Anno quinto

Georgii III. Regis.

An Act for repairing, widening, turning, altering, and keeping in Repair, the Roads leading from the Port Town and Borough of *Minehead*, through *Dunſter* and *Timberſcombe* to *Hele Bridge*, and through the Town of *Dulverton*, and by the River and *Bruſhford Green* to *Exbridge*, in the County of *Somerſet*; and from thence to *Batham Bridge*, in the Town of *Bampton*, in the County of *Devon*; and alſo the Road leading from the ſaid Port Town and Borough of *Minehead*, through *Carhampton* and *Billbrooke*, to *Hartrow Gate*, in the Pariſh of *Stogumber*, in the County of *Somerſet*; and alſo the Road leading from *Carhampton* aforeſaid, through the Town of *Watchet*, in the Pariſh of *Saint Decumans*, in the County of *Somerſet*, to or near the Village of *Rydon*, and by *Long Croſs Barn*, to the End of the *Bridgewater* Turnpike Road, in the Town of *Nether Stowey*, in the County of *Somerſet*; and alſo from the ſaid Town of *Watchet* to *Tower Hill*, in the Village of *Williton*, in the ſaid Pariſh of *Saint Decumans*; and from the ſaid Town of *Watchet*,

by Way of *Five Bells*, to *Fair Croſs*; and from thence to *Stickle Path*, over *Brendon Hill*, to *Robery Lane*, and to *Bampton*, in the ſaid County of *Devon*.

Preamble.

WHEREAS the Highways or Roads hereafter mentioned; that is to ſay, The Road leading from the Quay or Port Town and Borough of Minehead, in the County of Somerſet, through the Town of Dunſter, and through Timberſcombe to Hele Bridge, and through the Town of Dulverton, and by the River and by Bruſhford Green to Exbridge, in the County of Somerſet, and from thence to Batham Bridge in the Town of Bampton in the County of Devon; and alſo the Road leading from the ſaid Town and Borough of Minehead, through the Villages of Carhampton and Billbrook, to Fair Croſs, and to a certain Place called Hartrow Gate, in the Pariſh of Stogumber, in the ſaid County of Somerſet; and alſo the Road from the ſaid Village of Carhampton, in the Road aforeſaid, to the Town of Watchet, in the Pariſh of Saint Decumans, in the ſaid County of Somerſet; and the Road from the Town of Watchet aforeſaid, to or near the Village of Rydon, in the ſaid Pariſh of Saint Decumans, and by Long Croſs Barn, to a certain Place in the Town and Pariſh of Nether Stowey, in the ſaid County of Somerſet, where the Bridgewater Turnpike ends; and from the Town of Watchet aforeſaid, to a Place called Tower Hill, at the South Eaſt End of the Village of Williton, in the ſaid Pariſh of Saint Decumans; and from the ſaid Town of Watchet, by Way of Five Bells and Tombland Rocks, to Fair Croſs aforeſaid, and from thence to Stickle Path, and over Brendon Hill to Robery Lane, and to the Town of Bampton in the ſaid County of Devon; which ſaid Roads are lying and being in the ſeveral Pariſhes of Minehead, Dunſter, Carhampton, Timberſcombe, Cutcombe, Exton, Kingsbrompton, Dulverton, Bruſhford, Withycombe, Old Cleeve, Saint Decumans, Nettlecombe, Huiſh Champflower, Upton, Skilgate, Monk Silver, Stogumber, Elworthy, Weſt Quantoxhead, Eaſt Quantoxhead, Kilve, Holford, Kilton, Doddington, and Nether Stowey, in the ſaid County of Somerſet; and the ſeveral Pariſhes of Morebath and Bampton, in the ſaid County of

of Devon; are in a ruinous Condition, and in many Places narrow and incommodious, and the same cannot be sufficiently and effectually amended, widened, and kept in good Repair, without the Aid of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Percy Earl of Thomond in the Kingdom of Ireland; the Right Honourable Lord Perceval, the Honourable Percy Wyndham, the Honourable Charles Wyndham, the Honourable William Wyndham, Sir Charles Kemeys Tynte Baronet, Sir Thomas Dyke Acland Baronet, Sir Thomas Hales Baronet, Sir George Trevelyan Baronet, Thomas Prowie Esquire, Henry Shiffner Esquire, Arthur Acland Esquire, John Dyke Acland Esquire, the Reverend Thomas Abraham Clerk, John Adams Gentleman, George Allercott Gentleman, Hugh Acland, William Baker Esquire, Robert Balch Esquire, William Bale Gentleman, George Beadon, John Beague Esquire, John Beague junior Esquire, Davy Bere Esquire, John Bere Esquire, the Reverend John Bere Clerk, William Binford Esquire, Richard Bowden Gentleman, the Reverend Nathaniel Blake Brice Clerk, Andrew Blake Gentleman, James Bryant Esquire, Edward Buller Gentleman, Jenkins Buller, James Bernard Esquire, Hugh Bennet Clerk, James Burges, William Burcher, Robert Bryant, the Reverend Hugh Bennet Clerk, Lemuel Bradley, Samuel Bradley, John Bishop, Richard Bowden, Richard Bowden junior, the Reverend Thomas Camplin LL. D. Thomas Carew Esquire, the Reverend Chapple Cox Clerk, Thomas Chappel Gentleman, John Chappel Gentleman, John Chester, the Reverend John Clendan Clerk, the Reverend Thomas Coles Clerk, the Reverend Thomas Cook Clerk, Richard Court Gentleman, Thomas Cridland Gentleman, John Cunditt Esquire, Richard Cox Gentleman, Charles Cade Esquire, Thomas Camplin Clerk, Charles Cade Gentleman, Richard Darch Gentleman, Robert Davis Gentleman, John Day Esquire, John Devonshier Gentleman, John Dibble Gentleman, John Darch of Brushford, Nathaniel Edbrook Gentleman, John Eddowes Esquire, Robert Eddowes Esquire, the Reverend Robert Eddowes Clerk, Fiennes Eddowes Esquire, the Reverend Bickham Escott Clerk, Richard Escott Gentleman, Thomas Escott Gentleman, John Escott Gentleman, James Evett, the Reverend Richard Evans, Henry Luttrell Fownes Esquire,

Trustees Names.

George Furſdon Eſquire, John Feltham Gentleman, Coulſon Fellows, William Gardener Eſquire, Andrew Gill Gentleman, John Good Gentleman, William Govett Gentleman, John Good, Robert Gardner, William Hayman Eſquire, the Reverend Leonard Herring Clerk, the Reverend John Holmes Clerk, the Reverend John Hone Clerk, the Reverend John Knyfton Clerk, Edmond Knightley Gentleman, Henry Fownes Luttrell Eſquire, John Fownes Luttrell Eſquire, Thomas Leigh Gentleman, Robert Lucas Eſquire, Robert Triſtram Lucas Eſquire, the Reverend Richard Larkworthy Clerk, William Leigh Gentleman, Robert Leigh Gentleman, Thomas Lyddon, Thomas Frederick Muſgrave Eſquire, Thomas Muſgrave Eſquire, Robert Mitchell Gentleman, George Milton, John Maunder, Richard Morle, Benjamin Milton, George Milton, John Norris Gentleman, Samuel Newte Clerk, John Otway Gentleman, Paul Orchard Eſquire, John Pearſe Gentleman, Robert Pearce Gentleman, William Pearce Gentleman, John Pippen Gentleman, Robert Pippen Gentleman, William Pippen Gentleman, George Poole Gentleman, the Reverend Nathaniel Poole Clerk, Thomas Poole Gentleman, the Reverend Thomas Pope Clerk, Thomas Putt Eſquire, Nathaniel Poole Eſquire, George Prior, Clement Poole, Jonathan Queſtion, Edward Rifdon Gentleman, the Reverend Samuel Rogers Clerk, John Rowe Eſquire, the Reverend John Rugg Clerk, John Saint Albyn Eſquire, the Reverend John Sandford Clerk, Edmond Knightley Seaman Gentleman, John Short, Gentleman, Cannon Southey Eſquire, Henry Sweeting, Gentleman, Richard Smith, George Sweet, Gentlemen; the Reverend Humphry Tanner Clerk, Joſeph Thorne Eſquire, John Trevelyan Eſquire, the Reverend John Turner Clerk, William Troyte Eſquire, Richard Vyvyan Gentleman, John Warren Gentleman, John Webber Eſquire, the Reverend James Wilkins Clerk, John Winter of Watchet Gentleman, John Winter of Stogumber Gentleman, William Withycombe Eſquire, William Withycombe Gentleman, Robert Woodhawſe Gentleman, the Reverend Thomas Wood Clerk, Richard Wrentmore, Thomas Wheddon, Alexander Webber Clerk, Charles Anderdon, William Axford, Joſeph Baker, James Bryant Town Clerk of Bridgwater, James Bryant Sadler, James Bryant junior, Solomon Calomon, William Came, James Chubb, James Chubb junior, Jonathan Chubb, Thomas Davis, John Drew, William Duddridge, Jeremiah Dewdney, John Evered, John Evered junior, Chriſtopher Gardner, Benjamin Good, Richard Gould, John Grabham, Thomas Haddon,

Haddon, John Haviland, Charles Holcombe, John Jeane Esquire, Richard Merchant, William Moore, Robert Parsons, Samuel Phelps, Thomas Pine, the Reverend Podger Clerk, the Reverend Willoughby Stambury, Benjamin Symes, John Sellick, Thomas Towills, Samuel Tucker, John Tucket, Robert Tucker, David Webber, Henry Wilkins, James Wallen, Thomas Phelps, Sir William Yea Baronet, Benjamin Allen Esquire, Thomas Allen Esquire, Robert Balch junior Esquire, George Balch Esquire, Philip Baker Esquire, Roger Blake Apothecary, Richard Buller of Nether Stowey, John Blake Gentleman, the Reverend Benjamin Burroughs Clerk, George Bartlett, the Reverend Thomas Bateson Clerk, Charles Barrell, Richard Codrington Gentleman, Charles Criddle, William Day Gentleman, John Day Gentleman, Thomas Day Gentleman, Hugh Durborow Gentleman, Thomas Escott junior Gentleman, Francis Escott Gentleman, John Escott Gentleman, Hugh Escott Gentleman, John Fraunceis Esquire, Samuel Feltham, Clement Govett of Kilton, Gentleman, Robert Govett Gentleman, Clement Govett of Stringston, Gentlemen; George Govett, Thomas Graunt Gentleman, John Gatchell, Jonathan Hall Gentleman, Speed Hayman, John Hawkins, Chares Leigh Gentleman, John Poole, William Poole of Chilton, Charles Poole, Edmund Pugsley, Edmund Pugsley junior, James Potter, John Prowse Clerk, Samuel Rich Gentleman, Thomas Rich Gentleman, James Rich Gentleman, John Rawlins, Francis Rawlins, John Rawlins junior, William Rawlins, the Reverend William Rawlins Clerk, Lancelot Saint Albyn Clerk, Richard Score Gentleman, Edward Score Gentleman, William Score Gentleman, John Slocombe, William Silke, John Silke, Bartholomew Silke, Humphry Sydenham Gentleman, John Sealy Gentleman, Thomas Seager Gentleman, William Seager, the Honourable Edward Perceval, Thomas Dyke Acland Esquire, John Briant, Francis Bastone, Thomas Buffet, Benjamin Coffin, Thomas Court, Michael Court, Richard Cridland, John Deake, Philip Dymond, Thomas Escott junior, Henry Leigh, the Reverend Morley Clerk, Whitefield Martin, James Newton, the Reverend Price Clerk, William Poole, John Read, John Rowe, William Sanford Esquire, Saint Barb Sydenham Esquire, James Taylor, and their Successors, to be appointed in manner herein after-mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution; and that when and as often as any of the Trustees named and appointed in

or

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

or by virtue of this Act shall die or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Five or more of them, by Writing or Writings under their Hands and Seals, from time to time, to elect, nominate, and appoint, One or more fit Person or Persons living or residing in the said Counties of Somerset or Devon, to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying or refusing to act; and such Person or Persons so elected and appointed shall be joined with the surviving or remaining Trustees in the Execution of this Act;

Notice of Election to be given.

Notice in Writing of the Time and Place of meeting for such Election of new Trustees being fixed on a Sunday Morning at or on the Church Doors of Minehead, Dunster, Saint Decumans, and Dulverton aforesaid, and at or on all the Turnpike-gates erected by virtue of this Act, at least Fifteen Days before the Meeting for such Election; and all and every the Person and Persons, so chosen and appointed, shall and may, and is and are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample, Manner, as the Trustees herein before named and appointed are by this Act impowered to do:

Trustees in the Commission of the Peace may act as Justices.

And that if any of the Trustees appointed or to be appointed to put this Act in Execution, is, are, or shall be, in the Commission of the Peace for the said Counties of Somerset or Devon, or elsewhere, such Trustee or Trustees shall and may act as a Justice or Justices of the Peace within his or their respective Divisions or Jurisdictions, for the more effectual putting in Execution the several Authorities and Powers in this Act granted, notwithstanding such Justice or Justices is, are, or shall be, a Trustee or Trustees as aforesaid, except in such Matters, Things, and Respects, in which he or they shall be personally interested, in any or either of which said Matters, Things, or Respects, such Person or Persons shall not be intitled or impowered to act as a Justice of the Peace.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of some Person having an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, or be possessed

of

of a Perſonal Eſtate to the Amount and Value of One thouſand Pounds: And if any Perſon ſo made incapable to act, for the Cauſes aforeſaid, ſhall nevertheleſs preſume to act, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; nor ſhall any Perſon be capable of acting as a Truſtee in the Execution of this Act, who ſhall have or accept of any Place of Profit ariſing out of, or by reaſon of any Tolls or Duties by this Act laid or granted; but ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees during his Enjoyment of ſuch Place of Profit as aforeſaid.

Penalty on acting if not qualified.

Truſtees not to accept of a Place of Profit under this Act.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Town Hall or Market Place in the ſaid Town of Dunſter, on the Tueſday Three Weeks next after the Day of the paſſing of this Act, and proceed to the Execution of this Act; and ſhall then adjourn themſelves to, and meet at ſome Place in the Town of Minehead, for the further Execution of this Act; and ſhall then adjourn themſelves to, and meet at ſome Place in the Town of Watchet, and proceed to the further Execution of this Act; and ſhall then adjourn themſelves from time to time, and meet alternately at the Places aforeſaid, as often as the ſaid Truſtees, or the major Part of them, ſo aſſembled, ſuch major Part not being leſs than Five, ſhall think neceſſary, for putting this Act in Execution: And if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act, ſuch Number to conſiſt of Five, or more, and to adjourn to any other Day; or that the Truſtees preſent ſhould neglect to adjourn to any other Day, or ſhould diſagree as to the Time and Place of ſuch Adjournment; then, and in ſuch Caſes, the ſaid intended Meeting ſhall ſtand adjourned to that Day Sevennight, and ſo on from Week to Week, on the ſame Day of the Week, till there ſhall be a ſufficient Number of

Times and Places of Truſtees Meeting.

In Default of a ſufficient Number to act.

Trustees present to act and to adjourn; and in case any Difference or Dispute shall arise among the said Trustees relating to the Trust reposed in them by virtue of this Act, such Difference or Dispute shall be determined by the major Part of the Trustees then present, such major Part consisting of Seven or more; but if it shall at any Time so happen, that there shall not be a sufficient Number of Trustees present at any of the said Meetings, so as to determine the said Difference or Dispute by the major Part, to consist of Seven at the least, such Difference and Dispute shall be adjourned over to and determined at the next Meeting, when a sufficient Number of Trustees shall be present to determine the same.

No Order made to be repealed, &c. but at a publick Meeting.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee named or appointed in or by virtue of this Act, shall act in the Execution of any of the Powers hereby given to the said Trustees, unless it be at a Meeting to be held in pursuance of this Act; and that the said Trustees at all their Meetings shall defray their own Charges and Expences.

Trustees to defray their own Expences

Trustees to appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered, from time to time, to elect and by (any Writing or Writings under their Hands and Seals) appoint fit and proper Persons to be Collectors and Receivers of the Tolls hereby made payable; and also One or more fit and proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officer or Officers as they the said Trustees, or any Five or more of them, shall think necessary; and such Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, or any or either of them, from time to time, to remove or displace, as they shall think fit, and to choose and appoint others in the Room and Place of such of them as shall be so removed, or shall die; Notice of such Removal or Death, and of the Time and Place of Meeting for the Purpose of filling up the Vacancy thereby occasioned, being first given and fixed on a Sunday Morning on the Church Doors of Minehead, Dunster, Saint Decumans, and Dulverton aforesaid, and on all and every the Turnpike-gates to be erected by virtue of this Act, at least Fifteen Days before such Election: And may and are hereby authorized and impowered, by and out of the Money which shall arise by and from the several Tolls aforesaid,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

to contract for, allow, and pay, to the several Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, appointed as aforesaid, and to such other Person and Persons as shall be assisting to them, or either of them, in or about the Repair of the said Roads, or any Part thereof, such Salaries, Rewards, or Allowances, for their Attendance, Care, and Services, in those Respects, as to the said Trustees, or any five or more of them, shall seem reasonable; And all and every the Collectors and Receivers of the said Tolls, and all and every the Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officers, who shall be appointed as aforesaid, and all and every Person and Persons who shall have or receive any of the Money which shall be collected, borrowed, raised, or received by virtue of this Act, shall, from time to time, when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up to them the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall appoint, full, true, fair, and perfect Accounts in Writing, under their respective Hands, of all the Money which shall have been by them respectively had, collected, or received, and how, to whom, and for what, such Money, and every Part thereof, shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Money as (upon the Balance of such Accounts) shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall direct or appoint; And that all and every the said Officers and Persons so accounting, or to account, as aforesaid, shall, if required, upon their several Oaths (which Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer) verify their Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; And if any or either of the Officers or Persons so accounting, or to account, as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver to the said Trustees, or any Five or more of them, the Receipts or Vouchers relating to the same, or to verify the Items and Articles thereof upon his or their Oath

Officers to account upon Oath.

Officers refusing to account,

or

or Oaths, or shall refuse or neglect to pay such Money as, upon the Balance of any Account or Accounts, shall appear to be in his, her, or their respective Hands, to the said Trustees, or any Five or more of them, or as they, or any Five or more of them, shall direct or appoint; then, and in either of the Cases aforesaid, upon Complaint made of any such Refusal or Neglect as aforesaid, to any Justice or Justices of the Peace for the County or Place where the Officer or Officers, Person or Persons, neglecting or refusing shall be or reside, such Justice or Justices may and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause to be brought before him or them such Officer or Officers, Person or Persons, so refusing or neglecting; and, upon his and their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act, might have done; and if, upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Testimony of One or more Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer gratis) it shall appear to such Justice or Justices, that any of the Money which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice and Justices may and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied and raised by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively: And if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices at the Time and Place by him or them appointed for that Purpose, upon Notice thereof in Writing being delivered to such Officer or Officers, Person or Persons, or left at his, her, or their last Place or Places of Abode respectively; or if appearing, shall refuse or neglect to give or deliver to the said Justice or Justices such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the

Balance to be levied by Distress and Sale.

For want of Distress Offender to be committed.

Truth

Truth of such Accounts, and the Items and Articles thereof, upon Oath as aforesaid, or to produce or deliver up to the said Justice or Justices the several Receipts and Vouchers relating to such Accounts respectively; then, and in either of the Cases aforesaid, the said Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his and their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the said Counties of Somerset or Devon, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the same, and the Items thereof, upon Oath, and have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively; and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distresses and Sales as shall, in those Respects, have been made; or shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Money which shall be thereby stipulated to be paid them; which said Composition and Money the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive: And that all and every Treasurer and Treasurers who shall be appointed as aforesaid, shall give such Security for the due Execution of his and their said Office or Offices, as to the said Trustees, or any Five or more of them, shall seem meet; which Security the said Trustees, or any Five or more of them, are authorized and required to take: And that no Person keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of holding any Place of Trust or Profit under this Act.

until he shall conform or compound for the same.

Treasurer to give Security.

Victuallers not to have a Place of Profit.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or such Person and Persons as they, or any Five or more of them, shall authorize and appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, and also a Toll-house or Toll-houses, in, upon, or across any Part or Parts of the Street or Streets, Road or Roads, by this Act appointed or directed to be amended, and on the Side or Sides of any Street or Streets, Highways or Roads, or upon, in, or across any Lane or Way leading into or out of the same Streets or Roads, or either of them (except as hereinafter is mentioned) and to pull down and remove the same,

Trustees may erect Turnpikes and Toll-houses, &c.

same, as they, or any Five or more of them, shall think proper; and shall demand, receive, and take the Tolls or Duties following, before any Carriages or Cattle shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Carriage, the Sum of Three Pence.

For every Yoke of Oxen, drawing any Waggon, Cart, or other Carriage, the Sum of Four Pence.

For every Horse, Mare, Gelding, Mule, or other Beast of Burthen, 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, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty; and the Money thereby raised and collected shall be and is hereby vested in the said Trustees; and the same and every Part thereof shall be paid, applied, disposed of, and assigned to and for the several Ules, Intents, and Purposes, and in such Manner as is herein after mentioned and directed: And it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, from time to time authorize and appoint, to demand and take the Tolls hereby granted and made payable, and to levy such Tolls upon any Person or Persons who (after Demand made thereof) shall refuse or neglect to pay the same, by Distress of any Horse or Horses, or other Cattle or Carriage, upon which such Tolls are by this Act imposed, or by Distress of any Goods or Chattles of or belonging to the Person or Persons who ought to pay the same; and to detain and keep such Goods and Chattles so distrained, until such Tolls or Duties, with the reasonable Charges of distraining and keeping the same, shall be paid; and such Person or Persons so distraining, after the Space of Four Days next after the Day on which such Distress shall be made and taken, shall and may sell the Cattle, Carriage, or Goods, so distrained and taken, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Charges

Charges of distraining, keeping, and selling the same, shall be deducted and paid.

No Gate to be erected between *Minehead* and *Dunster*, or *Brendon Hill* and *Watchet*.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend to impower the said Trustees to erect any Gate or Turnpike between the said Quay or Port Town and Borough of Minehead and the Town of Dunster, or between Brendon Hill and the Town of Bampton on the Watchet Road.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall pay the respective Tolls or Duties by this Act granted, for the passing of any Carriage or Cattle through either of the Gates or Turnpikes that shall by virtue of this Act be erected, such Person or Persons, upon producing a Note or Ticket of the Day, denoting such Payment, shall be permited to pass, repass, and return at any Time or Times during that Day, to be computed and reckoned from Twelve of the Clock in One Night to Twelve of the Clock in the next Night, through all or any of the Gates or Turnpikes that shall be erected on any Part of the said Roads, with the same Carriage or Cattle; which said Notes or Tickets the Collectors or Receivers of the Tolls or Duties at the several Gates or Turnpikes, to be erected or set up by virtue of this Act, are hereby directed to give gratis.

Trustees may erect Weighing Engines.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, if they think proper, erect or cause to be erected at any of the Gates or Turnpikes erected by virtue of this Act, or at such other convenient Place or Places upon the said Roads as the said Trustees, or any Five or more of them, shall think fit, any Crane, Machine, or Engine for weighing of Carts, Waggons, or other Carriages, which shall pass or repass on any Parts of the said Roads (the Charges and Expences of erecting such Crane, Machine, or Engine, to be paid and defrayed out of the Tolls or Duties collected in pursuance of this Act) and shall and may, by Writing under the Hands of the said Trustees, or any Five or more of them, order and direct all and every or any of such Carts, Waggons, or other Carriages which shall pass or repass on the Roads, together with the Loading thereof, to be weighed: And if any Person or Persons shall unload, or cause to be unloaden, any Goods or Merchandizes before he, she, or they shall come to any Gate, Turnpike, Machine, or Engine, erected by virtue of this Act, or with Force, or otherwise, attempt to prevent, hinder, or

Penalty on unloading Goods,

or obstructing the Weighing of Carriages, &c.

obstruct the Weighing of any such Cart, Waggon, or Carriage, with Intent to avoid the Payment of the Sum or Sums of Money directed to be paid, received, and taken by any Statute of this Realm, which now is, or which hereafter shall be made and in Force for the Preservation of the publick Roads of this Kingdom, for every Cart, Waggon, or other Carriage, which shall weigh more than by Law they ought to weigh; every such Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or their Treasurer or Treasurers for the time being, the Sum of Forty Shillings, to be recovered and applied in Manner herein after-mentioned: And that the Right, Interest, and Property of all and every the Gates, Turnpikes, Toll-houses, and Engines erected by virtue of this Act, shall be and they are hereby vested in the said Trustees; and they, or any Five or more of them, at their Meetings assembled, are hereby authorized and impowered to bring, or cause any Action or Actions to be brought in their Names, or in the Name or Names of the Clerk or Clerks for the time being, or to prefer, and order and direct the preferring of, Bills of Indictment or other Prosecutions against any Person who shall pull, take away, break down, or spoil such Gates, Turnpikes, Toll-houses, or Engines, or any by either of them, or any Part or Parts thereof.

Penalty on going thro' or permitting private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whomsoever, owning, renting, or occupying, any Land near unto any of the said Highways or Roads, or unto any Turnpike erected in pursuance of this Act, shall knowingly or wittingly permit or suffer any Person or Persons whomsoever to pass through any Ground, Field, Gateway, or Passage, belonging to such Owner, Renter, or Occupier; or if any Person or Persons shall go or pass through any such Ground, Field, Gateway, or Passage, the same not being a Common Road, with any Carriage or Cattle, whereby the Payment of any of the Tolls or Duties by this Act granted shall be avoided; or if any Person or Persons shall give to or receive from any other Person, except the Toll-gatherer or Collector of the said Tolls, any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the Tolls, or shall make use of any forged Note or Ticket; or if any Person or Persons driving or owning any Carriage, shall at any Time or Times take off, or cause or suffer to be taken off, from such Carriage, any Horse, Ass, Mule, Ox, or other Cattle, at or before the same shall

come

come to any of the Gates or Turnpikes erected by virtue of this Act; or if any Person or Persons shall leave, in any House or Place upon or near the said Roads, any Carriage or Cattle chargeable with or liable to pay any or either of the Tolls by this Act granted, whereby or by Means whereof, or of either of the Offences aforesaid, the Payment of any of the said Tolls shall be evaded or lessened, that then, and in either of the Cases aforesaid, every Person so offending, and being thereof convicted upon the Oath of One or more Witness or Witnesses, before any One or more Justice or Justices of the Peace for the County where the Offence shall be committed (which Oath the said Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay to the Trustees, or to their Treasurer for the time being, the Sum of Forty Shillings, to be recovered and applied in Manner herein after-mentioned. to avoid paying the Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with or compellable to pay any of the said Tolls or Duties for any Waggon, Wain, Cart, or other Carriage; or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing the same, which shall be used or employed in the Carriage of any Stones, Gravel, or other Materials for the repairing any Road or Highway; or in the Carriage of any Lime, Dung, Mould, Soil, or Compost of any Kind, for the manuring of any Garden, or other Land, or Ground; or that shall be used and employed in the plowing, sowing, tilling, or cultivating any Land or Ground; or in the Carriage of any Hay, Straw, Corn in the Straw, Heath, Furz, or Wood for Fuel not sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or Backsides, of the Owner or Owners thereof; or for any Plough, Harrow, Dray, or other Implement of Husbandry; or for any Horse, Mare, Gelding, Ox, Ass, Mule, or other Beast or Cattle going to or returning from Water or Pasture, or in order to be shod; or for any Post Horse carrying any Mail or Packet; or for the Horses of Soldiers upon their March; or for any Waggon, or other Carriage, or Horse, or other Beast, drawing or not drawing the same, which shall be loaded with or employed in carrying the Arms or Baggage of such Soldiers; or for any Horse or other Beast which shall be employed in the Carriage of Serges, or other Cloth undressed, to or from the House of any Inhabitant of either of the said Parishes in which the said Roads lie, Exemptions from Tolls.

to or from any Fulling-mill, Tenter, or Rack, belonging to or occupied by such Inhabitant where the same shall be manufactured or dried; or for any Carriage, Horse, or other Beast, employed in passing Vagrants travelling with Passes; nor shall any of the Tolls or Duties hereby laid be demanded or taken from any Inhabitant of either of the said Parishes, who shall pass through any of the said Gates or Turnpikes to or from his or her respective Parish Church, or Parochial Chapel, or other Place of religious Worship on Sundays; or who shall attend the Funeral of any Person who shall die and be buried in any of the said Parishes; nor shall any of the Tolls or Duties hereby laid be demanded or taken of any Person going to or returning from an Election of any Knight or Knights of the Shire for the Counties of Devon and Somerset, or either of them:

Penalty on making illegal Claims, &c.

And that if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person and Persons shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers for the time being, the Sum of Forty Shillings; One Moiety whereof shall go and be applied to the Use of the Informer upon whose Oath such Offender shall be convicted, and the other Moiety towards amending the said Roads.

Trustees may lease, &c. the Tolls.

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, to grant and let to farm, during any Term not exceeding Three Years, the Tolls of all or any of the Gates or Turnpikes erected by virtue of this Act, to any Person or Persons, subject to such Conditions as the said Trustees, or any Nine or more of them, shall think fit, and for the most and greatest Sum of Money that can be got for the same; Notice in Writing of the Time and Place of such Meeting, for such granting and letting to farm the said Tolls, being fixed on a Sunday Morning at or on the Church Doors of Minehead, Dunster, Saint Decumans, and Dulverton aforesaid; and at or on all the Turnpike Gates erected in pursuance of this Act, at least Twenty Days before the Meeting for such granting and letting to farm the said Tolls.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the First Money arising by the Tolls or Duties collected by virtue of this Act, or the Money which shall be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall in the

first Place, pay and discharge all the Expences and Charges of procuring and passing this Act; and the Remainder of the Money so raised, shall be laid out and applied in defraying the Expences of erecting Gates, Turnpikes, and Toll-houses, and repairing, altering, and widening, the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the same, and the Execution of this Act, in Manner following; that is to say, The Tolls to be collected upon the Road leading from the Town of Minehead, through the Town of Dunster and Dulverton to Batham Bridge, and the Money to be borrowed on the Credit thereof, shall be laid out and expended upon the said Roads; and the Tolls to be collected upon the Road leading from Minehead, through Carhampton and Billbrooke to Hartrow Gate; and the Tolls to be collected upon the Road leading from Carhampton aforesaid, to the Town of Watchet; and the Money to be borrowed upon the Credit thereof, shall be laid out and expended upon the said Roads, except as herein after excepted; and the Tolls to be collected upon the Road leading from the said Town of Watchet, to the Town of Nether Stowey, and the Money to be borrowed upon the Credit thereof, shall be laid out and expended upon the said Road; and the Tolls to be collected upon the Road leading from the said Town of Watchet, to the Village or Town of Williton; and the Tolls to be collected upon the Road leading from the Town of Watchet, to the Town of Bampton, and the Money to be borrowed upon the Credit thereof, shall be laid out and expended upon the said Roads.

Turnpike to be erected on the Road leading from *Fair Cross* to *Hartrow*, &c.

Provided always, That the said Trustees, or any Five or more of them, shall, and they are hereby required to erect, or cause to be erected, a Gate or Turnpike in, upon, or across, the Road leading from Fair Cross to Hartrow Gate; and shall, and they are hereby required to apply Two Third Parts of the Tolls or Duties collected at such Gate or Turnpike, in the repairing and widening the Road leading from the Town of Watchet, to the Town of Bampton aforesaid.

How the Monies are to be applied when One Road is repaired.

Provided always, and be it enacted by the Authority aforesaid, That when any of the said Divisions of the said Roads shall be sufficiently amended, and the same shall be so determined by the said Trustees, or the major Part of them present at any Meeting, such major Part not being less than Seven, and the Money borrowed on the Credit of the Tolls or Duties to be collected on any such Division shall be repaid, together with all Interest due for the same, or the Person or

Persons to whom the same shall, at the Time of such Meeting, be due, consent thereto; it may and shall be lawful for the said Trustees, or any Seven or more of them, to apply any Part of the Tolls or Duties collected on such Division towards the amending all or any of the other Roads hereby directed to be amended; any thing herein contained to the contrary notwithstanding.

Turnpikes to be erected in the Places here mentioned.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and they are hereby required to cause One Gate, or Turnpike, and Toll-house, to be erected upon, in, or across, the Road leading from Watchet to Bampton, at or near the South East End of Watchet; and may also cause to be erected Two separate Gates, or Turnpikes, and Toll-houses thereto, on the Road leading from Watchet to Williton, and on the Road leading from Watchet to Nether Stowey, and there to cause to be taken and levied such Tolls as are hereby impowered to be taken and levied at any other Gate or Turnpike erected by virtue hereof; but in case the said Trustees shall think proper to erect Two Gates or Turnpikes at the Junction of the Two Roads leading from Williton and Nether Stowey to Watchet, they shall in that Case appoint One Collector to collect the Tolls at the said Gates or Turnpikes erected upon, in, or across, the Roads leading from Williton and Nether Stowey, such Collector shall and he is hereby required to keep a separate Account thereof, and shall deliver such Account upon Oath to the said Trustees, or any Five or more of them, when thereunto required; which Oath any Two or more of the said Trustees are hereby impowered to administer.

This Act not to extend to the Repair of Pavements, &c.

And be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to impower the said Trustees to lay out or apply any of the Money raised by the Tolls or Duties hereby granted, or borrowed on the Credit thereof, in paving the Towns of Dunster, Dulverton, Bampton, or Watchet.

Tolls may be assigned for Money borrowed.

And, for the more speedy repairing and widening the said Roads, or any or either of them; be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, from time to time, upon the Credit of the Tolls hereby made payable, borrow and take up at such Rate of Interest as shall be agreed on, any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and may, and they are hereby authorized by

Writing

Writing or Writings under their Hands and Seals, or the Hands and Seals of any Seven or more of them, to assign over the said Tolls, or any Part or Parcel thereof, for any Term or Number of Years, not exceeding the Term for which this Act is to continue, unto any Person or Persons, as a Security or Securities for the Repayment of such Sum or Sums of Money as shall be borrowed, and the Interest thereof as aforesaid; all and every of which Assignments so to be made, shall be copied and entered at Length in a Book or Books to be kept by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, for that Purpose.

Trustees not liable by reason of signing, &c.

Provided always, and be it further enacted by the Authority aforesaid, That the Trustees who shall execute such Assignment or Assignments, or any or either of them, their, any, or either of their Lands or Tenements, Goods or Chattles, shall not, by reason of signing or sealing the same, be charged or chargeable with the Payment of the Money thereby secured, or any Part thereof.

Notice to be given of borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted, except at the First Meeting, unless Notice for that Purpose in Writing, under the Hand or Hands of the Clerk or Clerks, or Treasurer or Treasurers, to the said Trustees, be by Order of such Trustees, or any Five or more of them, affixed upon the Church Doors of Minehead, Dunster, Dulverton, and Saint Decumans, upon a Sunday Morning; and likewise upon all the Turnpike-gates that shall be erected by virtue of this Act, at least Fifteen Days before borrowing the same.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons to whom any such Assignment or Assignments of the said Tolls, or any Part or Parts thereof, shall be made by the said Trustees, or any Seven or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls, and his, her, or their Executors or Administrators, Assignee or Assignees, may, and are hereby impowered, from time to time, by proper Words of Assignment to be indorsed on his, her, or their Security or Securities, or by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, to assign and transfer such Security and Securities, and all the Money that shall be due thereon, to any other Person or Persons whomsoever; and that all and every such Transfer

fer or Assignment of any Security of the said Tolls shall, from time to time, be produced or notified to the said Clerk or Clerks, Treasurer or Treasurers, to the said Trustees for the time being, within the Space of Two Months after the respective Dates thereof, who shall

Entries to be made of all Assignments.

make, or cause to be made, a proper Memorial or Entry of all and every such Assignments or Transfers, containing the Date thereof, and the Names, Additions, and Places of Abode, of the several Parties thereto, and the Sum or Sums of Money, and Term or Terms of Years, therein mentioned and contained, and other the material Contents of the same, and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, in the Book or Books to be kept for entering the said original Assignments made by the said

Clerk's Fee.

Trustees as aforesaid; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence, and no more, by the respective Persons to whom such Assignments shall be transferred, for each and every such Entry; and after such Entry made, but not otherwise, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors or Administrators, to the Benefit thereof and Payment thereon; and it shall not be in the Power of the Person or Persons making such Assignment, to make void, release, or discharge the same, or the Money due thereon, or any Part thereof.

Trustees may vary the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, to vary or alter any, or either, of the several Tolls aforesaid, as they shall think proper, and see Occasion, provided they do not at any Time exceed the Tolls granted by this Act; nor lessen nor reduce them, until the Money borrowed on the Credit thereof, with Interest for the same, be repaid, unless the Person or Persons to whom the same shall at the Time of such Reduction be due, consent thereto.

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 Surveyor and Surveyors appointed by the said Trustees, or such Person or Persons as he or they shall appoint and employ for that Purpose, to dig, cut, gather, take, and carry away, or cause to be dug, cut, gathered, taken, and carried away, any Gravel, Chalk, Furze, Heath, Sand, Stones, and other Materials, from the Sea Shore, or out of any River or Brook, Waste or Common, in any Parish, Town, Village, or Hamlet, lying near the said Roads, to be used, disposed of, and applied, in repair-

ing

ing the said Roads, without paying any thing for the same; they the said Surveyor and Surveyors, or other Person or Persons, filling up the Pits, or levelling or fencing round the Ground, from which such Materials shall be taken as aforesaid, or causing the same to be done; and for want of sufficient Gravel, Chalk, Furze, Heath, Sand, Stones, or other Materials, on such Sea Shores, or in such Wastes or Commons, River or Brook, as aforesaid, it shall and may be lawful for the said Surveyor or Surveyors, or other Person or Persons, as aforesaid, to dig and gather the same out of the several Grounds of any Person or Persons (not being a House, Garden, Orchard, Yard, planted Walk or Walks, Park, or Avenue to an House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used, as a Plantation or Nursery for Trees) where any such Materials can or may be found, and, from time to time, to carry away so much thereof as the said Surveyor or Surveyors shall adjudge necessary for repairing and amending the Roads aforesaid; paying such Rates, and making such Satisfaction, for the Damage done such Grounds only, to the Owner or Owners of the Ground where and from whence the same shall be digged, cut, gathered, taken, or carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; which Satisfaction the said Trustees, or any Five or more of them, are hereby impowered to pay out of the Money which shall be borrowed, collected, or raised, by virtue of this Act: And in case of any Difference concerning the same between such Owner or Occupier and the said Trustees, touching such Damage as aforesaid, the Justices of the Peace, at the next General Quarter Session to be holden in and for the said Counties of Somerset or Devon, in which the said Lands shall respectively lie and be situate, or the major Part of them then present at such Session, shall and may adjudge, assess, and finally determine the same; the Person or Persons, who shall think himself or themselves aggrieved or injured by such Determination of the Trustees, giving Ten Days Notice of such Application to the Session, to the Clerk or Clerks of the said Trustees, or the Surveyor of the said Road, where such Lands lie, or to the Owner or Occupier of such Grounds or Lands, or to any One of his or their Family, to be left at his or their respective Places of Abode.

without paying for the same; levelling the Pits.

If sufficient Materials cannot be had there, the same may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove

Surveyors may remove Annoyances, &c.

move all Annoyances on the said Roads, and by an Order for that Purpose from the said Trustees, or any Five or more of them, to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for the Space of Fifteen Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants 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, from time to time, to levy the Charge thereof upon such Owners or Occupiers by Distress and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath, before Two or more Justices of the Peace for the said County or Places, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

and cut down Trees,

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor.

Penalty of a Second Offence.

And be it further enacted, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Road, shall not in a proper Manner cause the same to be scoured and cleansed, within the Space of Ten Days next after Notice in Writing shall, for that Purpose, be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors; then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof, upon him or them respectively made, either in Person or by Writing, to be left at his, her, or their respective

Owners of Watercourses, &c. neglecting to scour the same,

Surveyors may set Men to cleanse the same,

and levy the Charge by Distress and Sale,

Place or Places of Abode, the said Money and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants, under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner and Owners thereof upon Demand, after all Charges paid.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors of the said Roads, or any other Person or Persons whom he or they shall nominate or appoint, such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them, for that Purpose, to make, or cause to be made, any Causeway or Causeways, Ditches, Drains, or Trenches, in or along the Side or Sides of any Part or Parts of the said Roads, or through and across the same; and to make, erect, build, or repair, or cause to be made, erected, built, or repaired, any Bridge or Bridges, Arch or Arches, of Stone, Brick, or Timber, upon, in, or across, the said Roads, or any Part thereof; and to dig, cut, or make, or cause to be digged, cut, or made, any Ditches, Drains, or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part thereof, from being overflowed, and to erect Bridges over such Drains, Ditches, and Watercourses, if necessary; and also to make, or cause to be made, a Road or Way by, through, or over, the Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads, not being the Scite of or Ground whereon any House stands, or Yard, Garden, Park, Paddock, Orchard, Plantation, or Nursery of Trees, or Avenue to any House, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and until such Time as it shall be safe and convenient for Passengers and Carriages to travel the same; making such Satisfaction to the Owners and Occupiers of such Lands and Grounds through which any such Ditches, Drains, or Watercourses, shall be cut, or on which any such Bridge or Bridges shall be erected, or through which such Road or Roads shall be made, for the Damages they may thereby respectively sustain, as by

and make a temporary Road;

making Satisfaction to the Owners.

the said Trustees, or any Five or more of them, shall be adjudged reasonable; which Satisfaction the said Trustees, or any Five or more of them, are hereby impowered to pay out of the Money which shall be borrowed, collected, or raised, by virtue of this Act: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or Person or Persons by them appointed and employed as aforesaid, and the said Owners and Occupiers, or any or either of them, concerning such Damages, or the Satisfaction to be made for the same, the Justices of the Peace, at the next General Quarter Sessions to be holden in and for the Counties of Somerset or Devon, within whose Jurisdiction the Cause of Complaint shall respectively arise, on Ten Days Notice thereof to be given in Writing by the said Surveyor or Surveyors, Clerk or Clerks, or the said Trustees, or either of them, to the said Owner or Occupier, Owners or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, Clerk or Clerks respectively, or either of them, or to be left at their or either of their respective Place or Places of Abode, with some or One of their respective Families, shall hear, settle, adjudge, and finally determine the same.

Justices to determine Differences.

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Five or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Roads, for the better Accommodation of Passengers; then the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and impowered, from time to time, to widen, turn, divert, and alter, any Part or Parts of any of the said Roads, and for that Purpose, to treat, contract, and agree with the several Owners, Proprietors of, and Persons interested in, any Lands, Grounds, or Hereditaments, for the Purchase of any such Lands, Grounds, or Hereditaments, and with the Occupiers of any such Lands, Grounds, or Hereditaments, 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 this Act granted, or 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 Five or more

more of them, and also the Costs and Charges attending such Agreement and Purchase.

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 Five 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 and 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.

Bodies Politick, &c. impowered to treat.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interest 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

Owners neglecting to treat, &c.

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 Five 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 Oaths any Two or more of the Truſtees are hereby impowered and required to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Proprietors, Occupiers, or other Perſon or Perſons intereſted for or upon account of the taking of ſuch Lands, Grounds, or Hereditaments into the ſaid Roads, or of turning ſuch Road into or through any ſuch Lands, Grounds, or Hereditaments, except as is hereafter mentioned: And in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall 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 Five 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 Five or more of them, ſhall thereupon order, adjudge, and determine, the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Proprietors, or Occupiers, 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 the Poſſeſſion, Reverſion, Remainder,

Jury to ſettle the Recompence.

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be final.

maindet, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, 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 thencefoorth, 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 Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein 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 Trustees, or any Five or more of them, at such Time and Place as in such Warrant 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 Five or more of them, acting in the Premisses, shall have full 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 that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury; or being so sworn, 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,

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

Jurors may be challenged.

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

shall refuse or neglect to appear, or appearing, shall refuse to be sworn and give Evidence; and from time to time to levy such Fine or Fines in the same Manner as any other Forfeitures or Penalties herein before mentioned is hereby directed to be levied, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One 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.

Fine not to exceed 10*l.*

Expences of the Jury how to be borne.

And be it further enacted by the Authority aforesaid, 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, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, in Writing under the Hand of their Clerk, and delivered by him, or by some Person by his or their Order, before the summoning or returning the said Jury or Juries, as a Recompence and 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, in any such Lands, Grounds, or Hereditaments, or Losses, or Damages, sustained as aforesaid, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls and 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 Five or more of them, in Writing under the Hand of their Clerk, and delivered by him, or by some Person by his or their Order, before the summoning the said Jury or Juries, as a Recompence and 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.

And

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money, so assessed as aforesaid, is hereby charged upon the Money which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five 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 Persons 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 for ever after; 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 and ought to have been kept in Repair.

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

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

and deemed a publick Highway.

Provided always, and be it 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, Garden, Park, Paddock, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Buildings, &c. not to be injured.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Villages, Hamlets, Tithings, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of this Act, hath or 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 or Parts of the said Road, or Bridge or Drain, lying in or upon the same, shall, notwithstanding this Act be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Part or Parts of the said Roads, Bridges, or Drains, in the same Manner as they, every, or any of them, have or hath heretofore usually done, or ought to do; and that the Inhabitants of, and Occupiers of Lands, Tenements, or Hereditaments, in the several Parishes, Hamlets, and Places, through which the said Roads lead, who by the Laws and Statutes of this Realm are or shall be obliged or liable to Work on the said Highways for the repairing thereof, commonly

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

Inhabitants to do Statute-work.

commonly called Statute-work, shall still be subject to perform the same Work, and shall and are hereby required to do and perform such and so many Days Work on such Parts of the said Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, or shall occupy such Lands, Tenements, or Hereditaments, as the said Trustees, or any Five or more of them, shall direct or appoint, and at such Times, and in such Manner, as the Surveyor or Surveyors authorized and appointed, shall direct and appoint, so as that they shall not be obliged to do more than Four Days Labour, nor less than Two, in any One Year; and that every Inhabitant of, or Occupier of Lands, Tenements, or Hereditaments, in the said Parishes, Hamlets, and Places, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Parishes, Hamlets, and Places, in which they respectively live, or shall occupy such Lands, Tenements, or Hereditaments, as Persons keeping Teams are by Law obliged or ought to do; that is to say, For every Fifty Pounds a Year they shall so rent, hold, or occupy.

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

And, to the End that the said Trustees may know the Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments, in all the Parishes, Hamlets, and Places, who are liable to do Statute-work on the said Roads hereby directed to be repaired, and what Sort of Duty they ought respectively to do, be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Parishes, Hamlets, and Places, where, or in, or for which, any Surveyor or Surveyors usually have been or ought to be chosen, shall, and they are hereby required, within Fourteen Days after Notice in Writing, signed by the Clerk to the said Trustees, shall be given to him or them, or left at his or their House or Houses, or last Place of Habitation, for that Purpose, to return and deliver in to the said Trustees, at any Meeting to be by them had agreeable to such Notice, true and perfect Lists in Writing, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, of the Names of all the Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments, in such Parishes, Hamlets, and Places, respectively, that are liable to do their Statute-work or Duty in and upon the said Highways; (which Oath the said Trustees, or any Two or more them, are hereby impowered to administer)

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

minister) and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers shall, and by this Act shall be deemed to keep a Team or Teams, and which of them keep Pack-horses, or other Beasts of Burthen, and how many in Number, and which of them are Labourers, or liable to do their Statute-duties as Labourers only; and also Lists of all the Roads liable to be repaired within the said Parishes, Hamlets, and Places, by the Statute-labour, and the Extent thereof.

Penalty on Surveyors neglecting to deliver Lists.

And be it further enacted, That if the Surveyor or Surveyors of the several Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in such Lists as aforesaid respectively, at or before such Times, and in such Manner, as by this Act are required and directed to be delivered, or shall refuse to verify the same, upon Oath, if thereunto required, or if the Name or Names of any Person or Persons who ought to have been inserted in such List or Lists are by Design omitted; or if such Surveyor or Surveyors shall refuse or decline to give such Publick Summons or Notices as herein after-mentioned to such Person or Persons who ought by Law to do and perform such Statute-labour or Duty as aforesaid, according to the Directions of the said Surveyor or Surveyors appointed by the said Trustees, such Parish Surveyor and Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds: And if any or either of the Inhabitants of, or Occupiers of Lands, Tenements, or Hereditaments, in the said several Parishes, Hamlets, or Places, being obliged, or liable by Law, to do Statute-duty in and upon the Highways, shall not do so much Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall, by the said Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do; such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereafter-mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default, the Sum of Ten Shillings; and every Inhabitant or Person keeping a Pack-horse or Pack-horses, or other Beast of Burthen, and no Team, nor by this Act deemed to keep a Team, for every Day's Default for every such Horse, or Beast, and Driver, the Sum of Three Shillings; and every other Inhabitant or Person liable to work on the said Roads as a Labourer only, for every Day's Default, the

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

Sum of One Shilling: And if any Person or Persons who shall come as a Labourer or Labourers, or be sent with any Team or Draught, Pack-horse, or Beast of Burthen, to work, on the said Roads, shall not attend at the Time and Place appointed, or shall be found idle or negligent, by the Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person and Persons; and in that Case the respective Forfeitures and Payments before-mentioned shall be incurred and made payable, as if such Person or Persons had refused or neglected to come, or such Team or Draught, Horse or Beast, had not been sent out.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, being authorized or impowered so to do by the said Trustees, or any Five or more of them, may and are hereby authorized and impowered to compound with the several Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in the several Parishes, Hamlets, or Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Rates or Sums of Money, by the Year or otherwise, as they the said Trustees, or any Five or more of them, or the said Surveyors and Inhabitants and Occupiers respectively, shall agree upon; or with the Surveyor or Surveyors of the said several Parishes, Hamlets, or Places; and such Parish Surveyor or Surveyors, having the Consent of the Inhabitants of their respective Parishes, or the major Part of them, at any Meeting to be held for that Purpose, are hereby impowered to contract and agree with the said Trustees, or any Five or more of them, for any gross Sum to be paid by the said Parishes for or in lieu of the Statute-work or Duty to be done and performed by the whole Parish; which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment, and shall be accordingly laid out in repairing the Roads, in respect whereof such Composition-monies were paid: And such Surveyor and Surveyors of the said several Parishes, Hamlets, or Places, aforesaid, so compounding and paying any gross Sum as aforesaid, for the whole Statute-labour of the Parish, Hamlet, or Place, shall be repaid or reimbursed the same in such Manner as, by the Laws now in being,

Surveyors paying the Composition-money, how to be reimbursed.

Surveyors of the Highways of this Kingdom are to be repaid or reimbursed the Monies by them expended in buying Materials for mending the Highways.

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by the said Trustees, shall give or cause to be given Notice in Writing to such Parish Surveyor or Surveyors, at what Time or Place, and on what Road, within the said Parishes, Hamlets, or Places, such Proportion of the said Statute-labour or Duty shall be done and performed, and how many Teams and Persons shall be sent out on each Day; and such Parish Surveyor and Surveyors is and are hereby required and directed to give publick Notice thereof, and summons, on the Sunday before, either in the Church immediately after Divine Service, or by affixing such Notice on the Church Door, such Person or Persons who ought to do and perform the Statute-labour aforesaid, according to the said Directions of the said Surveyor or Surveyors, to the said Trustees; and every such Person or Persons so summoned and warned out as aforesaid, is and are hereby required to do and perform such Work by himself or Servant, his Waggon, Cart, or Horses, in such Parts of the said Roads as the said Surveyor or Surveyors shall direct or appoint.

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

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being of any of the Parishes, Hamlets, or Places, through which the said Roads lead, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work, in any Parish, Hamlet, or Place, to be done on any of the said Roads; it shall and may be lawful for such Surveyor or Surveyors of the Highways of any Parish, Hamlet, or Place, to appeal to the next General Quarter Sessions of the Peace, to be held in and for the said County of Somerset or Devon, wherein such Highway lies; and the Justices in their said respective General or Quarter Sessions are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways aforesaid having first given Ten Days Notice in Writing of such Appeal to the Clerk of the said Trustees, or to the Surveyor or Surveyors appointed by the said Trustees; and such Surveyor and Surveyors of any Parish, Hamlet, or Place, so appealing as aforesaid, shall not cause such Proportion

tion of the said Statute-work or Duty to be done on any other of the Roads in the said Parish, Hamlet, or Place, until such Appeal shall be finally heard and determined.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may order and direct, and they are hereby required, to cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other; beginning to measure such Miles from the East End of the Town of Minehead, or from such other Place as the said Trustees, or any Five or more of them, shall, at any Meeting to be held pursuant to this Act, order, direct, or appoint, denoting the Number of Miles and Distances of Places, as to the said Trustees, or any Five or more of them, shall seem meet: And if any Person or Persons shall wilfully or maliciously destroy, pull down, dig up, injure, erase, obliterate, or deface, any or either of the said Stones or Posts, which shall be so erected or set up, or any of the Inscriptions which shall be made thereon, and shall be convicted thereof by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace of the County where the Offence shall be committed (which Oath the said Justice or Justices is and are hereby impowered and authorized to administer) every such Person and Persons so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully, maliciously, and designedly destroyed, pulled down, dug up, broken, injured, obliterated, or defaced, to be levied by Distress and Sale of the Goods and Chattles of the Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Offender shall be convicted; and One Moiety thereof shall go and be applied to the Informer upon whose Oath such Offender shall be convicted, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so obliterated, broken down, or defaced, or of supplying new Ones in their Stead, and the Residue, if any, in repairing the said Roads: And in case the Person or Persons so offending shall have no Goods or Chattles, on which the said Penalties or Forfeitures may or can be levied; then it shall and may be lawful to and for the said Justice or Justices, by Warrant under his and their Hand and Seal, or Hands or Seals, to commit such Person or Persons to the House of Correction for the County or Place where the Offence shall be committed, there to remain for any Time

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

For want of Distress, the Offender to be committed.

Time not exceeding One Calendar Month; and such Person or Persons shall not be discharged until he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the Time for which he or she shall be committed.

Penalty on haling Timber otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, upon, in, or along, any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, except upon Wheel Carriages, and so placed on the Carriage that no Part thereof shall drag on the Road; every such Person and Persons shall, for every such Offence, forfeit and pay the Sum of Twenty 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 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 Five 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 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 under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the Common Gaol of the County where such Offender shall dwell, there to remain for any Time not exceeding Two Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

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 this Act, or in the Execution of any of the Powers 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, he, she, or they, causing Ten 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, to be appointed by virtue of this Act, or some or One of them; and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at their said Sessions, upon due Proof of such Notice being given, and of entering into such Recognizance, shall proceed in, and hear, and determine, the Causes and Matters of the said Appeals, and every of them, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Notice of Appeal to be given.

Recognizance to be entered into.

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 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 Westminister; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed 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

Proceedings not removeable by *Certiorari*.

Distress not unlawful for want of Form;

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

Persons aggrieved by such Irregularity shall and may recover Satisfaction for the Special Damage in an Action upon the Case.

Plaintiff not to recover, on Tender of Amends.

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.

Proceedings to be entered in Books.

And be it further enacted, That full, true, and fair, Accounts and Entries of all the Monies which shall be collected, borrowed, and received, laid out, expended, and paid, by virtue of 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, Treasurer or Treasurers, to the said Trustees; and such Orders so entered shall be signed by the said Trustees, or any Five or more of them: And such Book or Books, and also the Book or Books herein before directed to be kept for entering and registering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any Thing done in pursuance and by the Authority of this Act.

Books may be read in Evidence.

Trustees may appoint Collectors, tho' not at a publick Meeting.

Provided always, and be it further enacted, That when and so often as it shall happen that any Collector of the Tolls, to be appointed by the Trustees aforesaid, shall happen to die or absent himself, it shall be lawful to and for the said Trustees, or any Five or more of them, not present at a Meeting, to nominate and appoint such Person as they shall think proper to collect the said Tolls, in the Room of such Collector so dying or absenting himself as aforesaid, until the next Meeting of the said Trustees, at which Meeting the said Trustees shall proceed to the Election of a new Collector, in Manner herein before mentioned.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, 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 this Act in Execution, or by any Justice or 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

the Peace, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever.

No Order made to be revoked, unless 7 Trustees consent thereto.

And be it further enacted, 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 Act, or any of them, shall be revoked, repealed, or set aside by any subsequent Order of the Trustees, unless the Majority of the Trustees present at any subsequent Meeting shall concur therein, such Majority not being less than Seven.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the several Authorities, Powers, and Tolls, hereby granted and made payable, shall commence and have Continuance from and after 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.

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 this Act, or in relation to any Matter herein contained, such Actions and Suits, and every of them, 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 or Place where the Cause of Action shall arise, and not elsewhere: And the Defendant or Defendants in every such Action or Suit shall and

General Issue.

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 this Act; and if the same shall appear to be so done, or that such Action or Suit was brought after 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 Defend-

Treble Costs.

ants 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.