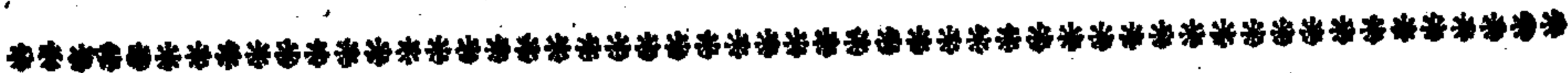




ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.



Cap. lii.

An Act for continuing and amending an Act of His present Majesty, for repairing several Roads in the Counties of *Somerset* and *Dorset*, passing through or near the Town of *Yeovil*; and for repairing the Road from *Mudford Bridge* to *Marston Elm*, in the said County of *Somerset*. [19th May 1819.]

WHEREAS by an Act passed in the Fortieth Year of the Reign of His present Majesty, intituled *An Act for repealing Two Acts, One made in the Twenty-sixth Year of the Reign of King George the Second, and the other in the Seventeenth Year of the Reign of His present Majesty, for repairing the Road from the Halfway House, in the Parish of Lower Compton, in the County of Dorset, through the Towns of Yeovil, Crewkerne, and Chard, to the East End of the Town of Axminster, in the County of Devon, and several other Roads therein mentioned; and also for repealing so much of an Act made in the Eighteenth Year of the Reign of His present Majesty, for repairing several Roads leading from the Town of Taunton, in the County of Somerset, as relates to the repairing the Road from the Direction Post in Widcombe Moor, through Streetash Lane to Chard, and for making more effectual Provision for those Purposes, and for altering and diverting certain Parts of the said Roads, several Tolls, Powers, and Authorities were granted for repairing the Roads therein mentioned, which Roads were divided into Two Districts, called The First District,*

[Local.]

55 G. 3. c. 60. and *The Second District*: And whereas by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act for repealing an Act of His present Majesty, for the Repair of several Roads in the Counties of Somerset, Devon, and Dorset, leading to the Town of Chard in the County of Somerset; and for making and repairing a Road from Chard to the Honiton Turnpike Road, in the Parish of Up Ottery, in the County of Devon, and for more effectually repairing the Residue of the Roads comprised in the said Act*; the said recited Act of the Fortieth Year of the Reign of His present Majesty, so far as the same related to the Roads comprised in the said Second District, was repealed and made void; and by the said Act of the Fifty-fifth Year of His present Majesty, divers Powers were granted for repairing the Roads comprised in the said Second District, but it was thereby provided that nothing therein contained should affect the said Act of the Fortieth Year of His present Majesty, so far as the same related to the Roads comprised in the said First District: And whereas by virtue of the said Act of the Fortieth Year of His present Majesty, and the several Acts therein recited, several Sums of Money have been borrowed on the Credit of the Tolls thereby respectively granted within the said First District, which still remain due and cannot be paid, nor can the Roads within the same District be effectually amended and kept in Repair, unless the said Act of the Fortieth Year of His present Majesty, so far as the same relates to the Roads comprised in the said First District, be continued for a further Term; and it is expedient that the Tolls thereby granted, and several of the Powers and Provisions therein contained, should be increased, altered, and enlarged: And whereas it would be for the Accommodation of the Public if the antient Highway leading from the Termination of One of the Branches of the Roads comprised in the said First District, at or near *Mudford Bridge*, in the Parish of *Mudford*, to a Place called *Marston Elm*, in or near the Parish of *Marston Magna*, in the said County of *Somerset*, was amended and kept in proper Repair, and for that Purpose was placed under the Care and Management of the Trustees of the said First District, and added to and made Part thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act passed in the Fortieth Year of the Reign of His present Majesty, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, Clauses, Matters, and Things therein contained and now in force, (except such of them as are varied, altered, or repealed), and also the Tolls, Powers, Authorities, Provisions, and Clauses in this Act contained, shall be and continue in full force and effect, and shall be executed, applied, and put in Execution during the Term herein-after granted for amending, widening, turning, altering, and keeping in Repair the Roads herein-after described or mentioned; (that is to say), the Road leading from the *Halfway House* in the Parish of *Nether Compton*, in the said County of *Dorset*, through the Town of *Yeovil*, by a certain Place called *Cut-hedge*, in or near the Parish of *West Coker*, through the Parish and Village of *West Coker*, to the Bottom of *Chinnock Hill*, and from thence to *Hasselbury Bridge*, in the said County of *Somerset*, and also a Branch of Road from *Cut-hedge* aforefaid to the First Cross Road in the Parish of *Odcombe*, and also the several Roads leading from the Town of *Yeovil* aforefaid to the several Places herein-after mentioned; (that

Former Act
continued.

(that is to say), to *Mudford Bridge*, and through *Preston* to the said Parish of *Odcombe*, and to *Stoford Bridge* in the Village of *Stoford*, and to *Whistle Bridge* in or near the Parish of *Barwick*, in the County of *Somerset*, and also the Road from the Town of *Yeovil* aforesaid to the Place called *Windmill-head*, and from thence to the Bottom of *Vagg Hollow* towards the Town of *Iwelchester*, and from *Windmill-head* aforesaid through *Thorn Hollow* towards and unto the Parish of *Chilthorne Domer* (being the Roads comprised in the said First District); and also the said additional Road leading from or near to *Mudford Bridge* to *Marston Elm* aforesaid, in the said County of *Somerset*, as fully and effectually to all Intents and Purposes as if all such Authorities, Powers, Privileges, Provisions, Penalties, Clauses, Matters, and Things therein contained and now in force, were repeated and re-enacted in the Body of this Act with relation thereto respectively, but subject to the Provisions herein contained; and this Act, and the Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit or on Account of the said former Act of the Fortieth Year of His present Majesty (so far as the same relates to the said First District), or that shall be borrowed or become due on the Credit of this Act, and all Interest due and to grow due for the same respectively.

Additional Road.

This Act subject to the existing Debts.

II. And whereas a certain Part of the said Roads passing through *Pitt Lane*, otherwise *Middle Street*, in the Town of *Yeovil* aforesaid, is extremely narrow and incommodious, and in order to widen and improve the same it will be necessary to take down a Messuage or Dwelling House belonging to and in the Occupation of *Samuel Farley*, and to lay the Scite thereof into the said Road; be it therefore enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause the said Messuage or Dwelling House to be taken down, and to lay the Scite thereof into the said Road or Street, the said Trustees making full and adequate Compensation to the said *Samuel Farley* for the same, to be ascertained and paid in such manner as in the said Act of the Fortieth Year of His present Majesty and in this Act is mentioned, in respect of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes thereof: Provided that it shall not be lawful for the said Trustees, by virtue of this Act, to take down such Messuage or Dwelling House after the Expiration of Ten Years from the Day of the Commencement of this Act, nor unless Six Calendar Months previous Notice of taking down the same shall be given to the said *Samuel Farley*, his Heirs or Assigns, or to the Person or Persons beneficially entitled to the said Premises for the Time being, under the Hands of Five or more of the said Trustees.

Power to take down House in Middle Street in Yeovil, belonging to Samuel Farley, and to add Scite thereof to the Road, making Compensation.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting in and for the Counties of *Somerset* and *Dorset* respectively, or either of them, for the Time being, together with such other Persons not exceeding the Number of Ten as the said Trustees or any Five or more of them shall appoint, in the Manner by the said recited Act authorized, shall be and they are hereby appointed additional Trustees for carrying into Execution the said recited Act and this Act, and they are hereby authorized to act in Conjunction with the continuing or existing Trustees appointed in or by virtue of the said recited Act.

Additional Trustees.

IV. Pro-

Qualification
of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any case in the Execution of the said recited Act and 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, being Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes; or shall be Heir Apparent of some Person or Persons having a Real Estate of the clear yearly Value of One hundred and fifty Pounds; or shall have and be possessed of a Personal Estate of the Value of Four thousand Pounds, over and above what shall be sufficient to pay all his just Debts; and unless every such Person shall take and subscribe the Oath, or being one of the People called Quakers, an Affirmation, in the Presence of Two or more of the Trustees for the Time being, who are hereby authorized to administer the same, in the Form following; (that is to say),

‘ I. *A. B.* do swear, That I am in my own Right, (or in the Right of my
‘ Wife), truly and *bonâ fide* seized of or entitled to and in the actual
‘ Possession or Receipt of the Rents and Profits of Freehold or Copyhold
‘ Lands, Tenements, or Hereditaments of the clear yearly Value of One
‘ hundred Pounds above Reprizes, [*and in case of an Heir Apparent, I,*
‘ *A. B.* do swear, That I am Heir Apparent of *C. D.* who to the best of my
‘ Knowledge and Belief is truly and *bonâ fide* seized of or entitled to and in
‘ the actual Possession or Receipt of the Rents and Profits of Freehold or
‘ Copyhold Lands, Tenements, or Hereditaments of the clear yearly
‘ Value of One hundred and fifty Pounds above Reprizes; *and in case of*
‘ *Personal Estate, I. A. B.* do swear, That I truly and *bonâ fide* have and
‘ am possessed of Personal Estate of the Amount or Value of Four thou-
‘ sand Pounds, over and above what shall be sufficient to pay all my just
‘ Debts]; and that I will truly and faithfully execute the Powers and
‘ Trusts reposed in me by virtue of an Act passed in the Fifty-ninth Year
‘ of the Reign of His Majesty King *George* the Third, intituled [*here set*
‘ *forth the Title of this Act*]. So help me GOD.’

And if any Person not being so qualified shall presume to act as such Trustee, 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 sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act.

Acts of un-
qualified
Trustees be-
fore Convic-
tion to be
valid.

V. Provided always, and be it further enacted, That all Acts which shall have been done by any Person acting as a Trustee, although he shall not be duly qualified to act in the Execution of this Act, shall, previous to his being convicted of such Offence, be as valid and effectual as if such Person had been duly qualified to act in the Execution of this Act.

VI. And

VI. And be it further enacted, That it shall be lawful for the Trustees of this Act for the Time being to sue and be sued, for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of any such Clerk, or by the Act of such Clerk without the Consent of the said Trustees, or any Five or more of them, but that the Clerk for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action or Suit.

Trustees may sue and be sued in the Name of their Clerk.

VII. And be it further enacted, That the Trustees of this Act shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall, at all seasonable Times, be open to the Inspection of the said Trustees or any of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case any Clerk shall refuse to permit or shall not permit any of the said Trustees or Creditors to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, the Clerk so refusing shall forfeit and pay for every such Offence any Sum not exceeding Fifty Pounds.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of Trustees and Creditors.

VIII. And be it further enacted, That all Orders and Proceedings of the said Trustees in the Execution of this Act, shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the Chairman of the Meeting for the Time being, to be chosen as in the said Act is mentioned, and shall then be deemed original Orders and Proceedings; which Book or Books, and also the Book directed to be kept for registering Mortgages and Transfers, shall and may be produced and read in Evidence in all Courts, and before all Justices and other Persons having Jurisdiction in the Premises.

Books to be kept as Evidence.

IX. And be it further enacted, That so much of the said recited Act as directs or requires any Receivers, Collectors, Surveyors, or other Officers or Persons to account upon Oath, and subjects them to any Penalty for refusing to verify their Accounts upon Oath, and as authorizes any Persons to administer any such Oath, shall be and the same is hereby repealed and made void.

Repeal of Power to require Officers to account on Oath.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act and this Act, or either of them, or to continue or appoint the same Person who

Same Person not to be Clerk and Treasurer.

[Local.]

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has

has been or may be appointed to act as their Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or either of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of the said recited Act and this Act, or either of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

Collectors to deliver Tickets on Receipt of the Tolls, specifying the Gates freed.

XI. And be it further enacted, That the several Collectors of the Tolls granted by this Act, shall on Receipt of such Tolls deliver or tender to the Person or Persons paying the same, a Ticket or Tickets denoting such Payment, and specifying and naming therein the Gate or Gates to be freed or exempted from Toll by such Payment.

Regulations as to Toll Collectors.

XII. And be it further enacted, That every Toll Collector, being a Lessee or Renter of the said Tolls, or being appointed, either by the said Trustees, or by any Lessee or Renter, Lessees or Renters, to collect the Tolls payable at any Turnpike, Toll Gate, or Toll Bar to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Tolls or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted in Black Letters on a White Ground, or in White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Tolls or be upon such Duty; and if any Collector of the Tolls shall not place such Board as aforesaid; and keep the same there during the Time aforesaid, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in any way hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid or tendered the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Tolls, and naming and specifying the several Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; and if any Toll Collector, being a Lessee or Renter of the Tolls or Profits arising at any of the Weighing Engines at or belonging to any of the Turnpike Gates to be continued or erected by virtue of this Act, or being appointed by any such Lessee or Renter, shall be guilty of any Fraud in falsely making out and subscribing any Ticket or Tickets specifying or denoting, or purporting to specify and denote, the Weight of any Article or Commodity brought to such Weighing Engine for the Purpose of ascertaining the Weight thereof, or shall be guilty of any Connivance or Fraud for the Purpose of increasing or diminishing the Weight thereof, then and

Keepers of Weighing Engines guilty of Frauds.

and in every such Case every such Toll Collector shall, on being duly convicted thereof on the Oath of One Witness, forfeit and pay for every such Offence such Sum, not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be made shall adjudge.

XIII. And be it further enacted; That for the better preventing Frauds and Collusions respecting Carriages carrying Overweights, if any Lessee or Lessees of the Tolls payable at any of the Toll Gates to be continued or erected by virtue of this Act, or any Collector or Collectors of the Tolls; or any Person or Persons appointed or to be appointed to the Care of any Weighing Engine erected or to be erected in or upon the said Road, shall suffer or permit any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any such Engine or Engines, to pass through the Toll Gate or Gates to be continued or erected on the said Roads without weighing the same, or shall permit or suffer any such Waggon, Wain, Cart, or other Carriage to proceed on the said Roads, or any Part thereof, without having first paid the Toll for such Waggon, Wain, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Wain, Cart, or other Carriage respectively shall or may happen to have therein or thereon, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Collectors suffering Carriages to pass without weighing.

XIV. And be it further enacted, That if any Lessee or Lessees of the Tolls payable at any Turnpike Gate or Gates erected or to be erected on the said Roads, or any Collector or Collectors, or Person or Persons appointed to the Care of any Weighing Engine or Engines erected or to be erected in or upon the said Roads, shall make or enter into any Bargain, Contract, Composition, or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money, or any Compensation or Equivalent, in Gross or otherwise, is or are paid or to be paid by any Person or Persons for the Charge of Overweight in respect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at any such Engine or Engines, each and every such Lessee or Lessees, and Collector or Collectors, and Person and Persons appointed to the Care of any such Weighing Engine or Engines, so bargaining, contracting, compounding, or otherwise agreeing as aforesaid, shall, for every such Bargain, Contract, Composition, or Agreement, forfeit and pay any Sum not exceeding Five Pounds for the First Offence, and Ten Pounds for the Second and every subsequent Offence.

Penalty on Collectors compounding for Overweight.

XV. And be it further enacted, That if upon or after any letting or Agreement for letting the said Tolls, or any Part thereof, either with or without any Weighing Engine or Engines erected or to be erected on the said Roads, any Default shall be made in the Payment of the Rents agreed to be paid for the same or any Part thereof, on the Days and Times appointed for the Payment thereof; then and in such Case the said Trustees shall and may, and they are hereby empowered, at any Meeting to be held after Seven Days previous Notice of holding such Meeting shall be given to the Lessee or Lessees, Renter or Renters of the said Tolls or Weighing Engine or Engines, to declare any Lease of the said Tolls or Weighing Engine or Engines, or any Contract or Agreement for letting the same, void, and the same shall be thereupon void to all Intents and Purposes, from the

Power to declare Leases of Tolls and Weighing Engines void, in case of Nonpayment of Rent.

Time

Time of such Declaration; but in such Case the Lessee or Lessees, Renter or Renters, and his and their Surety and Sureties, shall nevertheless be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any such Lease, Contract, or Agreement, and for all Costs, Charges, Damages, and Expences which the said Trustees, or their Clerk or Treasurer for the Time being, shall and may pay, sustain, or be put unto by reason of the Nonperformance of any Covenant or Agreement, Covenants or Agreements, to be contained in any such Lease, Contract, or Agreement, on the Part of such Lessee or Lessees.

For recover-
ing Possession
of Toll
Houses.

XVI. And be it further enacted, That if the Lessee or Lessees, Renter or Renters of any of the Tolls hereby granted, or of any Weighing Engine or Engines to be continued or erected on the said Roads, or any Person or Persons claiming under him or them, shall at any Time after the Expiration of the Term for which such Tolls or Weighing Engine or Engines shall be leased or let, or for the Space of Three Days after the Demise of such Tolls or Weighing Engine or Engines shall be declared void as aforesaid, refuse to deliver up the Possession of the Toll House or Toll Houses, Buildings and Premises, which shall have been demised to him or them, with the Tolls so leased, or the Possession of any such Weighing Engine or Engines, and the Buildings and Appurtenances thereto belonging, it shall be lawful for any Justice of the Peace for the County or District where such Toll House or Toll Houses, Weighing Engine or Engines, Buildings and Premises, shall be situate respectively, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer of the Parish or Place where such Toll House or Toll Houses, Weighing Engine or Engines, Buildings and Premises, shall be so situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistance, to enter such Toll House or Toll Houses, Buildings and Premises respectively, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of such Toll House or Toll Houses, Buildings and Premises, and to put any Person or Persons whom the said Trustees, or any Five or more of them, shall appoint, in Possession of the said Toll House or Toll Houses, Weighing Engine or Engines, Buildings and Premises, so that the Tolls payable thereat may from thenceforth be received and taken for the Use of the said Trustees, to be applied as by this Act is directed.

New Tolls.

XVII. And be it further enacted, That from and after the First Day of *September* next, the several Tolls herein-after mentioned shall be demanded and taken in lieu of the Tolls granted by the said recited Act; (that is to say),

For every Horse or Mule drawing any Coach, Chariot, Landau, Berlin, Chaise, Gig, Tax Cart, Calash, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, any Sum not exceeding Sixpence:

For every Ox, Steer, Gale, or Bull, drawing in any Waggon, Wain, Cart, or other Carriage singly, and not in pairs or abreast, any Sum not exceeding Sixpence:

For every Ox, Steer, Gale, or Bull, drawing abreast or in pairs, any Sum not exceeding Three-pence:

For

For every Ass drawing, any Sum not exceeding Three-pence :

For every Horse or Mule not drawing, any Sum not exceeding Two-pence :

For every Ass not drawing, any Sum not exceeding One Penny :

For every Drove of Oxen, Cows, and Neat Cattle, any Sum not exceeding One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number :

For every Drove of Hogs, Sheep, or Lambs, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number :

All which said Tolls and Duties in and by this Act granted and made payable, shall be and are hereby vested in the Trustees of this Act for the Time being, with the same Powers, Authorities, and Remedies for collecting, receiving, recovering, assigning, leasing, reducing, and advancing the Tolls and Duties hereby granted and made payable, as are in and by the said Act of the Fortieth Year of His present Majesty given and expressed, with respect to the Tolls thereby granted or made payable on the Roads comprised in the said First District.

Tolls vested in the Trustees.

XVIII. Provided always, and be it further enacted, That all Waggons, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Waggons, &c. having Wheels according to 55 Geo. 3. to have Exemptions granted thereby.

XIX. And be it further enacted, That if any Person or Persons shall pay the respective Tolls herein-before mentioned, and by this Act granted and made payable, for the passing of any Horse, Beast, or other Cattle, at any of the Gates or Turnpikes to be continued or erected by virtue of this Act, then upon producing a Note or Ticket denoting such Payment, he, she, or they shall be permitted to return and repass through the same Toll Gate or Turnpike, and also to pass and repass through the same, and any other Toll Gate or Turnpike which shall be continued or erected by virtue of this Act, as often as he, she, or they shall think proper, during the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next Night), with the same Horse, Beast, Cattle, and Carriages, Toll-free, except as next herein-after is provided.

Tolls to be taken only Once on the same Day.

XX. Provided always, and be it further enacted, That no Person or Persons shall be exempt from the Payment of Toll at the Toll Gate or Turnpike erected at or near *Foxwell Lane*, between the Parishes of *East Chinnock* and *Hasselbury*, although Toll shall have been paid on the same Day for the same Horse, Cattle, Beast, or Carriages, at any other Toll Gate or Turnpike continued or erected by virtue of this Act; nor shall any Person or Persons be exempted from the Payment of Toll for any Horse, Cattle, Beast, or Carriage, at any other such Toll Gate or Turnpike as aforesaid, although Toll shall have been paid on the same Day for the same Horse, Cattle, Beast, or Carriage, at the said Toll Gate or Turnpike at or near *Foxwell Lane*; any thing herein-before contained to the contrary notwithstanding.

Payment of Toll at Foxwell Lane Gate not to exempt from Toll at other Gates, nor Payment at the other Gates to exempt from Toll at Foxwell Lane Gate.

[Local.]

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XXI. Pro-

Stage
Coaches,
Chaises,
Waggons, &c.
to pay on
returning in
certain Cafes.

XXI. Provided always, and be it further enacted, That all Horses and other Beasts drawing any Stage Coach or Diligence, or any Waggon or Cart carrying any Goods, Wares, or Merchandizes for Hire or Reward, for which Tolls shall have been paid at any Toll Gate or Turnpike to be continued or erected by virtue of this Act, shall, on repassing such Toll Gate or Turnpike on the same Day, be liable to pay Toll a Second Time; and in like Manner the Tolls hereby granted shall be paid for and in respect of all Horses and other Beasts drawing any Post Chaise or other Carriage travelling for Hire every Time such Post Chaise or other Carriage shall pass through any Toll Gate, and a Ticket shall be produced denoting a fresh Hiring.

Exemptions
from Tolls.

XXII. And be it further enacted, That no Toll shall be demanded for any Horse or Carriage belonging to or attending His Majesty, or any of the Royal Family, nor for any Waggons, Wains, Carts, Carriages, or Horses employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any public Footpaths adjoining thereto, or any of the Roads or public Bridges in the Parishes or Tithings in which any Part of the said Roads or Bridges do lie, or any Hay, Straw, or Corn in the Straw only, Potatoes, Turnips, Hemp, Flax, Apples, or Wood, not sold or disposed of, or passing to be sold or disposed of, but to be laid up or placed in the Outhouses or on the Lands of the Owners thereof, or any Corn, Grain, or Grass Seeds which shall be conveyed upon the said Roads for the Purpose of being sown, and shall not pass thereon further than to the next adjoining Parish; or for any Waggons, Wains, Carts, Carriages, or Horses employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, for the Purpose only of using or repairing the same, or in carrying or conveying from Place to Place any Mould, Dung, Marl, Soil, Compost, or other Manure (save and except Lime) employed in Husbandry for manuring or improving Land; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or for any Horses going to be or returning from being shod or farried; or from any Person going to or returning from his or her parochial Church or Chapel, or from any Person going to or returning from his or her usual Place of religious Worship tolerated by Law, on a *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or for any Clergyman or Minister going to or returning from visiting any of his sick Parishioners, or upon other his parochial or ministerial Duty; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General or his Deputies, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts, or Waggons attending any Soldiers upon their March or upon Duty, or any wounded, sick, or disabled Soldiers, or drawing any Carriage attending them with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage

riage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; or for any Horse furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Day of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; or for any Horses or Carriages employed in the conveying of Vagrants sent by legal Passes; or for any Carriage, or any Horse or other Beast conveying any Person to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Somerset* and *Dorset*, or either of them, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act: Provided always, that no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty; or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in respect of such Stores; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in or on any such Waggon, Wain, Cart, or Carriage, or of its being drawn by any Number of Horses or Beasts, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Beasts to such Waggon, Wain, Cart, or other Carriage, for drawing the same; any thing in this Act, or in any other Act or Acts of Parliament relating to Highways or Turnpike Roads to the contrary notwithstanding.

Carriages in His Majesty's Service not subject to Regulations for Overweight, &c.;

and may be drawn by any Number of Horses.

XXIII. And be it further enacted, That if any Person or Persons whatsoever, owning, renting, or occupying any Lands or Grounds near to the said Roads, or any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons, not being his, her, or their Servant or Servants; or Part of his, her, or their Family, to pass through any Ground, Gate, Passage, or private Way, with any Horse, Beast, Cattle, or Carriage, on or in respect of which a Toll is by this Act imposed, in order to evade the Payment of such Toll; or if any Person or Persons owning, going in, or driving any such Carriages, or owning, riding, or driving any such Horse, Beast, or Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way, in order to evade the Payment of the said Toll, or any Part thereof; or if any Person or Persons shall unload or cause to be unloaded any Goods or other Things, or shall take off or cause to be taken off any Horse or Beast of Draught from any Carriage, either before or after the same shall have passed through any of the Toll Gates to be continued or erected by virtue of this Act, or having passed through any of the said Toll Gates, shall afterwards add or put on

Penalty on evading Tolls.

any

any Horse or Beast to any Carriage for the Purpose of drawing the same on any Part of the said Roads, in order to avoid, evade, or lessen the Payment of any of the Tolls hereby imposed; or shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable) any Note or Ticket, in order to avoid or evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons liable to the Payment of any of the said Tolls, shall forcibly pass or attempt to pass any of the said Toll Gates or Turnpikes without Payment thereof at such Gate or Gates; each and every Person and Persons offending in any Manner as aforesaid, and being thereof convicted, shall respectively for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that no Person shall be subject to any Penalty for passing through any Lands or Grounds of which he or she shall be the Owner or Occupier, nor the Servant or Part of the Family of such Owner or Occupier, although Payment of any of the Tolls hereby granted may be thereby evaded.

Disputes
about Tolls
to be settled
by a Justice.

XXIV. Provided always, and be it further enacted, That if any Dispute or Difference shall arise concerning the Amount of any Tolls due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and the Charges of seizing, distraining, keeping, and selling the same (as the Case shall happen), shall be ascertained by One or more of the Justices of the Peace for the County or District where the Cause of such Dispute shall arise, who, upon Application to him or them made for that Purpose, is and are hereby authorized and required to examine the Matter upon Oath of the Parties or other Witness or Witnesses, and to determine the Amount of the Tolls due; and it shall be lawful for such Justice or Justices to assess and award such Costs and Charges, to be paid by either of the Parties to the other of them, as he or they shall think reasonable; and in case of Nonpayment of such Tolls or Costs and Charges upon Demand, the same shall and may, by virtue of a Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same.

For getting
Materials to
repair Roads.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, or such other Person or Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stone, Gravel, Sand, or other Materials for making and repairing the said Roads, out of and from any Commons and Waste Grounds, common River, Brook, or Pit, in any Parish, Hamlet, Tithing, or Place in which any Part of the Roads hereby directed to be repaired shall lie, or in any adjoining Parish, Tithing, Hamlet, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and it shall also be lawful for the said Trustees,

Trustees, or their Surveyor or Surveyors, and such other Person or Persons as aforesaid, by Order of any Two or more Justices of the Peace for the County or District in which the Lands shall be situate, to search for, cut, dig, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private or inclosed Lands and Grounds of any Person or Persons in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, where the same may be had or found (such Lands or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners and Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for repairing the said Roads shall be carried, according to their respective Rights and Interests in the Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or District in which the Lands shall be situate, on Seven Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Satisfaction and Damages.

XXVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, take and carry away any Stone or other Materials for making or repairing the said Roads, or any Bridges, Culverts, Walls, and Fences, out of and from any inclosed Lands and Grounds, until Fourteen Days previous Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two or more Justices of the Peace acting for the County or Place wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Stones and Materials, at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent before such Justices as aforesaid, then and in such Case such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if the Occupier or his Agent had attended.

Notice to be given to Occupiers of Lands before Materials taken.

XXVII. Provided always, and be it further enacted, That the said Trustees in diverting, altering, or improving any Part of the said Roads, under the Powers of the said recited Act and this Act, shall not deviate more than One hundred Yards, of Three Feet each, from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Deviations not to exceed more than One hundred Yards from the present Road.

How Purchase Monies shall be paid in case of not making out Title.

XXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the said Act of the Fortieth Year of His present Majesty, and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to make Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier and Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Disputed Titles.

XXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased with any such Sum, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporations entitled to any Lands or Hereditaments to be purchased under the Authority of the said Act of the Fortieth Year of His present Majesty, and of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses, in pursuance of the same Act and this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the same Act and this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the Trustees of this Act, who shall from Time to Time pay such Sum of Money for such Purposes as the said Court shall direct.

The Court may order Expences of Purchases to be paid by Trustees.

XXXI. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, and Toll Houses, shall seek to obtain the Possession of the mortgaged Premises, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Premises, to obtain the Possession thereof; but the Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the mortgaged Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

An Action of Ejectment may be supported by one Mortgagee.

XXXII. And be it further enacted, That if any Person shall ride upon or cause any Damage to be done to any Footway adjoining to the said Roads, or shall drive any Horse, Cattle, or Swine, or any Carriage upon any Footway; or if any Person shall feed, graze, or depasture any Cattle on any Part of the said Roads, or shall permit or suffer any Cattle to wander or stray thereon, or driving any Pigs or Swine upon the said Roads, shall suffer the same to stop on the Roads, or to root up or damage the same or any Part thereof, or any Hedge or Fence on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Cart, or other Carriage, shall not keep his Carriage on the Left Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football, on any Part or Parts of the said Roads, or in any of the public Streets of the Town of *Yeovil* aforesaid; or if any Person shall leave any Coach, Chaise, Waggon, or other Carriage in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung,

Penalty on riding on Footpaths, &c.

Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever on any Parts of the said Roads, or on any Footway on the Side thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Persons travelling or passing thereon; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings.

For prevent-
ing Accidents
by Carts, &c.

XXXIII. And be it further enacted, That if the Driver or any other Person or Persons having the Care of any Waggon, Cart, or other Carriage, shall by Negligence or wilful Misbehaviour cause any Hurt, Damage, or Injury to any Person or Persons, or to any Coach, Chaise, or other Carriage travelling on the said Roads, or shall quit the said Roads and go on the other Side of the Hedge or Fence inclosing the said Roads, or wilfully be at such a Distance from such Waggon, Cart, or other Carriage, or be in such a Situation, whilst the same shall be passing on the said Roads, that he or they cannot have the Direction, Care, and Management of the Horses drawing the same, or shall by Negligence or wilful Misbehaviour prevent, hinder, or interrupt the free Passage of any other Carriage whatever, or of any of His Majesty's Subjects; or if the Driver of any empty and unloaded Waggon, Cart, or other Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other loaded Carriage; or if any Person, after having blocked or stopped any Carriage whatsoever in going up any Hill or rising Ground, shall leave or suffer to remain on the Road the Stone or other Thing used in blocking or stopping such Carriage; or if any Person shall drive or act as the Driver of any such Coach, Chaise, Post Chaise, or other Carriage let to hire, or any Waggon or Cart not having the Name or Names of the Owner or Owners thereof painted thereon, as by Law required, or shall cover over or conceal such Name or Names from being seen and read, or shall refuse to discover the real and true Christian and Surname, and Place or Places of Abode of the Owner or Owners of such Waggons, Carts, or other Carriages, or shall be found riding in any such Waggon or Cart, contrary to the Statute in that Case made and provided; every Person or Persons so offending in any of the Cases aforesaid, and being lawfully convicted of any such Offence, shall forfeit and pay any Sum of Money not exceeding Forty Shillings, in case such Driver be not the Owner of such Waggon, Cart, or other Carriage; and in case the Offender or Offenders be the Owner or Owners of such Waggon, Cart, or other Carriage, then any Sum not exceeding Five Pounds; and it shall be lawful for any Person or Persons who shall see any of the said Offences, to apprehend the Offender or Offenders by Authority of this Act, with or without any other Warrant or Authority than this Act; and immediately to convey and deliver over any such Offender or Offenders to a Constable or other Peace Officer, in order to his or their being taken before some Justice of the Peace, to be dealt with according to Law; and if any such Offender shall refuse to discover his Name and Place of Abode, it shall be lawful for the Justice before whom he shall be taken or any such Complaint shall be made, to commit such Offender to the Common Gaol or House of Correction for the County or District where the Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, or otherwise to proceed against him for such Penalty as aforesaid, in such Manner as such Justice shall think proper for the Recovery thereof; and

and the Owner or Owners of every such Waggon, Cart, or other Carriage, shall be answerable for any Penalty or Penalties incurred by the Driver thereof.

XXXIV. And be it further enacted, That it shall not be lawful for any Person or Persons hereafter to make, cause, occasion, or suffer any Encroachment, Obstruction, Impediment, Annoyance, or Nuisance, in or upon the said Roads or any Part thereof, or in any Street through which any Part of the said Roads pass, by any Waggons, Carts, or other Carriages, Timber, Trees, or Wood, Hovels, Saw Pits, Holes, or Quarries, Manure, Dung, Ashes, Soil, Clay, or Compost, or by Water or Filth to be thrown or proceeding from any House, Outhouse, Yard, or Premises, or by any Gutters, Drains, or Ditches running or leading therefrom, or by exposing Goods, Wares, or Merchandizes in Packages or otherwise, beyond a reasonable Time for unloading and warehousing the same, or by setting or placing any Stalls, Standings, Stools, Treffels, or other Things in any Street through which the said Roads pass (except on Market or Fair Days, and then leaving sufficient Way for Passengers), or by playing at Bowls, Skittles, or other Games, or by neglecting or omitting to cut or remove any Trees, Pollards, Hedges, or Underwood which shall be standing, growing, or being in, upon, or by the Sides of the said Roads, and overshadowing or otherwise prejudicing the same; and any Person or Persons who shall offend in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above all Charges in respect thereof.

For prevent-
ing Annoy-
ances.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to cause to be taken down and removed any Outhouse, Pent-house, Porch, Bow Window, Projection, Bulk, or Wall, erected or built within Twenty Feet of the Centre of any Part of the said Roads, and any Outhouse, Pent-house, Porch, Bow Window, Projection, Bulk, Wall, or other Buildings, which may hereafter be erected or built within Twelve Feet of the Centre thereof; and also to cause all such Posts on the said Roads as they shall think useless and inconvenient, and all Steps, Signs, Sign Posts, Rails, and Water Spouts or Shoots, encroaching upon and projecting into and over any of the said Roads, to be taken down and removed; and the Charges attending the taking down and removing the same shall be paid and defrayed out of the Monies which shall arise by virtue of the said recited Act and this Act.

Power to
take down
and remove
Obstructions.

XXXVI. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing, shall be laid down or placed nearer to the Side of the said Roads than the Distance of Fifteen Feet, upon Pain that every Person so offending, and being lawfully convicted thereof, shall forfeit and pay any Sum not exceeding Five Pounds.

For prevent-
ing Obstruc-
tions on the
Sides of the
Roads.

XXXVII. And be it further enacted, That all Gates hereafter to be made and placed in any Field or Ground adjoining to the said Roads, shall be made and hung to open and swing inwards towards such Field or Ground, and not outwards towards the said Roads; and that it shall be lawful for the said Trustees, or any Five or more of them, to order all

Gates not to
swing into
the Roads.

[Local.]

15 B

such

such Gates as are now erected or may hereafter be erected, and open and swing outwards towards the said Roads, to be altered and made to open and swing inwards; and if any Occupier or Occupiers of the Lands or Grounds upon which any Gate or Gates shall be constructed so as to open outwards towards the said Roads shall, after Fourteen Days Notice from the Surveyor of the said Roads, requiring him or them to alter any such Gate or Gates, so as to make the same to open and swing inwards, refuse or neglect to make such Alterations, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and moreover it shall be lawful for the said Trustees, or any Five or more of them, if they shall think fit, to order such Alterations as aforesaid to be made and executed by and under the Direction of the said Surveyor, and the Costs and Charges of executing the same to levy by Distress and Sale of the Goods and Chattels of the Occupier or Occupiers so making Default as aforesaid.

For shearing
Hedges.

XXXVIII. Provided always, and be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Person or Persons as he or they shall appoint, at proper Seasons of the Year to shear and cut, as often as Occasion shall require, the Tops and Sides of all the Hedges, Banks, or Fences standing or growing within Fifteen Feet of the Centre of the said Roads, in such manner as such Surveyor or Surveyors shall think proper; and to fill up Ditches within Fifteen Feet from the Centre of the said Road, without any previous Notice to the Occupiers or Owners of such Hedges, Ditches, Banks, or Fences; and all Charges and Expences attending the same shall in such case from Time to Time be paid and defrayed out of the Tolls to be collected by virtue of this Act.

Surveyor to
cut down
Trees, &c.

XXXIX. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they, or any Five or more of the Trustees shall appoint, to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Roads, to the Prejudice thereof, and to open, scour, and cleanse any Watercourses or Ditches adjoining thereto, and to make the same as wide and deep as he or they shall think necessary, and to erect and set up any Trunks or Bridges over the same, and (having an Order from the said Trustees, or any Five or more of them, for that Purpose) to cut down or lop any Branch or Branches, Hedge or Hedges, or Bushes growing in the same Roads, or in or upon the Lands or Banks within Thirty Feet of the Centre of any Part of the said Roads, and to remove the same to a proper Distance from the said Roads, in case the Owners or Occupiers of the Lands to whom the same shall belong, shall neglect or refuse to open, scour, or cleanse such Watercourses or Ditches, or to erect and set up any Trunks or Bridges over the same, or to lop, top, or cut down and carry away any such Branches, Hedges, or Bushes, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; and all Charges and Expences attending the same shall in such last-mentioned Case be also paid and defrayed out of the Tolls to be collected by virtue of this Act.

XL. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time, without giving any previous Notice, to remove all such Earth, Trees, Roots of Trees, and other Things as shall suddenly slide, fall, or be blown down from any Hedge, Bank, or Land into or upon any of the said Roads, so as to narrow or obstruct the Passage along the same, and to carry and place the same on any Waste Ground near thereto, so as to be no Annoyance to Travellers; and such Surveyor or Surveyors shall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence such Earth, Trees, Roots, or other Things shall so slide or fall or be blown down as aforesaid; and the Charges of carrying away the same (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed and paid to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered in such manner as Penalties and Forfeitures for Offences against the said Act or this Act are authorized to be recovered.

Surveyors to
remove
Slides from
Hedges, &c.

XLI. And be it further enacted, That so much of the said recited Act of the Fortieth Year of His present Majesty as relates to the Performance of Statute Labour on the said Roads, shall be and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace, within their respective Jurisdictions, and they are hereby required and empowered, upon Application to them by the said Trustees, or any Five or more of them, or by their Treasurer, Clerk, or Surveyor by their Orders, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu thereof, or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Fourteen Days after the Service of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams, Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force for the Repair of the Public Highways, and shall be verified on Oath by such Surveyors or Surveyor; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-

Statute Duty.

time

time or Harvest), and on such Parts of the said Roads, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of every such Parish or Place, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like manner as any Penalty is authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their Place or Places of Abode for that Purpose, by any Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the Public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that case every Person sending such Labourer so removed or dismissed shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of any of the said Parishes or Places shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For securing
transient
Offenders.

XLII. And be it further enacted, That it shall be lawful for any One or more of the said Trustees, or for their Clerk, Treasurer, Collectors, Surveyors, or other Officers respectively, and for such Person and Persons as he or they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize, apprehend, and detain any Person or Persons (being unknown to any such Trustee, Clerk, Treasurer, Collector, Surveyor, or other Officer), who shall commit any Offence or Offences against this Act, and to take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be apprehended or seized, and such Justice or Justices is and are hereby authorized and required to proceed and act with respect to such Offender or Offenders according to Law.

XLIII. And

XLIII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the Form or in Words to the Effect following, *mutatis mutandis* (as the Case shall happen to be);

Conviction of Offenders.

‘ Somerset or Dorset, } BE it remembered, That on [Time of Conviction]
 ‘ [as the Case may be.] } at [Place of Conviction] A. B. [Name of Offender]
 ‘ of [Addition of Offender] was duly convicted before me [or, us] [Name
 ‘ and Style of convicting Justice or Justices] for that the said A. B. [Name
 ‘ of Offender] on [Time of committing Offence] at [Place of committing
 ‘ Offence] did [here state the Offence against the Act, according to the Fact],
 ‘ contrary to the Form of the Statute made in the Fifty-ninth Year of the
 ‘ Reign of His Majesty King George the Third, intituled [here set forth the
 ‘ Title of this Act]; and I [or, we] do therefore declare and adjudge that
 ‘ the said A. B. [name Offender] has forfeited for the said Offence the
 ‘ Sum of [Fine] or shall be committed to [Place of Imprisonment] for the
 ‘ Space of [Time of Imprisonment]. Given under my Hand and Seal [or,
 ‘ our Hands and Seals] the Day and Year first above written.’

Form of Conviction.

XLIV. And be it further enacted, That all Penalties, Forfeitures, and Fines by the said recited Act of the Fortieth Year of His present Majesty, and this Act, imposed or authorized to be imposed (the Manner of levying and recovering of which is not herein otherwise particularly directed), shall upon Proof of the Offences and Conviction of the Offenders respectively before any One or more Justice or Justices of the Peace for the County or District wherein such Offences shall be committed, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant, and to administer such Oath); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines (if not otherwise directed) shall be paid to the said Trustees or their Treasurer, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required, by Warrant or Warrants under his Hand and Seal, or their Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County or District, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

How Penalties and Forfeitures are to be recovered and applied.

XLV. And be it further enacted, That all the Charges and Expences attending the obtaining and passing of this Act, with lawful Interest upon

Expences of this Act.

[Local.]

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any Sum or Sums of Money which shall be borrowed or advanced for the Payment thereof, shall be paid out of any Money in the Hands of the said Trustees, or out of the Money to be raised by virtue of this Act, in preference to any other Payment whatsoever.

Public Act.

XLVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Continuance
of this Act.

XLVII. And be it further enacted, That this Act shall commence upon the Twenty-fourth Day of *June* One thousand eight hundred and nineteen, and shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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