Anno octavo

Georgii III. Regis.

An Act for repairing and widening the Road from *Buckland Dinham* to the End of the Pariſh of *Timſbury*; and alſo the Road from *Midſummer Norton* to the End of the Pariſh of *Norton Saint Phillips*; and alſo the Road from *Tucker's Grave* to the Road leading from *Wellow* to a Place known by the Name of the *Red Peſt*, in the County of *Somerſet*.

WHEREAS the Road leading from the End of Froome Turnpike Road at Buckland Dinham, in the County of Somerſet, through Parts of the ſeveral Pariſhes of Buckland Dinham, Hemmington, Wriglington, Radſtock, Camerton, Midſummer Norton, through Clandown, to Pows Aſhes, in the Tything of Welton, in the ſaid Pariſh of Midſummer Norton, and from Pows Aſhes to the End of the Pariſh of Timſbury, in the ſaid County, leading towards the City of Briſtol; and alſo the Road leading from the White Poſt in the ſaid Pariſh of Midſummer Norton, through Parts of the ſeveral Pariſhes of Stratton, Holcombe, Kilmerſdon, and through the Hamlet or Tything of Falkland, in the Pariſh of Hemmington aforeſaid, to the End of the Preamble.

Parish of Norton Saint Phillips, leading to the Parish of Farleigh Castle, in the said County of Somerset; and also the Road branching out of the said Road leading from the said White Post to Norton Saint Phillips, at or near a Place called Tucker's Grave, and leading through Stoney Littleton to the Road leading from Wellow to a Place known by the Name of the Red Post, in the said County, are in a ruinous Condition, and in many Parts thereof narrow and incommodious, and cannot be sufficiently and effectually amended, widened, and altered, 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 Sir Thomas Dyke Ackland, Sir Richard Warwicke Bampfield, Sir Charles Kemeys Tynte, Sir Jarrit Smith, Sir Abraham Isaac Elton, Baronets; John Adams, John Adams the younger, Thomas Bury, Harry Edgell, James Edgell, Isaac Elton, James Frampton, Robert Gordon, John Hippisley Coxe, Richard Hippisley Coxe, John Hippisley Coxe the younger, Thomas Horner, Norton Knatchbull, Joseph Lanton, James Laroche the younger, Richard Lansdown, Joseph Mortimer, William Miller, Michael Miller the younger, Jacob Mogg, Paul Newman, Henry Portman, William Reeve, Philip Stevens, John Salmon, John Smith, John Smith junior, George Stocker, James Stevens, James Tooker, Thomas Tyndall, John Wood, William Whitaker, Edward Bushel Collibee, William Chapman of Lincome, Thomas Atwood, Francis Bennet, Samuel Bush, Esquires; William Ames, Arthur Annesley, Arthur Culm, George Fiddes, Henry Harris, Giles Hill, Richard Hughes, John Kepling, William Martin, John Prowse, Thomas Paget, Alexander Paget, Alexander Pages, Isaac Pages, Robert Smith, Robert Twiford, Nelthorpe Wade, Clerks; Alexander Adams, Stephen Adams, Stephen Adams the younger, William Bush, Joseph Brodribb, Josiah Brodribb, Uriah Brodribb, Samuel Brodribb, Joseph Brodribb of Farmborow, Joseph Brodribb the younger of Hallatrow, Jeremiah Baker, Slade Baker, William Bennett the younger, John Crang, Richard Carter, George Carter, George Carter the younger, Thomas Collins, William Cradock, John Cradock, James Colstone, John Curtis, Thomas Dory, Thomas Dory the younger, John Dory, Palmer Dory, George Dyke, Anthony Dando, James Dando, John Durbin, John Day, Thomas Dean, Jeremiah Emblen, Samuel Emblen,

Trustees Names.

Emblen, John Edwards, Thomas Flower, John Green, George Harris, John Hales, Cornelius Heal, John Hill, Daniel Harſon, Joſeph Haſkins, William Hunt, John James the younger, William James, Samuel James, William Kelſon, William Kelſon the younger, George Kelſon, William Kelſon of Farmborow, Robert Langford, William Lanſdown, James Lanſdown, William Lanſdown of Radſtock, George Long, James Lancaſter, Richard Langford, George Lewis, Henry Lippincott, James Moore, William Moore, William Millard, Samuel Munckley, John Napper, John Owen, John Parſons, Thomas Parſons, John Paine, Robert Purnell, Sydenham Poyntz, Theophilus Ponting, John Pritchard, Cornelius Peterſon, Iſaac Parſons, John Peach, Walter Perkins, Richard Perkins, Thomas Perjew, Thomas Read, William Read, Bartholomew Smith, William Savage, Thomas Savage, Joſiah Savage, George Savage, John Savage, Thomas Salmon, James Salmon, Thomas Salmon of Stratton, Charles Simes, Charles Simes the younger, James Shute, Joſeph Silcox, William Skey, John Stocker, Thomas Symes, James Trip, George Tovey, Walter Wiltſhire, John Wallen, Thomas Whitington, Francis Weaver, John Whippy, George Ware, Edward Whatley, Thomas Whitehead, Robert Wright, Gentlemen, and their Succeſſors, to be elected in Manner herein after-mentioned, ſhall be and they are hereby appointed Truſtees for putting this Act in Execution.

Qualification of Truſtees.

And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Enjoyment, or in the Receipt of the Rents and Profits of Freehold or Copyhold Meſſuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or ſhall be Heir Apparent of ſome Perſon having a like Eſtate of the clear yearly Value of One hundred Pounds; or be poſſeſſed of a Perſonal Eſtate to the Amount or Value of One thouſand Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act in the Execution 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 and ſue for the ſame, to be recovered by Action of Debt, or on the Caſe, Bill, Plaint, Suit, or Information, in any of His Majeſty's Courts of Record at Weſtminſter; and the Perſon ſo proſecuted, ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evi-

Penalty on acting, if not qualified.

dence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Time and Place of their Meeting.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall meet together at the House of Elizabeth Savage, known by the Sign of The Bell, in Radstock, on the Tuesday Six Weeks next after the Day of the passing of this Act, and shall proceed to the Execution of this Act; and shall then, and from time to time, adjourn themselves to, and meet at, such Place or Places in or near the said Roads, as they the said Trustees, or any Seven or more of them, shall think necessary for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day; the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as such Case shall happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected upon or across the said Roads, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held, or at some other convenient House or Place in or near the said Roads, on that Day Three Weeks after the Day on which such last Meeting was appointed to have been held: And the said Trustees shall, at all their Meetings, defray their own Expences; and all Orders and Determinations of the said Trustees, in the Execution of this Act, shall be made in pursuance of this Act, and not otherwise; and no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting (every Trustee composing such Majority, not being personally interested in the Matter or Matters in Question) shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any such subsequent Meeting, unless Nine Trustees, not being personally interested as aforesaid, shall be present; but all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; nor shall any Meeting of Trustees which shall be held by virtue of this Act be, on any Account, begun to be held before the Hour of Ten in the Forenoon, or after Four in the Afternoon: And if any Meeting shall at any Time be held contrary to this Direction, all Business which shall be done or transacted

Trustees to defray their own Expences.

No Order made to be repealed, &c.

Trustees in Commission of the Peace may act as Justices.

transacted at such Meeting shall be, and the same is hereby declared to be, void.

In case the Clerk neglects to give Notice, Trustees may do it.

Provided always, and be it further enacted, That Two Trustees shall be sufficient for the Purpose of Adjournment: And if it shall at any Time happen, that no Trustee shall appear at the Time and Place appointed for any of the Meetings of the Trustees to be held under this Act, and the Clerk or Clerks to the Trustees shall refuse or neglect to give Notice, or shall, by any Means, be prevented from giving Notice as aforesaid; it shall and may be lawful for any Two or more of the Trustees appointed to put this Act in Execution, at any Time or Times (the Space of Seven Days after such Refusal, Neglect, or Prevention, of the Clerk or Clerks, having first intervened) by Notice in Writing, to appoint the Trustees to meet at some House in or near the said Roads, on that Day Three Weeks after the Date of such Notice; which Notice shall be affixed on all the Turnpikes erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting; and the Proceedings of the Trustees at every such Meeting, shall be as valid and effectual as if the Trustees had adjourned their Meeting to such Time and Place.

On Death or Removal, others to be chosen.

And be it further enacted, That when, and as often as any Trustee shall die, remove, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, by Writing under their Hands and Seals, to elect One other Person to be a Trustee in the Room of the Trustee so deceased, removing, or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same upon all the Turnpikes in or upon the said Roads, at least Ten Days before such Meeting; and all Persons who shall be so elected, are hereby vested with the same Power for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Trustees may appoint Officers;

And be it further enacted, That the said Trustees, or any Nine or more of them, may, and are hereby authorized and impowered, from time to time, to elect, and by any Writing 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, and other Officer or Officers, as they the said

and remove them, and appoint others.

Trustees, or any Nine 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 and 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 Buckland Dinham, Hemmington, Radstock, Timsbury, Camerton, and Norton Saint Phillips, aforesaid, and on all and every the Turnpike-gates 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 hereby granted, 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 or 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, and 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 and 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

Trustees to allow Officers Salaries.

Officers to account upon Oath.

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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 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 Five 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, her, or their Oath 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 or 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 the Nonpay-

Officers refusing to account,

Complaint may be made to Justices,

who are to determine the Matter.

Balance may be levied by Distress and Sale.

ment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied 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 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 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 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 County of Somerset, 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 Distress and Sale, 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 to take and receive: And that all and every Treasurer and Treasurers which 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 at a General Meeting, or any Nine or more of them, shall seem meet; which Security the said Trustees, or any Nine or more of them, are hereby authorized and required to take: And that no Person or Persons keeping

For want of Distress, the Offenders to be committed,

until Payment or Composition made.

Treasurer to give Security.

ing an Inn, Alehouſe, or other Houſe of publick Entertainment, or who ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors by Retale, ſhall be capable of holding any Place of Truſt or Profit under this Act. No Victualler to act under this Act.

And be it further enacted, That 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 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 herein is after-mentioned) and to pull down and remove the ſame, as they, or any Five or more of them, ſhall think proper; and ſhall and may demand and take the Tolls or Duties following, before any Horſe, Carriage, Sledge, Dray, or Cattle, ſhall be permitted to paſs through the ſame; that is to ſay, Truſtees may erect Turnpikes and Toll-houſes, and take Tolls thereat.

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

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 leſs Number.

And for every Drove of Calves, Sheep, Swine, or Lambs, the Sum of Five Pence per Score; and ſo in Proportion for any 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, and diſpoſed of, and aſſigned to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner as is herein 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 Tolls veſted in Truſtees. Tolls to be levied by Diſtreſs and Sale.

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

Distress may be sold after 4 Days.

No Gate to be erected cross the Road leading from *Paulton* to *Camerton*, &c.

Provided always, and be it further enacted, That nothing in this Act contained shall extend to impower the said Trustees to erect any Gate or Turnpike at Bows Ashes aforesaid, or within Fifty Yards thereof across the Road leading from Paulton to Camerton aforesaid, or within Two Furlongs on each Side of the Parish Church of Timsbury aforesaid, or within One Furlong on each Side of a Bridge called Radford Bridge; any thing herein contained to the contrary notwithstanding.

Tolls to be paid but Once a Day.

And be it further enacted, 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 any or 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 permitted 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 Note or Ticket, the Collectors or Receivers of the Tolls or Duties at the several Gates or Turnpikes to be erected by virtue of this Act, are hereby directed to give gratis.

And be it further enacted, That in case the said Trustees, or any Five or more of them, shall erect, or cause to be erected, a Gate or Turnpike at a Place called Tucker's Grave; then the said Trustees, or any Five or more of them, shall, and they are hereby impowered and

required to erect, or cause to be erected, a Gate, Turnpike, or Bar, in or across a Lane called Row Lane.

Provided always, and be it further enacted, That no Gate or Turnpike shall be erected by virtue of this Act, until the Sum of One thousand Pounds shall have been subscribed, promised, or undertaken to be lent on the Credit of the Tolls or Duties to be collected and raised by virtue of this Act. Proviso.

And be it further enacted, That the Right, Interest, and Property, of all and every of the Gates, Turnpikes, and Toll houses, which shall be 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, 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 steal, take away, break down, or spoil, such Gates, Turnpikes, and Toll-houses, or any or either of them, or any Part or Parts thereof. Turnpikes and Toll-houses vested in Trustees.

And be it further enacted, That if any Person or Persons whomsoever, owning, renting, or occupying, any Land or Ground 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 to any of the Gates or Turnpikes to be 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 Penalty on permitting, or going thro' private Passage, &c. or taking off Horses, &c.

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 any or either of the Cases aforesaid, every Person so offending, and being thereof convicted upon the Oath of any One or more Witness or Witnesses, before any One or more Justice or Justices of the Peace for the County of Somerset (which Oaths 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, any Sum not exceeding the Sum of Forty Shillings, to be recovered and applied in Manner herein after mentioned.

Application of the Tolls.

And be it further enacted, That out of the First Money arising by the Tolls or Duties hereby granted, or out of such Money as shall be borrowed on 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 Costs relative to the procuring and passing of this Act; and shall apply the Remainder of the Money so raised in erecting such Gates, Turnpikes, and Toll-houses, as aforesaid, and repairing, altering, widening, and amending, the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever.

Exemptions from Toll.

Provided always, and be it further enacted, That no Tolls shall be taken for any Horse, Cattle, or Beast, drawing or not drawing, employed only in the Conveyance or Carriage of any Dung, Soil, or Compost of any Kind, for manuring of any Garden, or other Land or Ground; nor shall any Toll be taken at any Time for any Horse, or other Cattle or Beast, drawing or not drawing, employed only in the Conveyance or Carriage of any Stones, Gravel, or other Materials, for repairing the said Roads, or for repairing any of the Highways in any of the Parishes or Places in which any Part of the said Roads are situate, or employed in the ploughing, sowing, tilling, cultivating, or stocking, of any Land or Ground in any such Parishes or Places; or in the Carriage of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up in the Houses, Outhouses, or Grounds, of the Owner or Owners thereof, in any of the said Parishes, or drawing or conveying any Plough, Harrow, or other Implement of Husbandry; or for any Horse, or other Cattle or Beast, going to or from Water or Pasture within the

the said Parishes or Places; or for the Horses of any Officers or Soldiers upon their March, or for any Horse, or other Cattle or Beast, employed in the Conveyance or Carriage of their Arms or Baggage; or for any Post-horse carrying or drawing the Mail; or for any Horse, or other Cattle, drawing or not drawing, employed in the carrying or conveying any Person or Persons going to, or returning from, any Election of a Knight or a Shire to serve in Parliament for the said County of Somerset, on the Days of such Election or Elections, or on the Day before or Day after the same shall begin or be concluded: 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 further enacted, That it shall and may be lawful to and for the said Trustees, or any Twenty one or more of them, to grant or to let to farm, during any Term not exceeding Three Years, the Tolls of all or any of the Gates or Turnpikes to be erected by virtue of this Act, to any Person or Persons, subject to such Conditions as the said Trustees, or any Twenty one or more of them, shall think fit, and for the most and greatest Sum that can be got for the same; and Notice in Writing, of the Time and Place of Meeting for such granting and letting to farm the said Tolls, shall be fixed on a Sunday Morning at or on the Church Doors of Buckland Dinham, Hemmington, Radstock, Timsbury, Camerton, and Norton Saint Phillips aforesaid, and at or on all the Turnpike-gates erected by virtue of this Act, at least One Month before the Meeting for such granting or letting to farm the said Tolls.

Proviso.

Provided always, That the said Trustees shall, and they are hereby required to take Security for the Payment of such Sum of Money as shall be so agreed for; and such Security shall not be for a less Sum than double the yearly Sum agreed to be paid by the Person or Persons to whom the said Tolls shall be so granted or let to farm.

Trustees may borrow Money on the Credit of the Tolls.

And, for the more speedy repairing and widening the said Road, be it further enacted, That the said Trustees, or any Nine or more of them, shall and may, from

from time to time, upon the Credit of the Tolls or Duties hereby made payable, borrow and take up at Interest such Sum or Sums of Money as they, or any Nine or more of them, shall think needful; and may, and they are hereby authorized, by Writing or Writings under their Hands and Seals, or the Hands and Seals of any Nine or more of them, to assign over the said Tolls or Duties, or any Part or Parcel thereof, for any Term or Number of Years, unto any Person or Persons, as a Security or Securities for the Payment of such Sum or Sums as shall be borrowed, and the Interest thereof as aforesaid; and 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.

Entries to be made of all Assignments.

Trustees not subject to Debts contracted under this Act.

Provided always, and be it further enacted, That the Trustees who shall execute such Assignments, or any or either of them, their or any or either of their Lands, Tenements, Goods, or Chattles, shall not, by reason of signing and 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 also, and be it further enacted, That no Money shall be borrowed by the said Trustees, on the Credit of the Tolls or Duties hereby granted, except at their First Meeting, unless Notice for that Purpose, in Writing under the Hand or Hands of the Clerk or Clerks, 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 Buckland Dinham, Hemmington, Radstock, Timsbury, Kilmersdon, Camerton, and Norton Saint Philips, upon a Sunday Morning, and likewise upon all the Turnpike-gates that shall be erected by virtue of this Act, at least Fourteen Days before the borrowing the same.

Assignments may be transferred.

And be it further enacted, That all and every Person and Persons to whom any such Assignment or Assignments of the said Tolls or Duties, or any Part or Parts thereof, shall be made by the said Trustees, or any Nine 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 or Duties, and his, her, or their Executors, Administrators, Assignee or Assignees, may, and is 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,

his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, to assign and transfer such Security and Securities, and all the Money that shall be due thereon, to any other Person or Persons whomsoever; and all and every such Transfer or Assignment of any Security of the said Tolls or Duties, shall, from time to time, be produced or notified by 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 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 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 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 Assignments to make void, release, or discharge, the same, or the Money due thereon, or any Part thereof.

Entries to be made of all Assignments.

Clerk's Fee.

Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, to vary or alter all, any, or either of the several Tolls or Duties aforesaid, and for such Time as they shall think proper and see Occasion; provided they do not lessen or 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 be due shall at the Time of such Reduction consent thereto.

Trustees may vary the Tolls.

And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors appointed by the said Trustees, or such Person or Persons as he or they shall appoint and employ for that Purpose, to search for, dig, cut, gather, take, and carry away, any Gravel,

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

Gravel, Furze, Heath, Sand, Stones, or other Materials, in, out of, and from, any Quarry, River, or Brook, in the Waste or Common of or in any Parish, Town, Village, Hamlet or Place, lying near the said Roads, to be used, disposed of, and applied, in repairing the said Roads, without paying any thing for the same; they the said Surveyor or 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, Furze, Heath, Sand, Stones, or other Materials, in such Wastes or Commons, Rivers or Brooks as aforesaid; it shall and may be lawful for the said Surveyor or Surveyors, or other Person or Persons as aforesaid, to search for, dig, cut, gather, take, and carry away, 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 an Avenue to any 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, 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 Sessions to be holden in and for the said County of Somerset, or the major Part of them then present at such Session, shall and may adjudge, assess, and finally determine the same; and the Person or Persons who shall think himself or themselves aggrieved or injured by such Judgement of the said Trustees, shall give Ten Days Notice of his, her, or their Application to the Sessions to the Clerk or Clerks of the said Trustees, or the Surveyor of the said Roads, or to any One of his or their Family, to be left at his or their respective Places of Abode.

Materials may be taken without paying for the same; levelling the Pits, &c. Materials 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 in the Road,

move all Annoyances on the said Roads, and, by any Order for that Purpose from the said Trustees, or any Five or more of them, to cut down Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such 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 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 Place, 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.

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor;

to be levied by Distress and Sale.

Penalty on 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 Roads, 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 scouring and cleansing the same; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them, respectively made, either in Person, or by Writing

Owners neglecting to scour their Watercourses, after Notice,

Surveyors may cleanse them,

and levy the Charges by Distress and Sale,

Writing to be left at his, her, or their respective 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 or Owners thereof, upon Demand, after all Charges paid.

Surveyors may make Causeways, &c.

And be it further enacted, 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, and over, the Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads, not being the Site of or Ground whereon any House stands, or a 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 public 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,

and make a temporary Road;

making Satisfaction to the Owners.

erected, or through which such Road or Roads shall be made, for the Damages they may thereby respectively sustain, as by 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 County of Somerset, (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.

And be it further enacted, 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, and alter, any Part or Parts 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,

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

cupiers, and Persons interested, as aforesaid, and the said Trustees, or any Five or 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 therefore 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 and 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. may contract for the Sale of such Lands.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons, interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick,

Where Persons refuse to treat, &c.

tick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of a 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 Notice shall be 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 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 said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning any 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,

Jury to settle the Damages and Recompence.

Witnesses may be summoned, and examined upon Oath, &c.

Verdict of the Jury to be final.

ing, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money, so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any 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 said 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

Trustees may issue a Warrant to the Sheriff, &c. to impanel a Jury.

Jurors may be challenged.

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

neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons, who being required to give Evidence before the said Jury, touching the Premisses, shall refuse or neglect to appear, or appearing, 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 directed to be applied.

Fine not to exceed 10 *l.*

And be it further enacted, That in case any Jury or Juries to be summoned and sworn, pursuant to the Authority of this Act, shall give in, and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons, in any such Lands, Grounds, or Hereditaments, 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 Order, to the Owner or Occupier of such Lands, Grounds, or Hereditaments, before the summoning or returning the said Jury or Juries; 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 Mannner aforesaid, 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 Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Expences of Jurors how to be borne.

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

And be it further enacted, That all and every Sum and Sums of Money, so assessed as aforesaid, is hereby charged upon the Monies 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, by their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment 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 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; and after such new Road shall be compleated, the Lands or Grounds compriſed in or constituting, the old or former Road, shall be veſted in, and shall or may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied and disposed of for repairing the said Roads, and other the Purposes of this Act; and the Sale, or Conveyance and Conveyances to be made of such Lands or Grounds being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County of Somerset, shall be good and effectual in the Law to all Intents and Purposes whatsoever; or it shall be lawful for the said Trustees, or any Five or more of them, to exchange all or any of such Lands or Grounds, for any Land or Ground which the said Trustees shall think necessary to become poſſeſſed of for the widening, turning, or altering, the said Roads.

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

and deemed a publick highway to all Intents and Purposes.

Old Road may be sold.

Buildings, &c. not to be injured.

Provided always, and be it further enacted, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, 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.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Villages, Hamlets, Tythings, 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 Roads, or any 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, and 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 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 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, 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.

Persons, &c. chargeable to the Highways to continue so.

Inhabitants to do Statute-work.

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 the Statute-work on the 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

Surveyors of the Highways to deliver in Lists of Persons liable to do Statute-work.

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 held 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 of them, are hereby empowered to administer); and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers keep a Team or Teams, or are deemed by this Act 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 an Account 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, &c. neglecting to deliver in Lists;

And be it further enacted, That 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, or shall refuse to deliver 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 Lists or Lists, are by Design omitted, or if such Surveyor or Surveyors shall refuse or decline to give such publick Summons or Notices as hereinafter 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 or 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 by Law to do Statute-duty in and upon

and on Persons not performing Statute-work.

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 Beasts of Burden, and no Team, not 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 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 Burden, to work on the said Roads, shall not attend at the Time and Place appointed, or shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor and 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.

Persons found idle, to be turned off.

And be it further enacted, 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 Surveyor or Surveyors, and the 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

Trustees may compound for Statute-work.

Surveyors, with Consent of Inhabitants, may compound for Statute-work.

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

Surveyors shall give Notice to the Inhabitants to do Statute-duty.

And be it further enacted, 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, to 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 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, 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

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 or Quarter Sessions of the Peace to be held in and for the said County of Somerset; and the Justices in their said respective General 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 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 of the said Statute-work or Duty to be done upon any other Part 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, 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, denoting the Number of Miles, and Distance 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 Witness or Witnesses, before 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 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

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

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

And be it further enacted, 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 Carriages 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 Forty Shillings.

Penalties and Forfeitures how to be recovered and applied.

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 Offenders 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 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

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 the 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 or 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.

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

nor removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or

any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; and that where any Distress shall be made for 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 committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover Satisfaction for the Special Damage in an Action upon the Case.

Distress not unlawful for want of Form,

nor the Parties distraining deemed Trespassers *ab initio*.

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

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

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 that Purpose 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.

Proceedings to be entered in a Book.

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;

Trustees may appoint Collectors, though not assembled at a Meeting.

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 Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, unless a Majority shall concur therein.

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 Five.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and all the 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 or Suits, and every of them, shall be commenced within Six Calendar 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 or Action shall arise, and not elsewhere: And the Defendant or Defendants, in every such Action or Suit, 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 have been 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

General Issue.

shall

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

Treble Costs.

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.