



ANNO QUARTO

GEORGIIV. REGIS.

Cap. lxxii.

An Act for more effectually repairing the Roads from *Dyed Way* to *Somerton*, and from *Gawbridge* to *Tintinhull Fords*, and from a Stream of Water called *Ford* to *Cartgate* in *Martock*, and other Roads therein mentioned, in the County of *Somerset*. [23d May 1823.]

WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King *George* the Third, intituled *An Act* 1 G. 3. c. 29. *for repairing and widening the Roads from Dyed Way to Somerton, and from Gawbridge to Tintinhull Fords, and from a Stream of Water called Ford to Cartgate in Martock, in the County of Somerset*: And whereas an Act was passed in the Twenty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging* 23 G. 3. c. 96. *the Term and Powers of an Act passed in the First Year of the Reign of His present Majesty, intituled 'An Act for repairing and widening the Roads from Dyed Way to Somerton, and from Gawbridge to Tintinhull Fords, and from a Stream of Water called Ford to Cartgate in Martock, in the County of Somerset'*: And whereas an Act was passed in the Forty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act* 43 G. 3. c. 26. *for continuing the Term and altering and enlarging the Powers of Two several Acts passed in the First and Twenty-third Years of the Reign of His present Majesty, for repairing and widening the Roads from Dyed Way to Somerton, and from Gawbridge to Tintinhull Fords, and from a Stream of Water called Ford to Cartgate in Martock, in the County of Somerset; and also for repairing and*
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3 G. 4. c. 126.

Three first-
recited Acts
repealed.This Act
liable to the
Payment of
Money bor-
rowed under
the recited
Acts.Extending
the Powers
of the Act
3 G. 4. c. 126.
to this Act.

widening the Roads from a Place called Hurst Bow in Martock aforesaid, through a Common Meadow called Petherton Broadmead, and thence through the Parishes of South Petherton, Shepton Beauchamp, and Barrington, to join the Turnpike Road leading from Ilminster to Langport, and from South Petherton aforesaid, through Part of the several Parishes of South Petherton and Lopen, to Whitecross in the said Parish of Lopen, all in the said County of Somerset: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King George the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas the Trustees appointed in and by virtue of the Three first recited Acts have proceeded in the Execution of the said Acts, and have made great Progress in amending, widening, and improving the said Roads, for which Purpose they have borrowed several considerable Sums of Money upon the Credit of the Tolls by the said Acts granted and continued, which Money still remains due and owing, and cannot be paid off, nor can the said Roads be amended, improved, and kept in repair, unless the Term granted and continued by the said Acts be further continued; and it would be more convenient if the said Three first-recited Acts were repealed, and other Powers and Provisions granted instead thereof; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts passed in the First, Twenty-third, and Forty-third Years of the Reign of His said late Majesty King George the Third, and all and every the Powers, Provisions, Matters, and Things therein respectively contained, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that this Act shall commence and take effect in lieu and instead thereof, and shall be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing and widening the Roads from *Dyed Way to Somerton*, and from *Gawbridge to Tintinhull Fords*, and from a Stream of Water called *Ford to Cartgate in Martock* in the County of Somerset; and also the Roads from a Place called *Hurst Bow in Martock* aforesaid, through a Common Meadow called *Petherton Broadmead*, and thence through the Parishes of *South Petherton, Shepton Beauchamp, and Barrington*, to join the Turnpike Road leading from *Ilminster to Langport*, and from *South Petherton* aforesaid, through Part of the several Parishes of *South Petherton and Lopen*, to *Whitecross* in the said Parish of *Lopen*, all in the said County of *Somerset*.

II. And be it further enacted, That this Act, and the Term and the Tolls hereby granted, shall and are hereby declared to be subject and liable to the Payment of all the respective Sums of Money now due and owing on the Credit of the Tolls and Duties arising upon the said respective Roads, and of such other Sum and Sums of Money as shall hereafter be borrowed for the Purposes of the said last recited Act and of this Act, and all Interest due and to grow due for the same respectively.

III. And be it further enacted, That all the Powers, Provisions, Remedies, Penalties, Exemptions, Matters and Things, contained in the said recited Act passed in the Third Year of the Reign of His said present Majesty,

jesty, shall extend, and be deemed, construed, and taken to extend to this Act, in as full, large, and ample a Manner, to all Intents, Constructions, and Purposes whatsoever, as if the same respectively were repeated and re-enacted in the Body of this Act, save and except where the same are or any Part thereof is expressly varied, altered, or repealed by this Act.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities, made or entered into by any Person or Persons to or with any of the Trustees for executing the said Three first recited Acts, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities, duly made or entered into by the Trustees for executing the said Acts hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said last recited Act, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Bonds, Agreements, &c. under the recited Acts to be good under this Act.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said Three first-recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Books used under former Acts to be Evidence.

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County of Somerset, together with *Thomas Adams, William Adams, John Anstice, Samuel Anstice, Samuel Axe, William Ball, Henry Bennett Clerk, John Bicknell, Sealy Bridge, Henry Cary, Thomas Cary, Joseph Chaffey, James Daniel, George Drewe, John Baker Edmonds, John Baker Edmonds the younger, Robert Goodden, William Harding, Robert Hillard, Robert Leach, Charles Hutchins Lewis, John Lilly, Charles Liddon, Burchall Peren, Thomas Richards, John Whitehead Richards, William Haggatt Richards, William Richards, George Slade, George Slade the younger, John Staple, John Tatchell Tatchell, Richard Toller, Joseph Vaux, John Potenger Westcote, John Baker Westcote, William Cole Wood, William Wood Clerk*, and their Successors, shall be and they are hereby declared to be the Trustees for carrying into execution the said last-recited Act and this Act.

Trustees.

VII. And be it further enacted, That no Person shall be capable of acting as a Trustee for putting the said last-recited Act and this Act in Execution, unless he shall be qualified in such Manner as in and by the said last-recited Act 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-recited Act, and the Oath hereinafter mentioned), take and subscribe, before any 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 take an Oath truly to execute the Acts.

‘ I *A. B.* do swear [*or, being a Quaker, do affirm*], That I will truly, honestly, and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in

Oath.

‘ 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, &c.*
 ‘ [*here insert the Title of this Act*], and also an Act passed in the Third
 ‘ Year of the Reign of His said Majesty, intituled *An Act to amend the*
 ‘ *general Laws now in being for regulating Turnpike Roads in that Part*
 ‘ *of Great Britain called England.* So help me GOD.’

Which Oath or Affirmation any one or more of the said Trustees is and are hereby authorized and empowered to administer; 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, or by Bill, Plaint, 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 last-recited Act 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 Acts and 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.

Power to
 appoint addi-
 tional Trus-
 tees.

VIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered, at their First Meeting to be holden in pursuance of this Act, to elect any Number of Persons not exceeding Five in the whole, to be Trustees for the Purposes of this Act and the said last-recited Act, in addition to the Trustees hereby appointed; and such Trustees so elected; and being qualified according to the Directions of the said last-recited Act and this Act, shall be and are hereby invested with the same Powers and Authorities for executing this and the said last-recited Act as if they had been hereby nominated and appointed.

Officers un-
 der the for-
 mer Acts to
 account to
 the Trustees
 for executing
 this Act.

IX. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said Three first-recited Acts, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are herein-before inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of this Act.

First Meet-
 ing of Trus-
 tees, and
 Power to ap-
 point Offi-
 cers.

X. And be it further enacted, That the first Meeting of the said Trustees shall be held at the House known by the Sign of *The George*, or at some other convenient House or Place in the Parish of *Martock* in the said County of *Somerset*, on the Second *Tuesday* next after the passing of this Act; or as soon after as conveniently may be; at which Meeting the said Trustees shall and may, by Writing under their Hands, elect and appoint a Treasurer or Treasurers, and a Clerk or Clerks, and also a Collector or Collectors, of the Tolls, and of all the Monies to be collected, or which shall or may be due and payable under or by virtue of the said recited

recited Acts and this Act, and shall likewise appoint some fit and proper Person or Persons to be a Surveyor or Surveyors of the said Roads, and all such other Officers as they the said Trustees shall think proper; and that they the said Trustees shall and may from Time to Time remove all such Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers, or any of them, when and as often as they shall see Occasion, and appoint others in their Stead, as to the said Trustees shall seem proper; and the said Trustees shall and may, out of the Tolls and other Monies to be collected and received under or by virtue of the said recited Acts and this Act, make such Allowance by way of Salaries or otherwise, unto the Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers so to be appointed, for and in Consideration of the Care and Pains by them respectively taken in the Execution of their respective Offices, and to such other Person or Persons as shall be assisting in and about the Execution of the said recited Acts and this Act, as to the said Trustees shall seem proper.

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.

Treasurer
and Clerk
not to be the
same Person.

XII. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers, nominated and appointed under and by virtue of the said Three first recited Acts hereby repealed, (save and except the Treasurer or Treasurers to the said Trustees), shall hold and enjoy their several and respective Offices and Employments, until he or they shall 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 the said recited Act of the Third Year of the Reign of His said present Majesty and this 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 or by virtue of this Act.

Old Officers
may continue
until others
are appointed.

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XIII. And

Power to continue the present Gates, or to erect others.

XIII. And be it further enacted, That the said Trustees shall and may continue the several Turnpike Gates which now stand across or on the Sides of the said Roads, or from Time to Time remove the same or any of them, and set up and erect, in lieu thereof and in addition thereto, One or more Turnpike Gate or Turnpike Gates, in, upon, across, or on the Side or Sides of any Part or Parts of the Roads directed by this Act to be amended and repaired, as they the said Trustees may deem expedient; and may also set up and erect a Toll House to each such Turnpike, with suitable Conveniences thereto; and may also inclose from the said Roads, or from any Common or Waste Land immediately adjoining such Toll Houses, convenient Garden Spots to the said Toll Houses respectively, as they the said Trustees may judge proper, not exceeding in the whole One-eighth Part of a Statute Acre to or for each Toll House, and the said Trustees may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings, from Time to Time to be taken down, removed, and set up again, or altered, in such Place or Places across or on the said Roads, or on the Side or Sides thereof, in such Manner as the said Trustees shall judge proper.

Power to sell the present Toll Houses.

XIV. 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 erected by virtue of the said Acts hereby repealed on the said Roads to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by Public Auction or Private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the said last recited Act directed to be given where any Piece or Pieces of Ground or old Road not wanted for the Purposes of any Turnpike Road is authorized to be sold and disposed of.

Power to take Tolls.

XV. And be it further enacted, That the respective Tolls following shall be demanded, taken, collected, and paid at the several and respective Gates or Turnpikes which have been or shall hereafter be erected in, upon, across, or on the Side or Sides of the said Roads; (that is to say),

Tolls.

For every Horse, Mule, Ass, or other Beast, drawing any Coach, Chariot, Berlin, Landau, Hearse, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, the Sum of Sixpence:

For every Ox, Steer, Gale, or Bull, drawing in any Waggon, Wain, Cart, or other Carriage, the Sum of Three-pence :

For every Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, the Sum of Two-pence :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number : And,

For every Drove of Calves, Sheep, Swine, or Lambs, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number.

Which said Tolls, and also the Tolls granted by the said recited Act of the Third Year of the Reign of His said present Majesty, shall be and the same are hereby vested in the said Trustees ; and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Nonpayment or Evasion thereof, and with such Powers, Provisions, Exemptions, and Restrictions as are contained in the said last recited Act ; but subject nevertheless to the Exemptions, Provisions, and Regulations therein and in this Act contained.

XVI. Provided always, and be it further enacted, That no Person shall be liable to pay Toll more than once in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) for passing and repassing with the same Horses, Cattle, Beasts, or Carriages through all or any of the Turnpikes or Toll Gates maintained and supported by virtue of the said last recited Act and this Act ; but that all and every Person and Persons, after having paid Toll once as aforesaid, and producing a Note or Ticket, or Notes or Tickets, denoting the Payment of such Toll, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages Toll-free during such Day, to be computed as aforesaid, through all and every the Gate and Gates, Turnpike and Turnpikes, erected on the said Roads or across any Road or Way leading out of the same (except as herein-after mentioned) ; and all the respective Collectors of the Tolls are hereby required to deliver such Notes or Tickets *gratis*, on Receipt of the Toll in manner aforesaid.

Tolls to be paid but once a Day.

XVII. Provided always, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach, or other Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid ; and the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise and other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads on the same Day, with a Ticket denoting a fresh Hiring.

Stage Coaches, Caravans, and Postchaises, to pay every Time of passing.

XVIII. And be it further enacted, That out of any Money now in the Hands of the said Trustees, or out of the First Money arising by the Tolls hereby granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees, or any Three or more of them, shall, in the first Place, pay and discharge all the Expences and Costs of procuring and passing

Application of the Tolls.

passing this Act, in the Proportions and Manner herein-after mentioned; and shall apply the Remainder of the Monies so raised in erecting Gates or Turnpikes and Toll Houses, and repairing, widening, and amending the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same and the Execution of this Act, and to no other Use or Purpose whatsoever.

Security for Sums borrowed on the Credit of the Tolls on the respective Roads.

XIX. And be it further enacted, That all and every Sum and Sums of Money heretofore borrowed by virtue of the said recited Acts hereby repealed, or any of them, on account of the aforesaid Roads from *Dyed Way* to *Somerton*, and from *Gawbridge* to *Tintinhull Fords*, and from a Stream of Water called *Ford* to *Cartgate* in *Martock* aforesaid; and which are now due and owing, and all and every Sum and Sums of Money which shall hereafter be borrowed on account of the same last-mentioned Roads under the Authority of the said recited Act and this Act, or either of them, shall, together with lawful Interest for the same respectively, be secured upon the Tolls to arise upon or from such last-mentioned Roads; and that all and every Sum and Sums of Money heretofore borrowed by virtue of the said recited Acts hereby repealed, or any of them, on account of the said Roads from *Hurst Bow* in *Martock* aforesaid, through a Common Meadow called *Petherton Broadmead*, and thence through the Parishes of *South Petherton*, *Shepton Beauchamp*, and *Barrington*, to join the Turnpike Road leading from *Iminster* to *Langport*, and from *South Petherton* aforesaid, through Part of the several Parishes of *South Petherton* and *Lopen* to *Whitecross*, in the said Parish of *Lopen*, and all and every Sum and Sums of Money which shall hereafter be borrowed under the Authority of the said last recited Act and this Act, or either of them, on account of the said last-mentioned Roads, shall, together with lawful Interest for the same respectively, be charged and secured upon the Tolls to arise upon or from the said last-mentioned Roads.

A separate Account to be kept relating to the Two Roads.

XX. And be it further enacted, That the Tolls which shall from Time to Time respectively arise upon or from the said Roads from *Dyed Way* to *Somerton*, and from *Gawbridge* to *Tintinhull Fords*, and from a Stream of Water called *Ford* to *Cartgate* in *Martock*, and the said Roads from a Place called *Hurst Bow* in *Martock* aforesaid, through a Common Meadow called *Petherton Broadmead*, and thence through the Parishes of *South Petherton*, *Shepton Beauchamp*, and *Barrington*, to join the Turnpike Road leading from *Iminster* to *Langport*, and from *South Petherton* aforesaid, through Part of the several Parishes of *South Petherton* and *Lopen* to *Whitecross* in the said Parish of *Lopen*, shall be applied and disposed of on account of the said respective Roads from whence such Tolls shall severally arise; and that the Clerk to the said Trustees shall keep a separate and distinct Account of the Monies expended in respect of the said Roads respectively, to the end that such separate Application and Disposition may be duly observed and effected.

Exemptions from Toll by this Act.

XXI. And be it further enacted, That from and after the passing of this Act, no Person shall be charged with or compellable to pay any of the Tolls made payable by the said last recited Act or this Act, or either of them, for any Waggon or other Carriage, Horse or other Catle or Beast, drawing or not drawing, which shall be used and employed only in the Carriage of or going empty or unladen for or returning empty or unladen

unladen after having carried any Lime for manuring, any Stone for draining, any Wood Bars or Rails for fencing, or any Corn or Grain for sowing of any Garden Land or Ground situate within any or either of the said Parishes through which the aforesaid Roads or any of them pass; or for any Carriage, Horse, Cattle, or other Beast employed in the Carriage of Milk, or going empty or unladen for, or returning empty or unladen after having carried the same within any or either of the said Parishes through which the aforesaid Roads or any of them pass, or for any Horse, Cattle, or other Beast going or returning to or from Pasture or Watering within any or either of such Parishes, and not going out of the same; any thing in the said last recited Act or this Act, or either of them, contained to the contrary thereof in anywise notwithstanding.

XXII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall and may and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, repairing, or otherwise improving the said Roads, or any Part thereof, or for doing any other Work to be performed in the Execution of the said last recited Act and this Act, in such Manner, and for such Sum or Sums of Money, as the said Trustees shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of the said last recited Act and this Act, or either of them, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors or Administrators.

Trustees may contract for the making or repairing the Roads.

XXIII. Provided always, and be it further enacted, That the Powers and Authorities hereby and by the said last recited Act given or granted shall not extend or be construed to extend to authorize or empower the said Trustees, in repairing and widening the said Roads, to take or pull down, injure or damage, any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted or 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.

Houses, &c. not to be injured.

XXIV. 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 do 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

Regulations as to Performance of Statute Work.

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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 (within Thirty Days after the serving of 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 Hay-time 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 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 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 wholly 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 such 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 said County of *Somerset*, on Complaint made to such Justices by the Surveyor to the said Trustees.

XXV. Provided always, and be it further enacted, That when and as 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 or Costs, or for any 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 Application 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: Provided always, that the said Treasurer shall and may retain, out of any Monies which may come into his Hands in pursuance of this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of such Order or Orders as aforesaid.

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.

XXVI. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged by the said Trustees out of any Money already collected or received by virtue of the said recited Acts or any or either of them, or out of the first Monies to be borrowed or to arise by virtue of the said last recited Act and this Act, or either of them, in preference to all other Payments whatsoever, but in the Proportions following; (that is to say,) Two-third Parts of such Costs, Charges, and Expences out of the Monies arising or to be borrowed out of or on account of the original Roads comprised in the said Two first recited Acts, and the remaining One-third Part thereof out of the Monies arising or to be borrowed out of or on account of the new or additional Branches of Roads comprised in the said Act passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third.

Paying Expences of this Act.

XXVII. And

Public Act.

XXVII. 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.

Commence-
ment and
Continuance
of Act.

XXVIII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be in force and be executed 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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