



ANNO QUARTO

# GEORGIIV. REGIS.

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## Cap. liii.

An Act for making, amending, widening, and keeping in Repair certain Roads passing through or near the Town of *Ilminster* in the County of *Somerset*. [23d May 1823.]

**W**HEREAS an Act was passed in the Forty-third Year of the Reign of His late Majesty, intituled *An Act for more effectually amending, widening, and keeping in Repair the Roads from the East End of the Town of Chard to the South End of West Moor, and from the West End of the Yeovil Turnpike Road through Ilminster to Kenny Gate, and from the West End of Pease Marsh Lane to Horton Elm, and from Saint Rane Hill to Ilminster, and from White Cross to Chillington Down, and from a Place called Three Oaks over Ilford Bridges to Old Way, and from the Cross Keys to Catherine Wheel in the Parish of Ashill in the County of Somerset*: And whereas the Trustees appointed in or by virtue of the said recited Act have proceeded to carry the same into Execution, and several considerable Sums of Money were borrowed on the Credit of the Tolls thereby granted and authorized to be collected, Part of which Money still remains due and owing, and the same cannot be repaid, nor can the Roads be properly and effectually amended, improved, and maintained, unless the Powers and Provisions of the said recited Act are enlarged and amended, and some of the Tolls altered and increased, and further Powers granted for raising a sufficient Sum for the Purposes aforesaid: And whereas several Roads herein-after mentioned, branching out of the aforesaid Roads or some of them, that is to say, the Road from a Place called the *Butts*, through the Lane behind *Butts* and *Strawberry Bank*, to *West Street* in the Parish of *Ilminster*, the Road from *Durston's Corner* to the Cross in *Hinton Saint George*, in and through the

[Local.] 12 U several

43 G.3. c. 23.

several Parishes of *Dinnington* and *Hinton Saint George*, and the Road from *Whitecross* to the Turnpike Road in *Puckington*, in and through the several Parishes of *Lopen*, *Sevington Saint Michael*, *Sevington Saint Mary*, *Ilton*, *Shepton Beauchamp*, *Barrington* and *Puckington*, and from the Cross Ways in *Barrington* through *Ruskway Lane* to *West Moor*, in and through the Parish of *Barrington*, all in the County of *Somerset*, are much out of repair, narrow and incommodious, and cannot be effectually amended, widened, and kept in Repair by the ordinary Course of Law, and it would be a great Convenience to the Neighbourhood, and of public Utility, if the same were made Turnpike, and included under the Powers and Provisions of this Act: And whereas it would be of great public Utility, in order to avoid the steep Part of *Ilminster Hill*, to make a new Road from *West Street* to or near *Ashwell* in *Ilminster* aforesaid, and it would be expedient that when the said new Road is completed, the present Turnpike Road from the *Bell Inn* in *Ilminster* to or near *Ashwell*, where such new Road will re-enter the present Turnpike Road, should cease to be a public Road: And whereas it is expedient that Part of the said Road from *Whitecross* to *Chillington Down*, that is to say, from *Lopen Head* to *Chillington Down* (except such Part thereof as lies between *Durston's Corner* and *Hinton Saint George* aforesaid) should no longer be Turnpike Road, and that the Trustees for executing this Act should be relieved from the Care and Management thereof: And whereas it would facilitate the Execution of the Purposes aforesaid if the said recited Act was repealed, and further and other Powers and Provisions granted and made instead thereof: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: 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 from and after the Thirty-first Day of *December* One thousand eight hundred and twenty-three, the said recited Act of the Forty-third Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed, and instead thereof this Act shall from thenceforth commence and take effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of making, repairing, widening, diverting, altering, straightening, improving, and maintaining the several Districts of Road herein-after mentioned.

Former Act repealed.

3 G. 4. c. 126. to be executed with this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by this Act) shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Roads divided into Districts.

III. And be it further enacted, That such Part and Parts of the said Roads leading from the East End of the Town of *Chard* to the South-west Corner of the Market House in the Town of *Ilminster*, and from the West End of *Pease Marsh Lane*, in the Parish of *Ilminster*, through the Parish of *Donyatt*, to a Place called *Horton Elm*, in the said Parish of *Ilminster*,

*Iminster*, shall be the First District of the said Roads, and shall be known and called by the Name of the *Southern District*; and such Part and Parts of the said Roads leading from the said South-west Corner of the said Market House in the said Town of *Iminster*, to a Place called *Park Gate*, at or near the South End of a certain Moor commonly called *West Moor*, and the said new Line of Road from *West Street* to or near *Ashwell* in the Parish of *Iminster*, and from *Lopen Head* to *Whitecross*, and from thence to the Turnpike Road in *Puckington*, and from the Cross Ways in *Barrington* through *Ruskway Lane* to *West Moor* aforesaid, shall be the Second District of the said Roads, and shall be called or known by the Name of the *Northern District*; and such Part and Parts of the said Roads leading from the West End of the *Yeovil* Turnpike Road in the Parish of *Brimpton*, through the Parishes of *Odcombe*, *Montacute*, *East* and *West Stoke* (commonly called the *Lower Way*), over *South Petherton Bridge*, to the West End of the said Market House in the said Town of *Iminster*, and from a Place called the *Butts*, through the Lane behind *Butts* and *Strawberry Bank*, to *West Street* in *Iminster*, shall be the Third District of the said Roads, and shall be called and known by the Name of the *Eastern District*; and such Part and Parts of the said Roads leading from the said West End of the said Market House in *Iminster* to a certain Place called *Kenny Gate* in the Parish of *Ashill*, and from a certain Place called *Three Oaks*, in the said Parish of *Ashill*, to *Oldway*, and from a certain Public House called the *Cross Keys*, in the said Parish of *Ashill*, to a certain Place called the *Catherine Wheel* in the same Parish, shall be the Fourth District of the said Roads, and shall be called or known by the Name of the *Western District*; and such Part and Parts of the said Roads leading from the *Chard* Turnpike Road on *Saint Rane Hill*, through *Kingstone*, to a certain Public House called the *White Horse*, at the East End of the said Town of *Iminster*, and from *Durston's Corner* to the Cross in *Hinton Saint George* aforesaid, shall be the Fifth District of the said Roads, and shall be called and known by the Name of the *Kingstone District*.

IV. And be it further enacted, That the whole of the Tolls and Duties by this Act granted and imposed shall, for and during the Term of this Act, be charged with and are hereby made subject and liable to the Payment of all Monies which have been borrowed or are now due and owing on the Credit of the said first recited Act, or on the Security of the Tolls thereby granted, together with the Interest due and to grow due thereon respectively, as fully to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit of this Act, or of the Tolls hereby authorized to be collected; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said first recited Act, which in anywise concern the said Roads or either of them, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities, duly entered into by any Person or Persons to or with the Trustees for executing the said first recited Act, or their Treasurer for the Time being, for or concerning any Matters or Things respecting the said Roads or either of them, or the Tolls arising thereon, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the said Roads; and all

Southern.

Northern.

Eastern.

Western.

Kingstone.

This Act made subject to the Payment of all Money borrowed and due.

Persons owing Money to continue liable, and all Bonds, &amp;c. to remain in force.

Respecting  
Lettings of  
former Tolls.

all Contracts or Agreements duly made or entered into by the Trustees for executing the said first recited Act, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said first recited Act; and all Lettings of Tolls, Orders, Contracts, and Agreements, already made or entered into by the said Trustees for executing the said Act hereby repealed, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively.

Roads made  
or shut up  
by former  
Trustees, to  
remain made  
or shut up.

V. And be it further enacted, That all Roads made, opened, widened, diverted, shut up, or discontinued under or by virtue of the Powers and Provisions of the said Act hereby repealed, shall remain and continue open, widened, diverted, shut up, and discontinued, in such and the same Manner as if such Act had not been repealed, and that the Trustees under this Act shall be discharged from the Care and Management of all Roads so shut up or discontinued.

Trustees  
appointed.

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of Somerset, together with the Honourable *George Poulett, Robert Abraham, Thomas Abraham, Samuel Alford Clerk, Robert Bagehot, Edward Baker, William Banger, John Bawden, Thomas Beagly, Robert Collins Bryant, John Chaffey, Robert Chaffey, William Chaffey, Thomas Edward Clarke, Thomas Clifton, James Benjamin Coles, John Collins, Robert Collins, Thomas Collins, Charles Collins, Edward Combe Clerk, John Cook, Richard Cook, Joseph Duke, John Baker Edmonds, John Baker Edmonds the younger, John England, John Inglett Fortescue, James Gifford, John Scott Gould, John Hallett, John Lee Hanning, Philip Hext, James Hine, William Hoskins, John Jesse, Giles Lang, John Langdon, Vincent Langworthy, John Hawkes Mules Clerk, John Nicholetts, George Notley, George Notley the younger, Stephen Pitt, Robert Poole, William Rossiter, John Row-sell, Robert Hooper Scott, John Slatter, Samuel Slatter, Samuel Slee, Henry Stambury Clerk, John Standerwick, Thomas Stephens, Sumner Smith Clerk, James Stayner, William Speke, William Speke the younger, Richard Toller, Charles Benjamin Tucker, Edward Raw Vere, John Vincent, Theophilus Wallington, John Wheadon, James Winter, John Wyatt, and their Successors, shall be and are hereby appointed Trustees for making, amending, altering, turning, widening, improving, and keeping in repair the said Roads by this Act intended to be made, amended, altered, turned, widened, improved and kept in repair, and for otherwise putting into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.*

Power to ap-  
point addi-  
tional Trus-  
tees.

VII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at their First Meeting hereinafter directed, or at any subsequent Meeting to be held for that Purpose, (of which subsequent Meeting, and of the Purpose thereof, Twenty Days Notice shall be given by Insertion in some public Newspaper usually circulated in the County of Somerset), to elect and appoint any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes  
of

of this Act, in addition to the Trustees hereby appointed; and such Trustees so to be elected and appointed shall be and are hereby invested with the same Powers and Authorities for executing the said recited Act of the Third Year of the Reign of His present Majesty, and this Act, as if they had been named and appointed by this Act.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act and the said recited Act into Execution, unless he shall be qualified in such Manner as in and by the said recited Act, passed in the Third Year of the Reign of His present Majesty, is directed and prescribed, and unless, being so qualified, he shall, before he shall act as a Trustee (except in administering the Oath mentioned in the said last-mentioned Act, and the Oath hereinafter mentioned), take and subscribe, before One or more of the said Trustees, an Oath, or being a Quaker, an Affirmation, in the Words or to the Effect following; that is to say,

Trustees to be sworn.

‘ I *A. B.* do swear, [*or, being a Quaker, do affirm,*] That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee, by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], and also an Act passed in the Third Year of the Reign of his said Majesty, intituled [*here set forth the Title of the general Turnpike Act.*]

So help me GOD.’

And if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same, in any of His Majesty’s Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said Act of the Third Year of the Reign of His present Majesty, or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

IX. And be it further enacted, That the said Trustees shall meet at the *George Inn*, or some other convenient Place in *Ilminster* aforesaid, on the First Day of *January* One thousand eight hundred and twenty-four, or as soon after as conveniently may be, between the Hours of Eleven in the Forenoon and Two in the Afternoon; and shall then proceed to carry the said recited Act of the Third Year of the Reign of His present Majesty, and this Act, into Execution.

Time and Place of first Meeting of Trustees.

X. And be it further enacted, That the said Trustees, at any of their Meetings, shall and may from Time to Time nominate and appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other

For appointing Clerks, Treasurers, and other accountable Officers.

[*Local.*]

Officers as they the said Trustees shall think necessary, and from Time to Time afterwards, when they shall see fit, to displace and remove such Clerks, Treasurers, Surveyors, Collectors, and other Officers, or any of them; and on the Death, Removal, or Resignation of any such Clerk, Treasurer, Surveyor, Collector, or other Officers, may nominate and appoint others in their Stead; provided nevertheless, that Fourteen Days previous Notice of such intended Removal, Nomination, or Appointment shall be given in some Newspaper usually circulated in the County of *Somerset*; and the said Trustees shall and may, and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers and other Persons employed, or who shall assist in the Execution of the said recited Act and this Act, for their Services in or about the carrying this Act and the said recited Act into Execution, as they the said Trustees shall think reasonable.

Trustees not  
to appoint  
the same  
Person to  
Two Offices.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons, in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act; or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Present  
Officers to  
continue.

XII. Provided always, and be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (except the Treasurer) nominated and appointed under and by virtue of the said former Act hereby repealed, shall hold and enjoy their several and respective Offices and Employments until he or they shall die, resign, or be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying this Act and the said last-recited Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under and by virtue of this Act.

XIII. And

XIII. And be it further enacted, That all Officers or other Persons who are or shall have been employed, or who have received or shall receive any Tolls or other Money by virtue or on account of the said Act hereby repealed, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or any Thing relating to the said Roads, by the before recited Act directed to be improved and repaired, or either of them, shall, when required so to do, account for and pay and deliver over the same and every Part thereof to the Trustees hereby appointed, in like Manner and under the like Pains and Penalties, and with the like Powers to the Trustees for enforcing the Recovery thereof, as the several Collectors and other Persons receiving any Money by virtue of the said Act and this Act are required to pay or account for the same; and that the several Books and Accounts of the Proceedings of the Trustees for executing the said Act hereby repealed, which are thereby directed to be Evidence in any Courts of Law, shall, notwithstanding the Repeal of the said Act, be deemed and taken in all Courts of Law to be Evidence of such Proceedings.

Books, Monies, and Effects under the former Act to be delivered up to the Trustees.

Books used under former Act to be Evidence.

XIV. And be it further enacted, That for the Purposes of collecting and receiving the Tolls hereby granted, the Trustees appointed or to be appointed in or by virtue of this Act, shall and may, and they are hereby authorized and empowered, to continue all or any of the Toll Gates and Toll Houses erected by virtue of the said recited Act hereby repealed, and shall and may erect or cause to be erected such and so many other Toll Gates and Weighing Engines in, upon, or across such Parts of the said Turnpike Roads by this Act directed to be maintained and kept in repair; and also such and so many Toll Gates on the Sides of either of the said Turnpike Roads, and in, upon, or across any Lane or Highway that does or shall lead into or out of the same, as they the said Trustees shall think proper and expedient, subject nevertheless to such Regulations, Restrictions, and Directions as in this Act or the said Act of the Third Year of the Reign of His present Majesty are laid down, mentioned, or contained, concerning the placing or erecting of such Toll Gates or Weighing Engines; and also shall and may erect and provide a Toll House with suitable Buildings and other Conveniences at or near each Toll Gate; and also shall and may take in and inclose from the Sides of the said Roads convenient Garden Spots for the Toll Houses respectively, not exceeding One-eighth Part of a Statute Acre to each Toll House.

For continuing present Toll Gates and erecting other Toll Gates.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or their Lessee or Lessees, or any Person or Persons to be appointed by virtue of this Act, Collector or Collectors as aforesaid, and they are hereby authorized and empowered to demand and take (subject and liable to the several Restrictions and Exemptions contained in this and the said recited Act made in the Third Year of the Reign of His present Majesty) at each and every of the Toll Gates and Side Gates which shall be continued or erected by virtue of this Act, in, upon, or across any of the said Turnpike Roads, or any Lane or Highway leading into the same, before any Horse, Beast, or other Cattle, or any Coach, Chaise, Waggon, Cart, or other Carriage shall be permitted to pass through the same, the several Tolls and Duties following:

Power to take Tolls.

For every Horse, Mule, or Ass, drawing any Coach, Chaise, Marine, Barouche, Sociable, Landau, Berlin, Vis-a-vis, Chariot, Chaise, Phaeton, Curricule,

Tolls.

Curricie, Chair, Whisky, Calash, Caravan, Hearse, Litter, Taxed Cart, or other such like Carriage, any Sum not exceeding Sixpence :

For every Horse, Mule, or Ass, drawing any Waggon, Wain, Cart, Dray, or other such Carriage, any Sum not exceeding Four-pence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding One Penny :

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

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

Which said Tolls shall be and are hereby vested in the said Trustees, and shall be paid, levied, applied, disposed of, and assigned, in manner directed by the said last recited Act and this Act.

Tolls to be paid but once in the same Day.

XVI. Provided always, and be it further enacted, That no Person shall be subject or liable to the Payment of the respective Tolls by this Act granted more than once in any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night (except as by this Act or the said Act of the Third Year of the Reign of His present Majesty otherwise provided, directed, or mentioned) for passing or re-passing any Time or Times, with the same Carriage, Beast, or Cattle, through one and the same Turnpike to be continued or erected by virtue of this Act, or any other Gate or Turnpike on the same District of the said Roads, nor to the Payment of such Tolls on the same Day at more than Two Turnpikes upon the whole Length of the said Roads.

Stage Coaches, &c. to pay each Time of passing.

XVII. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, for which Toll shall have been paid, and which shall return on the same Day through any Turnpike or Toll Gate on the same District of the said Roads, the Tolls hereby made payable shall be again paid for re-passing through such Turnpike or Toll Gate, in like manner as if no Toll had been before paid.

Post Chaises to pay each Time of passing with a new Hiring.

XVIII. Provided always, and be it further enacted, That the said Tolls shall be payable for and in respect of all Horses or other Beasts drawing Postchaises and other Carriages travelling for Hire, for every Time of passing or re-passing along the same District of the said Roads on the same Day (to be computed as aforesaid), with a Ticket denoting a new Hiring.

Exemptions from Toll.

XIX. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle drawing any Carriage employed in carrying or conveying, or having been employed only in carrying or conveying, on the same Day, any Lime to be used for Manure only for improving Lands, or any Grass, Clover, Vetches, and Saintfoin cut green, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Grass, Clover, Vetches, and Saintfoin, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of.



**XX.** And be it further enacted, That in case of the Incapacity, Misbehaviour, or Negligence of any Collector or Receiver of the Tolls hereby granted, the said Trustees or any Two or more of them, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, may discharge any such Collector or Receiver; and also shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so become incapable, or misbehave, or be negligent, or in the Place of any such Collector or Receiver as shall die or abscond; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as the Person he or she shall succeed would have had or been subject to; and that if any Collector or Receiver of the said Tolls shall be discharged from his said Office by the said Trustees as aforesaid, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged as aforesaid, or any other Person, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Toll Gate, Toll Bar, Chain, or Weighing Machine, Buildings, and Premises, continued or erected by virtue of this Act, for the Space of Three Days after Demand thereof made and Notice in Writing, to be given for that Purpose by any Three or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which the Toll House, Buildings, and Premises shall be situate, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter and take Possession of such House, Buildings, and Premises, Toll Gate, Bar, Chain, or Weighing Machine, in the Day-time, and to remove the Person or Persons who shall be found therein, or in the Possession thereof, together with his, her, or their Goods, out of and from the same, and to put the said Trustees or any Three or more of them, or their new appointed Officer, in the Possession thereof.

Trustees may appoint temporary Collectors.

For recovering Possession of Toll Houses from Collectors, &c.

**XXI.** And be it further enacted, That it shall be lawful for the said Trustees or any Three or more of them, and they are hereby empowered from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates erected by the Authority of the said Act hereby repealed, or which shall be continued or erected by virtue of this Act, in, upon, or across either of the said Turnpike Roads, or on the Side or Sides of any Part thereof respectively, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Turnpike Roads hereby directed to be maintained and kept in Repair, or either of them, or otherwise to be wholly removed and taken away, as the said Trustees or any Three or more of them shall from Time to Time order and direct, provided that none of the said Toll Gates shall be removed or taken away as aforesaid, unless Notice in Writing of the Intention to remove or take away the same shall have been affixed upon all the Toll Gates then standing upon the said Turnpike Roads, nor unless such Notice shall have been advertised in some Newspaper published in the said County of *Somerset*, Fourteen Days at least previous to such Order being made.

Trustees may remove Gates.

Power to sell  
the present  
or any future  
Toll Houses.

XXII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses, or Building or Buildings, heretofore purchased, erected, or intended for the Purpose of a Toll House or Toll Houses by virtue of the said Act hereby repealed, or hereafter to be purchased or erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, which shall be considered by the said Trustees as useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or by private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same, and to convey, assign, and surrender the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, according to the Nature and Tenure of the Estate by which the same may be holden; and the Person or Persons who shall purchase the same, his, her, or their Heirs, Executors, Administrators, or Assigns, shall upon Payment of his, her, or their Purchase Money to the said Trustees, or their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased according to the Nature or Tenure thereof, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be answerable for the Application of his, her, or their Purchase Money: Provided always, that such Preference of Purchase shall be given to the Person or Persons from whom any Land on which any Toll Houses may have been erected was purchased, leased, or taken in exchange, or to the Person or Persons whose Land shall adjoin thereto, as is by the said Act of the Third Year of the Reign of His present Majesty directed to be given, where any Piece or Pieces of Ground, not wanted for the Purposes of any Turnpike Road, is or are authorized to be sold and disposed of.

Plan of the  
new Line of  
Road to re-  
main with  
the Clerk of  
the Peace.

XXIII. And whereas a Map or Plan, describing the new Line of Road from *West Street* to or near *Ashwell* in *Ilminster*, and the Lands through which the same is expressed and intended to be carried, together with a Book of Reference containing Lists of the Names of the Owners or reputed Owners or Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Somerset*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Three-pence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference.

Trustees to  
make the  
new Branch  
conformable  
to the Plan,  
notwith-  
standing  
Errors or  
Omissions.

XXIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to set out and make the said Branch or new Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners or Occupier or Occupiers of Lands and Premises over or through which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands and Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or misstated in the said Map or Plan or List, in case it shall

appear to any Two or more Justices of the Peace for the said County of *Somerset*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

XXV. Provided always, and be it enacted, That it shall not be lawful for the said Trustees, in making, diverting, turning, or altering the Course or Path of the said intended new Road, to deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Deviation or Alteration; any thing herein contained to the contrary thereof in anywise notwithstanding.

Notto deviate more than One hundred Yards.

XXVI. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except so much and such Part of such Dwelling Houses, or other Buildings, Gardens, Yards, Parks, Paddocks, planted Walks, Avenues, and Nurseries for Trees as are described in the said Map or Plan and Book of Reference as aforesaid.

Trustees restrained from pulling down Dwelling Houses without Consent of the Owners.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Road hereby authorized to be made and kept in Repair, or any Alteration or Deviation thereof is intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Road, and cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands or Grounds (not being a Garden, Yard, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or inclosed Ground planted and set apart as a Nursery for Trees), to be made use of as a public Highway whilst the narrow or ruinous Parts of the said Road are being widened or altered, and until the said Road shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands for the Damage that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as the Value of Lands to be purchased by virtue of this Act is directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Power to enter Lands to make Road.

XXVIII. And

Trustees may contract with Persons for making and repairing Roads, &c.

Notice to be published of Intention to contract.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time at any of their Meetings as occasion shall require, to contract and agree with any fit Person or Persons, Artificers, Workmen or others, for the making, repairing, widening, altering, improving, and maintaining the said Roads, and for the doing all Matters and Things authorized or directed to be done and performed in pursuance or execution of the said Act of the Third Year of the Reign of His present Majesty and this Act, or for the supplying any of the Materials for the same, which Contract or Contracts shall specify the Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of the Nonperformance thereof, and shall be signed by the said Trustees or any Three or more of them, and the Person or Persons contracting for such Works respectively, which Contracts or a Copy thereof shall be entered in a Book for that Purpose by the Clerk to the said Trustees; but previous to making any such Contracts for Works, the Expence of which shall amount to Fifty Pounds or upwards, Ten Days Notice at the least shall be given in One or more public Newspaper or Newspapers circulated in the said County of *Somerset*, expressing the Intention of entering into such Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Trustees at a certain Time and Place in such Notice to be mentioned; and that all such Contracts, Agreements, and Assurances shall be made at the Expence of the said Trustees, and shall be kept by the Clerk to the said Trustees, who shall from Time to Time deliver attested Copies thereof at the Expence of any Person or Persons whomsoever requiring the same; and such Clerk shall have and receive Sixpence and no more for every Seventy-two Words of such attested Copy, (exclusive of the Duty payable in respect thereof), and so in proportion for any less Number of Words.

Surveyor shall remove Obstructions in the Roads.

XXIX. And be it further enacted, That it shall and may be lawful to and 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 such other Things as shall slide or 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 through the same, and to carry and place the same on any Waste Ground near thereto, so as to prevent the same from being an 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 shall be reimbursed and paid to such Surveyor or Surveyors by such Owners or Occupiers respectively, and shall be recovered by such Ways and Means as any Penalties and Forfeitures for Offences against the said recited Act of the Third Year of the Reign of His present Majesty are directed to be recovered.

Surveyor to cut down Trees growing over the

XXX. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by the Direction and under the Hands of any Three or

or more of the said Trustees) from Time to Time to cut down, lop, or top any Tree or Trees growing in any Part of the said Roads, or in the Hedges or Banks adjacent thereto, being within Fifteen Feet of the Centre of any of the said Roads, in case the Owner or Owners of such Tree or Trees, or the Person or Persons who ought to cut down, lop, or top the same, shall not, within Ten Days after Notice given by the said Surveyor or Surveyors for that Purpose, cut down, lop, or top such Tree or Trees: Provided always, that nothing herein contained shall extend or be construed to extend so as to empower any Person or Persons to cut down any Tree or Trees now growing in or upon the Banks of any Land or Ground, now being a Park or Paddock stocked with Deer, or now growing in or upon a certain Farm called *Hill Farm* in the Parish of *Chillington*, or in or upon the Banks or Hedges between *Standlands Knap* and *Chillington Down*, or between *Dinnington Gate* and *Saint Rane Hill*; any thing herein contained to the contrary thereof in anywise notwithstanding.

Road, or within a certain Distance.

XXXI. And be it further enacted, That out of the Monies already received by virtue of the said first recited Act, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls by the said recited Act and this Act granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees shall in the First Place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, and such Monies shall, in the Second Place, be applied in erecting Turnpikes and Toll Houses, and in making, amending, altering, turning, widening, improving, and keeping in repair the said Roads, and in otherwise putting this Act into Execution, and in keeping down the Interest of the Principal Monies advanced or borrowed, or now due and owing on the Credit of the said first recited Act, and which may be borrowed on the Credit of this Act, and lastly, in repaying the Principal Monies already due or to be borrowed by virtue of the said last recited Act or this Act.

Application of the Tolls and Money to be borrowed.

XXXII. Provided always, and be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty, or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil or Injury, of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Applica-

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

[Local.]

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tion made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

Regulations  
as to Per-  
formance of  
Statute  
Work.

XXXIII. And be it further enacted, 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 thereunto in like manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Somerset*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) 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, Townships, or Places liable thereto, or in which the said Roads lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, (at some Place to be expressed in such Summons, either personally, or by leaving the same at his or their Dwelling House or Dwelling Houses) of the Names of the several Persons who within such Parish, Township, 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 or 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 is or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do 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 Haytime or Harvest), and on such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships or Places, to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her,

or them for that Purpose, signed by the 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 hem, 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 and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who 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 turn off the Person who shall be found idle or negligent as aforesaid; and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected 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 or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or 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 Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Somerset*, on Complaint made to such Justices by the Surveyor to the said Trustees.

XXXIV. 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. Public Act.

XXXV. And be it further enacted, That this Act shall commence upon and have continuance from the First Day of *January* One thousand eight hundred and twenty-four, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-  
ment and  
Continuance.

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1910  
The following is a list of the names of the persons who were present at the meeting held on the 10th day of June 1910 at the residence of Mr. J. H. Smith, 1234 Main Street, New York City.