Anno quarto

Georgii III. Regis.

An Act for continuing and enlarging the Term and Powers of an Act made in the Twenty ſixth Year of the Reign of His late Majeſty, intituled, *An Act for repairing and widening the Road leading from* Pipers Inn, *in the Pariſh of* Aſhcott, *in the County of* Somerſet, *to and through* Glaſtonbury *and* Wells, *to the* White Poſt *in the Great Weſtern Road to the City of* Bath; *and from* Wells *to* Ruſh Hill *leading to the City of* Briſtol; and for repairing and widening ſeveral other Roads leading from the City of *Wells*.

Preamble, reciting Act 26 *Geo.* II.



WHEREAS by an Act made in the Twenty sixth Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing and widening the Road leading from *Pipers Inn*, in the Parish of *Ashcott*, in the County of *Somerset*, to and through *Glaston*, otherwise *Glastonbury* and *Wells*, to the *Direction* or *White Post* in the great Western Road to the City of *Bath*; and also from *Wells* to *Rush Hill*, leading to the City of *Bristol*; several Tolls, Duties, and Powers, were granted to certain Trustees in the said Act mentioned, which were to continue for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas the said Trustees have proceeded in the Execution of the said Act, but the said Road cannot be effectually amended, unless the Term and Powers of the said Act be further continued and enlarged; 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 said former Act, and all and every the Tolls or Duties, Powers, and Clauses, therein contained (except such as are hereby varied, altered, or repealed) shall be and continue in full Force, and be executed from and after the Expiration of the Term granted by the said former Act, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His said late Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution*

The recited Act further continued for Twenty one Years.

of the Laws relating thereto, for and during the further Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament, as fully as if the ſame were herein again repeated and re-enacted in the Body of this preſent Act; which ſaid additional Term, and the Tolls or Duties, Powers, and Clauſes, hereby continued and granted, are hereby declared to be ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the ſaid former Act, and of ſuch other Sum and Sums of Money as ſhall be borrowed for the Purpoſes of the ſaid former or this Act, and the Intereſt due and to grow due for the ſame.

Tolls to be applied in repairing the Roads.

And whereas the ſeveral Roads leading from Wells aforeſaid, through Eaſt Horrington, to the Beacon where the Frome Turnpike Road ends on the Foreſt of Mendip; and from Wells aforeſaid, through Dulcot, to the Town of Shepton Mallet and to Cannards Grave, and from Dulcot to Stean Bow Bridge, in the Pariſh of Pilton, in the ſaid County of Somerſet, are in many Parts ruinous and narrow, and cannot by the ordinary Courſe of Law be effectually amended, widened, and kept in good Repair; be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Truſtees appointed in purſuance of the ſaid Act, and they are hereby required, by and out of the Tolls collected or to be collected by virtue of this and the ſaid former Act, or the Money borrowed or to be borrowed upon the Credit thereof, to amend, repair, and widen the ſaid Roads leading from Wells aforeſaid, through Eaſt Horrington, to the Beacon where the Frome Turnpike Road ends on the Foreſt of Mendip; and from Wells aforeſaid, through Dulcot, to the Town of Shepton Mallet, and to Cannards Grave, and from Dulcot to Stean Bow Bridge, in the Pariſh of Pilton aforeſaid, as fully, completely, and effectually, as if the ſame had been inſerted and directed to be repaired in and by the ſaid former Act; and to ſet up and erect, or cauſe to be ſet up and erected, a Gate or Turnpike in,

Truſtees may erect Sidegates,

upon,

upon, or across any Part of the said Roads before-
and take Tolls thereat. mentioned, or on the Sides thereof, and collect or receive, or cause to be collected or received, such Toll or Tolls at the same, as they are by the said former Act impowered to take at any Gate or Gates erected by virtue thereof.

Trustees may alter, &c. the Roads. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, if they think fit, first giving, or causing to be given, Twenty Days Notice of the intended Meeting for such Purpose, and affixed upon all the Turnpikes erected or to be erected by virtue of this or the said former Act, and upon the Market Cross in the Town of Wells, at any Time during the Continuance of this Act, to divert, turn, or alter the Roads, or any Part or Parts thereof, between Wells and Rush Hill, and between Wells and Piper's Inn, and to add a new Branch of Road out of the present Turnpike Road leading from Wells towards the Foot of Glastonbury Hill, avoiding the Steep of the said Hill, and falling into the said Road at or near the present Turnpike near the Bottom of the said Hill on the other Side thereof; and they are hereby vested with the same Powers and Authorities for purchasing or being possessed of such Land as may be requisite for such Purposes, as they are by the said former Act vested with, for widening or altering any of the Roads thereby directed to be repaired and widened, and may apply such Sum or Sums of Money, for making and maintaining such Improvements and Alterations, out of the Tolls collected or to be collected by virtue of the said former Act and this Act, or out of the Money borrowed or to be borrowed upon the Credit thereof.

Trustees may carry Materials for repairing the Roads thro' private Grounds, 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 Surveyor or Surveyors appointed or to be appointed by the said Trustees, or any other Person or Persons employed under such Surveyor or Surveyors, and he and they is and are hereby authorized and impowered

to convey and carry any Stones or other Materials for the Purpose of repairing the said Roads through any private Land or Ground whatsoever belonging to any Person, which they shall judge to be the nearest and most convenient, making such Satisfaction for any Damage thereby occasioned, as is in and by the said Act directed and appointed for any Damage done by carrying or conveying Materials through any private Lands or Grounds for the Purpose of repairing the said Roads; any thing herein contained to the contrary notwithstanding.

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That the said former Act, and all the Tolls directed to be taken by virtue thereof, and all other Powers, Exemptions, Provisions, Penalties, Forfeitures, Clauses, Matters, and Things, therein contained, and every Part thereof (except such Parts as are hereby repealed, altered, amended, and explained) shall, during the Continuance of the said former and this present Act, be in full Force and Effect, and be executed for the surveying, ordering, repairing, widening, and keeping in Repair, the Roads before mentioned, in such and the same Manner, to all Intents and Purposes, as if the said Roads had been described in and directed to be repaired and widened, and kept in Repair, as aforesaid, in and by the said former Act, and as if the same had been repeated and re-enacted in this present Act.

Former Act to continue in Force, unless repealed by this Act.

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 Surveyor or Surveyors appointed or to be appointed by the said Trustees, or any Five or more of them, or any other Person or Persons employed under such Surveyor or Surveyors, and he and they is and are hereby impowered, as Occasion shall be, to cut down and remove, or cause to be cut down and removed, any Tree or Trees whatsoever growing upon or near the Sides of the Roads by this and the said former Act directed to be repaired, in the same Manner, and with the same Authorities, Powers, and Provisions, as

Trustees may cut down Trees in the Road.

as are prescribed in and by the said Act with regard to other Annoyances, Nuisances, and Obstructions; any thing in the said Act to the contrary notwithstanding.

Not to cut down Trees growing in any Yard, &c.

Provided always, That no Tree or Trees shall or may be cut down or removed by the said Trustees, or by such Surveyor or other Person, in any Part of the said Roads, which shall be growing in any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House.

Trustees of the former Act to put this Act in Execution.

And be it further enacted by the Authority aforesaid, That in all Cases wherein by the said former Act Nine or more Trustees, or Seven or more Trustees, are required to do and perform any Matter or Thing, it shall and may be lawful, for the better and more easy Execution of the said former and this present Act, for any Five or more Trustees to do and perform such Matter or Thing in pursuance of the said former or this present Act; any thing in the said Act to the contrary thereof notwithstanding.

And whereas by the said Act the Trustees were not impowered to borrow and take up any Sum or Sums of Money for the Purposes of the said Act, at an higher or greater Interest than after the Rate of Four Pounds for every One hundred Pounds by the Year, and were likewise in and by the said Act required to settle and ascertain at their First Meeting what Sum or Sums of Money they should think necessary to borrow on the Credit of the said Act, and were not impowered at any Time after such Meeting to borrow any further Sum or Sums of Money (except as therein directed): And whereas many Difficulties will arise in the Execution of the said former and this present Act, if the Trustees are confined and limited to the said Rate of Interest, and to the other Restrictions and Regulations therein contained with Regard to the borrowing of Money: Therefore be it enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful to and for the said Trustees, and they are hereby authorized and impowered, at any Meeting

Trustees may borrow Money upon the Credit of the Tolls.

or

or Meetings, (Twenty Days Notice of a Meeting for that Purpose being first given on all the Turnpikes) to borrow and take up at lawful Interest such Sum or Sums as they shall, from time to time, judge necessary for the Purposes of the said former or this present Act; any Clause, Restriction, Matter or Thing in the said Act to the contrary thereof notwithstanding.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That the Charges and Expences of obtaining and passing this Act, shall, as soon as conveniently may be, be paid out of the Money raised or to be raised by virtue of the said former or this present Act.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, 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, such Actions and Suits, and every of them, shall be commenced within the Space of Three Calendar Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action

General Issue.

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

Treble Costs.

Publick Act.

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

FINIS.