Anno quinto

Georgii III. Regis.

An Act for explaining and amending, and likewiſe for enlarging the Term and Powers, granted by a certain Act of Parliament paſſed in the Twenty fifth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for amending ſeveral Roads leading from the Town of* Taunton *in the County of* Somerſet.



WHEREAS by an Act paſſed in the Twenty fifth Year of the Reign of his late Majeſty, for amending the ſeveral Roads leading from the Town of Taunton in the County of Somerſet, ſeveral Tolls or Duties and Powers were granted for the Purpoſes therein mentioned, to commence from the Firſt Day of May, One thouſand ſeven hundred and fifty two, for and during the Term of Twenty one Years: And whereas the Truſtees appointed to put the ſaid Act in Execution have borrowed ſeveral Sums of Money upon the Credit of the ſaid Act, which Sums, together with the Tolls collected, have been applied in the repairing the ſaid Roads, and great Progreſs hath been made therein; Preamble.

therein: And whereas the said Act cannot be carried into effectual Execution, and the Money borrowed on the Credit thereof be repaid, unless the Term of the said Act is continued, and the Powers thereof are altered 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 recited Act, and all and every the Tolls or Duties, Authorities, Powers, Articles, Rules, Provisoes, Penalties, Forfeitures, and Clauses, therein contained (except such Tolls, Clauses, Matters, and Things, as are hereby varied or altered) shall, together with this Act, be and continue in full Force and Effect, for and during all the Residue and Remainder of the said Term of Twenty one Years, now to come and unexpired; and from and after the Expiration thereof, then, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; in as full and ample a Manner, as if the same were herein again repeated and re-enacted in the Body of this present Act; which said additional Term hereby granted is 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 recited Act, and the Interest due and to grow due on the same, and of such other Sum or Sums of Money as shall, by the said Trustees, or any Seven or more of them (the Approbation of the said Trustees, or the major Part of them, at some General Meeting first had, to be signified by Writing under their Hands) be borrowed upon the Credit of the said recited Act and this Act, and which Sum and Sums of Money they are hereby impowered to borrow in the Manner prescribed by the said recited Act.

The recited Act continued for the further Term of 21 Years.

And be it further enacted, That from and after the passing of this Act no Person or Persons who shall pass through any Gate or Turnpike erected by virtue of the said recited Act or this Act, with any Chaise, Car, or Chair, drawn by One Horse, Mare, or Gelding, Mule, or other Cattle, shall be subject or liable to pay any more Toll than the Sum of Three Pence; any Thing in the said recited Act to the contrary thereof notwithstanding.

Carriages drawn by One Horse, &c. to pay no more than 3*d.*

And be it further enacted, That no Person or Persons shall be exempted from the Payment of the Tolls or Duties by the said recited Act granted, and this Act continued, for the passing of any Carriage or Cattle through any

No Exemption from Toll on account of any Election of Members for Taunton.

any Gate or Turnpike erected or to be erected by virtue of the said recited Act or this Act, with Passengers going to or returning from any Election of a Member or Members to serve in Parliament for the Borough of Taunton in the County of Somerset; any Thing in the said recited Act to the contrary thereof notwithstanding.

21 Trustees to be deemed a General Meeting.

And be it further enacted, That Twenty one of the said Trustees shall, from time to time, and at all Times hereafter, be deemed and taken as a sufficient Number to assemble together at any General Meeting hereafter to be held for the carrying into Execution the several Purposes of the said recited Act and this Act, directed to be carried into Execution at General Meetings; and that at any such General Meeting, to be had by virtue of the said recited Act or of this present Act, the Trustees may and are hereby impowered, from time to time, to elect and choose such new Trustees as they shall think proper for carrying the said recited Act and this present Act into Execution, in the Room of any of the said Trustees, who shall die, remove, or refuse to act; which Trustee or Trustees shall, at all Times after such Election, be as fully impowered to act in the Execution of the said recited Act and this Act, as any other Trustee already appointed by the said recited Act, provided that such new chosen Trustee or Trustees be duly qualified as by the said recited Act is required; and such General Meetings shall hereafter be held at the Place and on the respective Days mentioned in the said recited Act: And if it shall happen that a sufficient Number of the Trustees shall not meet on any of the Days and at the Place appointed for such General Meetings as aforesaid, so as to enable them to do any Acts necessary to be done at such General Meetings; that then, and as often as it shall so happen, the Clerk to the said Trustees for the time being shall, by Writing under his Hand to be affixed at all the Gates or Turnpikes erected or to be erected by virtue of the said recited Act and this Act, appoint the said Trustees to meet on that Day Three Weeks at the same Place; which Writing shall be fixed up at least Ten Days before the Time appointed for such Meeting; and that the Meeting of the Trustees on such Notice, provided they shall consist of Seven at the least, shall be deemed a General Meeting, and they may proceed to Business in the same Manner as if such Meetings consisted of Twenty one, and the Proceedings of the Trustees at such Meetings shall be as valid and effectual to all Intents and Purposes, as if the same had actually consisted of Twenty one Trustees.

On Death, &c. of Trustees, others to be chosen.

Roads to be repaired progressively,

And be it further enacted, That the said Trustees shall, from and after the passing of this Act, repair the said Roads directed to be repaired by the said recited Act progressively, as by the said recited Act directed.

under the Regulations herein mentioned.

Provided always, That in case the Inhabitants of any Village, Parish, or Place, through which any of the said Roads shall pass, shall, over and above the Proportion of the Statute-duty to be performed by such Village, Parish, or Place, contribute and advance One Third Part of the Charges of repairing such Part or Parts of the said Roads leading through such Village, Parish, or Place; then, and in such Case only, the said Trustees shall begin the Repair of such Roads in such Manner, and at such Places, and under such Directions, as the major Part of the Trustees assembled at a General Meeting shall direct and appoint; any thing herein or in the said recited Act contained to the contrary notwithstanding.

Surveyors may make a temporary Road,

And be it further enacted, That the said Surveyor or Surveyors appointed by the said Trustees, or any Person or Persons by them or either of them appointed or employed, may and is and are hereby authorized and impowered to make, or cause to be made, a Road or Way by, through, or over the adjoining Grounds of any narrow or ruinous Parts of the said Roads by the said recited Act and hereby intended to be repaired (not being the Site of or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damages they shall thereby sustain, as to the said Trustees, or the major Part of them, at any General Meeting, shall seem reasonable.

making Satisfaction to the Owners of the Grounds.

Owners, &c. neglecting to cut their Hedges adjoining to the Road, after Notice,

And be it further enacted, That if the said Trustees or their Surveyors shall at any Time or Times hereafter, after the Commencement of this Act, find any Hedge or Hedges adjoining to any Road or Roads directed to be repaired by the said recited Act, to be so high, and thereby to prevent the Benefit and Advantage which such Road or Roads would otherwise receive from the Sun and Winds, it shall and may be lawful for the said Trustees, or any Seven or more of them, by a Summons in Writing under their Hands, to summon the

Occupier

Occupier or Occupiers of the Lands adjoining to such Road or Roads, whose Hedge or Hedges are or shall be left so high as aforesaid, to appear before them at such Time or Place as they shall appoint, to shew Cause why such Hedge or Hedges shall not be new made or cut low: And in case any such Person or Persons, so summoned as aforesaid, shall neglect or refuse to appear, or to send some Person duly authorized to appear for them, or if it shall appear, upon due Examination and Proof upon Oath before the said Trustees (which Oath any Two Trustees are hereby impowered to administer) that such Road is damaged as aforesaid by the Height of such adjoining Hedge or Hedges, the said Trustees, or any Seven or more of them, are hereby authorized to send Notice under their Hands, to be left at the usual Place of Abode of such Person or Persons, requiring them to new make and cut low the said Hedge or Hedges within Thirty Days after such Notice; provided that such Notice be given between the Thirtieth Day of September and the First Day of February: And in case of such Person's Refusal or Neglect to do the same within Thirty Days after such Notice as aforesaid, the said Trustees, or any Seven or more of them, are hereby impowered to cause the said Hedge or Hedges to be new made or cut low, as they in their Discretion shall think most reasonable, so as such Hedge or Hedges be left at least Three Feet high above the Bank, the Charges whereof shall be reimbursed by the said Owners or Occupiers who ought to have done the same; such Charges to be settled and recovered by such Means and in such Manner as by the said recited Act is directed with respect to the cutting down and removing Trees growing in the said Roads.

Trustees may order the same to be done;

the Charges to be reimbursed by the Owners, &c.

And be it further enacted, That all Occupiers or Owners of all Lands adjoining or contiguous to the said Turnpike Roads shall fell, cut down, and carry away, all Trees whatsoever that shall stand or grow within the Space of Fifty Feet from the Center or Middle of such Roads, which have been, or shall be, made in pursuance of this or the former Act, on or before the Twenty fifth Day of March, One thousand seven hundred and sixty six, to which Time they are allowed to do the same for their greater Convenience of felling, removing, and disposing thereof; but nevertheless they shall and are hereby required, in the mean Time, to lop all Pollard Trees, and to pare up all such Maiden Trees as they shall think proper to leave standing within the Distance aforesaid: And in case any such Owners or Occupiers, after a Summons from any Seven or more of the

Owners to cut down all Trees growing within 50 Feet from the Middle of the Road, &c.

In case of Neglect, Trustees may order the same to be done;

the said Trustees, shall neglect to fell, cut down, and carry away, such Tree or Trees so standing within the Distance aforesaid, after Ten Days Notice in Writing under the Hands of any Seven or more of the said Trustees for that Purpose, that then it shall and may be lawful for any Seven or more of the said Trustees to order the same to be cut down, felled, and carried away, the Charges whereof shall be reimbursed by the said Owners or Occupiers who ought to have done the same; such Charges to be settled and recovered by such Means, and in such Manner, as by the said recited Act is directed with respect to the cutting down and removing Trees growing in the said Roads: And if, after the cutting down, felling, and carrying away, such Tree or Trees as aforesaid, any Tree or Trees shall be planted, arise, or grow, in any such Hedge or Hedges, or within such Distance from the Center of any of the said Roads as aforesaid, the said Trustees, or any Seven or more of them, shall and may use and exercise the said Powers and Authorities for the cutting down, felling, and carrying away the same, as aforesaid; and all and every such Owners or Occupiers, who, after Notice given as aforesaid, shall refuse or neglect to cut down and remove such Tree or Trees, shall, for every such Offence, forfeit and pay to the said Trustees, or any Seven or more of them, the Sum of Forty Shillings, over and above the Charges of cutting down, felling, and carrying away, such Tree or Trees, to be settled and recovered in Manner aforesaid.

the Charges to be reimbursed by the Owners.

Proviso. Provided always, That nothing herein before contained shall extend to impower the said Trustees to cut down, fell, or carry away, any Tree or Trees growing in any Yard, Garden, Orchard, Park, Paddock, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House.

Slides may be removed. And be it further enacted, That if at any Time or Times after the passing of this Act any Bank or Banks on the Side or Sides of any Part of the said Roads, which have been or shall be cut down to widen the said Roads, by virtue of the said recited Act or this Act, shall slide or tumble down upon or into any of the said Roads, or the Ditches thereto adjoining, within the Space of Two Years next after the new making or widening of any of the said Roads, now or hereafter to be made or widened by virtue of the said recited Act or of this Act; that then, and in such Case, the said Trustees, or any Three or more of them, shall and may cause the same to be forthwith removed, and to pay the Expences thereof

out of the Monies to be collected for the Repairs of the said Roads; after which Time the same shall be considered as a Nuisance, and shall be removed by and at the Expence of the Owners or Occupiers of such Lands where such Bank or Banks shall happen to slide or tumble down; and on their Neglect or Refusal to remove the same, such Methods shall be taken by the said Trustees for enforcing the Removal thereof as are in the said recited Act prescribed, with respect to the cleansing Drains, Ditches, and Watercourses.

Trustees may contract for the Purchase of Lands to be laid into the Road.

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times during the Continuance of the said recited Act and this Act, think proper to widen, turn, or alter, any Part or Parts of the said Roads, for the better Accommodation of Passengers; that then the said Trustees, or any Seven or more of them, shall have full Power and Authority, to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, any Part of such Roads, and out of the Tolls by the said recited Act and this Act granted, out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

Bodies Politick, &c. impowered to treat.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads, or through which the said Roads may be turned; and such Persons or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate

or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Owners neglecting to treat, &c.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Seven or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments shall lie (which Oath any Two or more of the said Trustees are hereby impowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such

Jury to settle the Recompence.

Owners,

Owners, Proprietors, Occupiers, or other Person or Persons interested for or upon account of the taking such Lands, Grounds, or Hereditaments into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments: And in order thereto the said Trustees, or any Seven or more of them, are hereby impowered and required from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money to assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors, of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

Trustees may issue their Warrant to the Sheriff for impanelling a Jury.

County wherein which such Lands, Grounds, or Hereditaments shall lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed: And the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury; or being so sworn, refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be examined and give Evidence; and from time to time to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty is hereby directed to be levied, so as that no such Fine shall exceed the Sum of Ten Pounds upon any such Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

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

Expences of the Jury how to be borne.

And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons in any such Lands, Grounds, or Hereditaments,

reditaments, or for any such Loss or Damage than what shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses concerning the ascertaining and determining the Value of any such Right, Property, or Interest, or Losses or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Seven or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any Jury or Juries so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury, and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute:

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

And be it further enacted, That all and every Sum and Sums of Money, so assessed as aforesaid, is hereby charged upon the Monies raised, or which shall be raised, by virtue of the said recited Act or this Act, and shall be paid thereout accordingly by the said Trustees, or any Seven or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Person or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Person or Persons, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Roads, and shall to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads; and shall be repaired and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road, so widened, altered, or turned, was

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

and deemed a publick Highway.

Old Road may be sold.

and ought to have been kept in Repair: And after such new Road shall be completed, the Lands and Grounds comprized in or constituting the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing the said Roads, and other the Purposes of the said recited Act and this Act: And the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the County or Place wherein such Lands, Grounds, or Hereditaments, shall lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured.

And be it further enacted, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, walled Garden, Park, Plantation, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Surveyors of the Highways to give Notice of the Statute-work to be done on the Roads.

And, to the End that the said Justices may know the Inhabitants of all the Parishes and Places wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do, be it further enacted, That the Surveyors of the Highways of and for the several Parishes and Places through which the said Roads lie, out of the said Borough and Town of Taunton, shall, and they are hereby required to deliver to any Two or more Justices of the Peace for the County of Somerset, at such Time and Place as any Two or more Justices of the Peace for the said County shall require the same upon Oath (which Oath the said Justices are hereby impowered to administer) true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Parishes and Places respectively, who are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall keep a Team or Teams, and which of them are Labourers only; and the Surveyors of the Highways for the several Parishes within the said Borough and Town of

Taunton,

Taunton, shall and are hereby required to deliver to the Mayor for the time being, and some other of His Majesty's Justices of the Peace within and for the said Borough and Town, at such Time and Place as they shall require the same upon Oath (which Oath the said Mayor and other Justices are hereby impowered to administer) true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants within the said Borough and Town of Taunton, who are liable to do their Statute-duties in and upon the said Highways, and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall keep a Team or Teams, and which of them are Labourers only.

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

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, along any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, otherwise than upon Wheel Carriages or Sledges, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalties to be levied by Distress and Sale.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed; which Warrant the said Justice or Justices is and are hereby impowered and required to grant upon 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, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Seven or more of them, or to their Treasurer or Treasurers, and shall be applied, if not otherwise directed to be applied by this Act, for and towards the amending the said Roads, and other the Purposes of the said recited Act and this Act: And in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant

For want of Distress the Offenders to be committed.

rant under his or their hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol of the County or Place where the Offence shall be committed, there to remain for any Time not exceeding Two Months, to be reckoned from the Day of Commitment; and such Person or Persons shall not be discharged until he, she, or they shall have paid the said Penalty, or until the Expiration of the Time for which such Person shall be committed.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves, aggrieved, by any Act or Judgement of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of the said recited Act or this Act, or in the Execution of any of the Powers thereby or hereby to him or them given, such Person or Persons may appeal to the Justices of the Peace, at the next General Quarter Sessions of the Peace for the County or Place where the Matter or Thing for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding, of such Act, Order, or Judgement; unless such Act, Order, or Judgement, shall be done, made, or awarded, within Eight Days preceding such Quarter Session; and then to the Second Quarter Session after the doing, making, or awarding, such Act, Order, or Judgement; he, she, or they, causing Eight Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be so done, made, or awarded, and to the Treasurer or Treasurers, or Clerk, appointed or to be appointed by virtue of the said recited Act or this Act, or some one or more of them; which said Justices at their said Sessions, upon due Proof of such Notice being given, shall proceed in, and hear, and determine, the Causes and Matters of the said Appeals, and every of them, and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Eight Days Notice of Appeal to be given.

Proceedings not removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against the said recited Act or this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made

for

for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereunto; 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 Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Diſtreſs not unlawful for want of Form;

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

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity as aforeſaid, if Tender of Amends hath been made by or on Behalf of the Party diſtraining before ſuch Action brought.

Plaintiff not to recover, on Tender of Amends.

And be it further enacted, That full, true, and fair, Accounts and Entries of all the Monies which hath been, or ſhall be collected and received, laid out, expended, and paid, by virtue of the ſaid recited Act and this Act, and all Orders, Acts, Matters, Proceedings, and Things, which ſhall be done by the ſaid Truſtees in the Execution of the Powers hereby to them given, ſhall from time to time, be duly and regularly entered in a Book or Books which ſhall be kept for thoſe Purpoſes by the Clerk or Clerks to the ſaid Truſtees; which ſaid Book or Books ſhall and may be ſeen or peruſed at all reaſonable Times by any of the ſaid Truſtees without Fee or Reward; and ſuch Orders, ſo entered, being ſigned by ſuch Clerk or Clerks, at any Meeting of Seven or more 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 Seven or more of the ſaid Truſtees; which ſaid Book or Books ſhall and may be produced and read in Evidence in all Caſes of Suits or Actions, touching any Thing done in purſuance and by the Authority of this Act.

Proceedings to be entered in Books;

which ſaid Books may be read in Evidence.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Aſſignment, Deed Poll, Transfer, or other Security, for the borrowing of Money, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Truſtee or Truſtees for putting the ſaid recited Act and this Act in Execution, or by any Juſtice or

Writings to be without Stamps.

Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution, of any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Charges of passing this Act to be paid out of the Tolls.

And be it further enacted, That the Charges and Expences of obtaining and passing this Act, shall, immediately after the passing hereof, be paid out of the Tolls or Duties collected or to be collected by virtue of the said recited Act or this Act, or out of any Money borrowed or to be borrowed on the Credit thereof.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of the said recited Act, or this Act, the same shall be commenced within Six Months next after the Fact committed, and not afterwards; and every such Action or Suit shall be laid in the County of Somerset, and not elsewhere: And the Defendant or Defendants in every such Action or Suit

General Issue.

shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said recited Act, or this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before the Time limited for bringing the same as aforesaid, or shall be brought in any other County, Place or Places, than as aforesaid, 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 or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or De-

Treble Costs.

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

Publick Act.

And be it further enacted, 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 whomsoever, without specially pleading the same.

FINIS.