and may be lawful to and for such Justice or Justices to issue his or their Warrant or Warrants to the Constable, Tythingman, or other Officers of the Peace of the said County, to turn such Toll-gatherer or Collector out of the Possession of

Penalty on the Toll-gather not conforming to the Order of the Trustees.

the said Turnpike or Toll-gate, and Toll-house, and to deliver the Possession thereof to such Person or Persons as the said Trustees, or any Nine or more of them, shall have directed and appointed, in Manner aforesaid; and also to bring the Toll-gatherer or Toll-gatherers before such Justice or Justices, who are hereby impowered and required to commit such Toll-gatherer or Toll-gatherers to the common Gaol of the County of Somerset, there to be kept to hard Labour for any Time not exceeding the Space of One Calendar Month.

Trustees may appoint a Collector, in case of Death or Inability.

Provided always, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five 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 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, by an Order of the said Trustees, or any Five or more of them, under their Hands, from time to time to remove and prevent any Obstruction or Obstructions, and all Annoyances and Inconveniencies by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, laid upon, 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 large as he and they shall think necessary; and also to cut down, lop, or top any Trees; and also any Branches or Bushes growing on the said Roads, or on the Banks or Hedges adjoining thereto (the Owners or Occupiers of the Premisses where such Obstruction or Annoyances as aforesaid shall happen to be, or the Persons causing the same, neglecting to remove them, or to open, scour, or cleanse such Ditches or Watercourses, or to cut down, lop, or top such Trees, Branches, or Bushes, for the Space of Ten Days after Notice in Writing for that Purpose, under the Hand or Hands of the said respective Surveyor or Surveyors, or any of them) and that the Charges of removing such Obstructions or Annoyances, and opening, scouring, and cleansing such Ditches or Watercourses,

and cut down Trees, &c.

Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges;

7.

courſes, and cutting down, lopping or topping, and removing ſuch Trees, Branches, or Buſhes as aforeſaid (to be ſettled by the ſaid Truſtees, or any Five or more of them) ſhall, upon Demand, be reimburſed to the ſaid reſpective Surveyor or Surveyors by ſuch Owners and Occupiers, or Perſons cauſing ſuch Obſtructions; and ſuch Charges ſhall be recovered by Diſtreſs and Sale of the Goods and Chattles of ſuch Owner and Occupier, or Perſon cauſing the Obſtructions, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the County where ſuch Obſtructions or Annoyances ſhall happen: And if, after Removal of any ſuch Obſtruction or 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 her Confeſſion, or upon the Oath of One credible Witneſs before One or more Juſtice or Juſtices of the Peace for the ſaid County (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered to adminiſter) ſhall, for every ſuch Offence, over and above the Charges of removing ſuch Obſtruction or Obſtructions or Annoyances, forfeit and pay the Sum of Forty Shillings.

to be levied by Diſtreſs and Sale.

Penalty of a Second Offence.

Provided always, That nothing herein before contained ſhall extend to impower the ſaid Truſtees or Surveyors, or any of them, to cut down any Apple Trees already planted, and growing near or contiguous to the ſaid Roads, or either of them, unleſs planted or growing on Waſte or Common Grounds.

Truſtees not impowered to cut down Apple Trees, unleſs planted on Waſte Grounds.

And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to make, or cauſe to be made, a Cauſeway or Cauſeways for the Uſe of Foot Paſſengers along any Part of the ſaid Roads, in ſuch Manner as they ſhall ſee convenient; and to cut and make Drains through any Grounds lying contiguous thereto; and to erect and keep in Repair Bridges, Arches of Brick, Timber, or Stone, over the ſame; and alſo to cauſe Ditches or Trenches to be made in ſuch Places and Manner as the ſaid Truſtees, or any Five or more of them, ſhall judge neceſſary, for the better making and keeping the ſaid Roads in good Repair; and that ſuch reaſonable Satisfaction ſhall be made to the Owners or Occupiers of ſuch Grounds, through which ſuch Drain or Drains ſhall be cut, or on which any ſuch Arch or Arches, Bridge or Bridges, ſhall be placed, for the Damages

Surveyors may make Cauſeways,

and cut Drains;

erect Bridges, &c.

making Satisfaction to the Owners.

mages which the Owners or Occupiers shall thereby sustain, as shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions of the Peace to be holden for the said County of Somerset, in case any Difference shall arise concerning the same.

Justices to determine Differences.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or the said respective Surveyor or Surveyors, and such Person or Persons as he or they shall respectively appoint, to dig, gather, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or Common Grounds, in any Parish, Township, Village, Hamlet, or Place, in or near which any Part of the said Roads do or shall lie, for the making and repairing thereof; and for want of a sufficient Quantity of such Materials there, to dig, gather, and carry away the same, out of any Waste or Common Grounds, of or in any neighbouring Parish, Township, Village, Hamlet, or Place, without paying any thing for such Materials, they the said Trustees, or Surveyors, or other Persons, filling up the Pits and levelling the Ground, from which such Materials shall be taken, or causing the same to be done; and may also carry the same Materials through any Field, Meadow, or private Way; making such reasonable Satisfaction to the Owners or Occupiers for the Damage done, as the said Trustees, or any Five or more of them, shall judge reasonable; or in case it shall be judged more expedient by the said Trustees, or any Five or more of them, it shall and may be lawful for their Surveyor or Surveyors, and such Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to dig, gather, and take away, in and from the Grounds of any Person or Persons (not being the Ground where any House or Building stands, nor any Yard, Garden, Orchard, Park, Paddock, Nursery, planted Walk, or Avenue to a House, or any Plantation set apart, or used as a Nursery for Trees) where any such Materials may be found, paying such Rates for such Materials, and for the Damage done to the Owners or Occupiers of the Ground, where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as such Trustees, or any Five or more of them, shall judge reasonable.

Where sufficient Materials cannot be had there, they may be taken from private Grounds;

without paying for the same;

levelling the Pits;

making Satisfaction to the Owners of the Grounds.

Provided

Provided also, and be it further enacted by the Authority aforesaid, That in case any Owner of the Soil, or Occupier of the Ground, where such Materials shall be dug and gathered according to the Directions of this Act, or any other Person or Persons, shall, at any Time during the Continuance of this Act, load, take, or carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor acting as aforesaid, or any Person or Persons by him appointed, shall have got, gathered, or digged, out of any Waste or Common, or private Grounds, for the Purpose of repairing the said Roads, or any Part thereof; or shall dig, gather, get, take, load, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made and opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor, or his Workmen, shall have discontinued getting any such Materials thereout, or working therein, for the Space of Forty Days (other than and except the Owner or Occupier of such private Ground, for his own private Use, and Persons by him lawfully authorized to get Materials therein, for the proper Use of such Owner or Occupier only, and not for Sale) every Person and Persons so offending, and being thereof convicted by Confession of the Party, or Oath of One credible Witness, before One or more Justice or Justices of the Peace for the County where the Offence shall be committed, shall, for every such Offence, forfeit and pay to the said Trustees any Sum not exceeding the Sum of Five Pounds, to be levied in Manner herein after mentioned. Penalty on Persons taking away Materials got by the Surveyor.

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 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 of any Town or Place to any other Town or Place on the said Roads, as to such Trustees shall seem meet: And if any Person or Persons shall wilfully and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up as aforesaid, or for protecting any Horse or Foot-Causeway, or for any other Purpose whatsoever in pursuance of this Act, or obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, or shall wilfully drive, or cause to be driven, any Roads to be measured, and Mile-stones erected. Penalty on defacing Mile-stones, &c.

Cart, Waggon, or other Carriage, upon or over any Horse or Foot-Causeway in the said Roads, where the Carriage-Way is passable for Wheel-Carriages, and shall be convicted thereof by the Confession of the Party, or on the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the County where the Offence shall be committed, every Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices respectively, before whom such Conviction shall be made; such Forfeitures to be applied in repairing the Stones or Posts so broken or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Roads: And in case the Person or Persons so offending and convicted shall have no Goods and Chattles whereon sufficient Distress can be made, then it shall and may be lawful to and for such Justice or Justices respectively, by Warrant or Warrants under their or his Hands and Seals, or Hand and Seal, to commit such Person or Persons to the common Gaol of the County where the Offence shall be committed, for the Space of Three Calendar Months, to be computed from the Day of such Commitment; and the Person or Persons offending and convicted shall not be discharged till he, she, or they shall have paid the Sum of Forty Shillings, or until the Expiration of the said Three Months.

to be levied by Distress and Sale;

and for want of Distress, the Offender to be committed.

Persons, &c. chargeable 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 hitherto 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

Inhabitants to do Statute-work.

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 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 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

Persons renting 50*l. per Ann* deemed Team-holders.

Surveyors to deliver in List of Persons liable to do Statute-work.

Penalty on Surveyors neglecting to deliver in such Lists, &c.

and on Persons not performing Statute-work.

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 Roads.

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, to compound with the several Inhabitants of the said Parishes and Places, or with any of the Possessors or Occupiers of such Lands or Hereditaments as 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 certain 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.

Trustees may compound for Statute-work, &c.

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 Sessions 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

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

nally 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 Days intire Notice in Writing of such Appeal to the Turnpike Surveyor or Surveyors.

Surveyors may make a temporary Road,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, to be chosen by virtue of this Act, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, a Road or Way through, over, or along, any Ground adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired or widened (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Park, or Planted Walk, or Avenue to any House, or Piece or Parcel of inclosed Ground, planted or set apart for Trees) to be made use of by any Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the other Road is repairing, and until it shall be convenient and safe for Passengers and Carriages to travel along the Roads intended to be repaired, and no longer; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively for the Damages such Owners or Occupiers severally shall or may sustain thereby, as shall be adjudged by the said Trustees, or any Five or more of them: And in case any Difference shall happen concerning such Damages, that it shall and may be lawful to and for the Justices of the Peace at the next General Quarter Sessions of the Peace for the County of Somerset, to hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners of the Grounds.

Justices may determine Differences.

Penalty on drawing Timber, &c. otherwise than on Wheel-carriages.

And be it further enacted by the Authority aforesaid, 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 (Mill-stones excepted) otherwise than upon Wheel-carriages, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Trustees may contract for repairing the Roads;

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby impowered, by any Writing or Writings under their Hands and Seals, to contract with any Person or Persons for the repairing and widening the said Roads,

or

and erecting Mile-stones.

or any Part thereof, and also for the erecting and setting up Mile-stones or Posts in, upon, or on the Sides of, the said Roads, or any Part thereof, in such Manner, and for such Sum or Sums of Money, as shall be agreed upon by and between the said Trustees, or any Five or more of them, and such Person or Persons so contracting with the said Trustees, or any Five or more of them.

And whereas Doubts have been made on the Validity of Contracts, entered into by Trustees, appointed by Acts of Parliament, for surveying and amending Turnpike Roads, their Clerks, Treasurers, or other Officers, with Workmen and other Persons, touching the Repair of the said Roads, and whether (as such Trustees, and those acting under them, do not actually sustain any special Damages) any Damages can be recovered against the Parties making Default, in fulfilling such Contracts: For obviating the same, be it further enacted by the Authority aforesaid, and it is hereby declared, That all Contracts in Writing, entered into pursuant to an Order at any Meeting made by the said Trustees hereby appointed, or hereafter to be appointed, or any Five or more of them respectively, by their Clerk, Treasurer, or Surveyor, or other Officer, with any Workmen, or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his and their Executors and Administrators; and that Actions and Suits in the Names of the said Trustees, or any Five or more of them, or in the Name of their Clerk, Treasurer, or other Officer, may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for putting the said Roads into such Condition and Repair, as by the said Contracts the said Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid, and making Default in fulfilling his said Contract; any Law or Usage to the contrary notwithstanding.

All Contracts made by the Trustees, &c. deemed valid, &c.

Time and Place of Trustees Meeting.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet at the George Inn in Martock aforesaid, on the Day Three Weeks after the passing of this Act, and shall then proceed to the Execution of this Act, and afterwards adjourn themselves from time to time, and meet there, or at such other Place or Places within the Hundred of Martock aforesaid, as they the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act into Execution:

And if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, the Clerk to the said Trustees shall, by Notice in Writing to be affixed on all the Turnpikes, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where their last Meeting was so appointed, to be held upon that Day Fortnight; and that all the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act,

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 the said Trustees, or any of them, shall not be impowered to do any Act in Execution of the Powers hereby granted, otherwise than at a Meeting to be held in pursuance of this Act.

Trustees not to act but at a publick Meeting.

And be it further enacted by the Authority aforesaid, That when and as often as any of the said Trustees shall die, refuse to act, or be disqualified, it shall and may be lawful for the surviving Trustees, or any Nine or more of them, by Writing under their Hands and Seals, from time to time, to elect and appoint another fit and able Person, living within the County of Somerset aforesaid, instead of such Trustee so deceased, or refusing to act; and every such Person so elected shall be joined with such Trustees, and is hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if such Person had been particularly named in, and appointed a Trustee by virtue of this Act, but Notice in Writing of the Time and Place of such Election, shall be fixed on all the Turnpikes, and at the publick Cross in Martock aforesaid, at least Ten Days before such Election.

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

10 Days Notice to be given of such Election.

Provided always, and it is hereby 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 be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment, or Receipt of, the Rents, Issues, and Profits, of a Real Estate in Law or Equity, of the clear yearly Value of Fifty Pounds above Reprizes, or be Heir Apparent of a Person possessed of a Real Estate, of the yearly Value of One hundred Pounds above Reprizes, or be possessed of, or entitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds; and if any Person not being so qualified, shall in any wise act as a Trustee in the Execution of this present Act, every such Person, for every such Offence, shall

Qualification of Trustees.

Penalty on acting not being qualified.

forfeit the Sum of Fifty Pounds; to be recovered by any Perſon who ſhall ſue for the ſame, in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, 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 applied in ſuch Manner as the Tolls granted and made payable by this Act, are directed to be applied and diſpoſed of; 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.

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

Provided always, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee, during ſuch Time as he ſhall have, hold, or enjoy, any Place of Profit, ariſing out of, or by reaſon of, the Tolls hereby granted, but ſhall be incapable of acting as a Truſtee during his Enjoyment thereof.

Truſtees in Commiſſion of the Peace may act as Juſtices.

And be it enacted by the Authority aforeſaid, That ſuch Truſtees as are or ſhall be in the Commiſſion of the Peace for the ſaid County, ſhall and may nevertheleſs act as Juſtices of the Peace, within his and their reſpective Juriſdictions, for putting in Execution the ſeveral Powers and Authorities hereby granted.

No Order to be repealed unleſs Nine Truſtees are preſent.

Provided always, and it is hereby enacted and declared, That no Order made by the ſaid Truſtees, or any Five or more of them, in, for, or concerning the executing the Truſts, Powers, and Authorities of this preſent Act, or any of them, ſhall be revoked, repealed, or ſet aſide, by any ſubſequent Order of the Truſtees, unleſs Nine or more of the ſaid Truſtees ſhall be preſent at a Meeting to be held for that Purpoſe; and a Notice, ſignifying the Intention of ſuch Meeting by the Direction of the ſaid Truſtees, or any Five or more of them, ſigned by their Clerk, be affixed upon all the Turnpike-gates, to be erected by virtue of this Act, and at the publick Croſs in Martock, at leaſt Ten Days before the repealing of ſuch Order.

Proceedings to be enter'd in a Book.

And be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Truſtees, ſhall be entered in a Book or Books to be kept for that Purpoſe, and being then ſigned by their Clerk or Clerks, by Order of the ſaid Truſtees, as the Caſe ſhall require, ſhall be deemed and taken to be, original Orders, as if

the same were under the Hands and Seals of the said Trustees; which said Book or Books shall and may be produced and read in Evidence, in all Cases of Appeal, and in any Suit or Suits, or Action touching any thing done in pursuance of this Act. Books may be read in Evidence.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Indorsement, Transfer, or other Security, for 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. Writings to be without Stamps.

And be it enacted by the Authority aforesaid, That this present Act, and the Tolls, Authorities, and Powers, hereby made payable and given, 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. Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, touching which no other Provision is herein made and directed, shall be recovered and levied by Distress and Sale of the Goods and Chattles of the Offenders, by Warrant or Warrants under the Hand and Seal of One or more Justice or Justices of the Peace for the County wherein such Offenders shall respectively reside; which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to issue upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures, when recovered, shall go and be applied (if not otherwise directed to be applied by this Act) in repairing the said Roads; and the Overplus (if any be) shall be, upon Demand, returned to the Party or Parties whose Goods and Chattles shall have been so distrained and sold, the Charges of such Distress and Sale being first deducted; and in Default of sufficient Distress, or Payment of the Forfeitures, the Offenders shall be committed to the common Gaol of such County, by Warrant from any such Justice for any Time as he shall direct, not exceeding Three Months. Penalties to be levied by Distress and Sale. For want of Distress Offender to be committed.

Provided always, and it is hereby further enacted by the Authority aforesaid, That in case any Person shall think himself aggrieved by any Thing to be done in pursuance Persons aggrieved may appeal to the Quarter Sessions.

ſuance of this Act (except where any Matter done by virtue of this Act is directed to be final) it ſhall and may be lawful to and for ſuch Perſon to appeal to the Juſtices of the Peace at the General Quarter Seſſions of the Peace which ſhall be held in and for the ſaid County of Somerſet, next after ſuch Grievance (unleſs ſuch Grievance ſhall happen within Fourteen Days preceding ſuch next General Quarter Seſſions; in which Caſe ſuch Appeal ſhall be brought at the Second General Quarter Seſſions next after the ſame ſhall have happened) who are hereby authorized and required to hear and determine the ſame, and, if they ſee Cauſe, by Order of ſuch Seſſions, to mitigate or annul, at their Diſcretion, all or any of the Penalties laid on and incurred by the Party or Parties complaining; or alter or vacate any Conviction or Convictions of the Party or Parties appealing, or otherwiſe ratify and confirm the ſame, and award ſuch Coſts as they ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be binding and concluſive to all Intents and Purpoſes whatſoever; but ſuch Perſons, ſo appealing, ſhall give Notice in Writing of ſuch his or her Intention to the Clerk of the ſaid Truſtees Ten Days at leaſt before the ſaid General Quarter Seſſions, and ſhall within Three Days after ſuch Notice given, and before any Appeal ſhall be allowed, enter into a Recognizance before ſome Juſtice of the Peace for the County of Somerſet, with Two ſufficient Sureties, conditioned to try ſuch Appeal at the General Quarter Seſſions to be held for the ſaid County next after ſuch Notice, and pay ſuch Coſts and Charges as the ſaid Juſtices ſhall award, in caſe ſuch Appeal ſhall be diſallowed, or determined againſt the Appellant.

10 Days Notice of Appeal to be given.

Proceedings not to be quaſh'd for want of Form only;

Provided alſo, and be it further enacted by the Authority aforeſaid, That no Order or Conviction, or any of the Proceedings to be had touching the Conviction of any Offender or Offenders againſt this preſent Act, or any other Order made touching any of the Matters aforeſaid, by virtue of this Act, ſhall be quaſhed or vacated for want of Form only, or be liable to be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any One of His Majeſty's Courts of Record at Weſtminſter.

nor removable by *Certiorari.*

No Act valid, except done at a Meeting of the Truſtees.

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 Order or Determination ſhall be valid, unleſs the major Part of the Truſtees

tees present at such Meeting shall concur therein, such Majority not being less than the respective Numbers appointed by this Act to do such respective Matter or Thing.

No Victualler, &c. shall hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That no Person who shall sell Ale, Wine, or Spirituous Liquors by Retail, shall be capable of holding any Place of Profit under this Act.

Distress not to be deemed unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Default or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

nor the Party distraining to be deemed a Trespasser *ab initio*.

Limitation of Actions.

Provided, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks of the said Trustees, or after a sufficient Satisfaction, or a Tender thereof hath been made to the Party or Parties aggrieved, or after Six Months next after the Fact committed; and every such Action shall be laid in the County where the Cause of Action shall arise, and not elsewhere: And the Defendant and Defendants, in every such Action and Suit, shall and may plead the General Issue, Not Guilty, 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 be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, Place or Places, than where the Fact was committed; then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff

General Issue.

or Plaintiffs; then the Defendant or Defendants shall and may recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act. And be it 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.