



ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cxxxi.

An Act to extend and amend the Provisions of the Act relating to the *Wedmore* Turnpike Road in the County of *Somerset*, to create a further Term therein, and for other Purposes.

[30th June 1852.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining* ^{7 & 8 G. 4} *a Road from Chappel's Corner in the Parish of Ashcott, to join the* ^{c. 5.} *Bristol Turnpike Road at or near Rowberrow Hill, all in the County of Somerset*: And whereas the Term granted by the said Act, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, and the Powers granted by the said Act, will expire on the First Day of *November* One thousand eight hundred and fifty-two, unless the same be further continued: And whereas the Trustees acting in execution of the said recited Act have, in pursuance of the Powers and Authorities

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rities

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rities thereby given to them, caused the Road thereby authorized to be made to be made and completed: And whereas the said Trustees have borrowed considerable Sums of Money on the Credit of the Tolls authorized to be taken by the said recited Act, which still remain due and owing, and such Money cannot be paid off, or the Interest thereof discharged, unless the Term granted by the said recited Act, and so continued as aforesaid, be further continued, and further Powers be granted: And whereas it is considered expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof; but those Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

Recited Act repealed, and this Act to take effect.

I. That from and after the passing of this Act the said recited Act of the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Wedmore* Turnpike Road Act, 1852."

Monies and Property to vest in new Trustees.

III. That all Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action, vested in or belonging to the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same and act in respect thereof as fully and effectually as if the same had been vested in and belonged to them under the said Act hereby repealed, and they shall be liable to all the Debts and Engagements to which the Trustees acting under the said recited Act were liable at the Repeal thereof, save and except such Debts as are by this Act virtually extinguished.

Appoint-ment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Somerset*, together with *John Allen*, *John Allen* the younger, *Robert Allford*, *James Inman Allford*, *Arthur Barrow*, *Thomas Barrow*, *Robert Phippen Bath*, the Reverend

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Reverend *Richard a'Court Beadon* Clerk, *Samuel Birch*, *James Birch*, *William Edwards*, *Robert Phippen Edwards*, *Peter Fry*, *Samuel Lund Fry*, *Thomas Gilling*, *John Glanvile*, *William Shartman Glanvile*, the Reverend *Frederick Legrew Hesse* Clerk, the Reverend *John Kempthorne* Clerk, the Reverend *Thomas Mason* Clerk, *Arthur Phippen*, *Robert Phippen*, *Edward Phippen*, *Gabriel Stone Poole*, *John Holmes Ravenhill*, *James Short*, the Reverend *Charles Tynte Simmons* Clerk, *Henry Bull Templer Strangways* the younger, the Reverend *Frederick William White* Clerk, *William Robert Warry*, and *George Deedes Warry*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

V. That it shall be lawful for the said Trustees from Time to Time at any Meeting under this Act to elect, nominate, and appoint any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Power to
appoint ad-
ditional
Trustees.

VI. That the said Trustees shall hold their First Meeting at the *George Inn* in the Parish of *Wedmore* in the County of *Somerset*, or at some other convenient Place in the Neighbourhood of the said Road, on the Second *Wednesday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and from Time to Time thereafter adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Road as they shall think proper.

First Meet-
ing of Trus-
tees.

VII. That the said Trustees may appoint a Committee or Committees out of their own Number to take the Care and Management of any particular Part or Parts of the said Road, or to execute any of the Purposes of this Act, according to such Rules, Instructions, and Regulations as shall be made or laid down by the said Trustees at any General or Special Meeting; and the said Committee or Committees, and their Surveyor, Clerk, or other Officers, may proceed and act according to such Appointment, but shall always be accountable according to the Rules, Instructions, and Regulations so to be made or laid down.

Power to
Trustees to
appoint
Committees.

VIII. That this Act shall be put into execution for the Purpose of more effectually making, improving, maintaining, and keeping in repair

Road to
which this
Act is appli-
cable.

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repair the present Turnpike Road; that is to say, the Road commencing at *Chappel's Corner* at *Pedwell* within the Parish of *Ashcott* in the County of *Somerset*, and terminating in the *Bristol* Turnpike Road at or near a Place called *Rowberrow Hill* in the Parish of *Rowberrow* in the said County, and passing through the several Parishes or Places of *Ashcott*, *Shapwick*, *Meare*, *Wedmore*, *Cheddar*, *Winscombe*, *Shipham*, and *Rowberrow*, all in the said County of *Somerset*.

Present Tolls continued for a certain Term.

IX. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates, Turnpikes, or Toll Bars to be continued or erected on or on the Sides of the said Road until the First Day of *January* One thousand eight hundred and fifty-three.

Power to take new Tolls.

X. That upon and after the First Day of *January* One thousand eight hundred and fifty-three, and at all Times thereafter, it shall be lawful for the said Trustees to demand and take or cause to be demanded and taken at the several and respective Toll Gates, Turnpikes, and Toll Bars which shall be upon or on the Sides of the said Road such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, or other Beast of Burden drawing any Coach, Chariot, Landau, Landaulet, Barouche, Brougham, Clarence, Sociable, Curricule, Phaeton, Chaise, Cabriolet, Omnibus, Hearse, Break, Whiskey, Gig, Fly, Dog-cart, Chair, Car, Taxed Cart, or other such Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast of Burden drawing any Waggon, Wain, Cart, Truck, Caravan, or any other such Carriage, the Sum of Fourpence Halfpenny; provided that the Toll to be taken for any Ass drawing any of the before-mentioned Carriages shall be One Penny less than the Tolls herein-before authorized to be taken:

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

For every Dog or Goat drawing any Truck, Cart, or other Carriage or Vehicle, the Sum of One Penny:

For every Drove of Oxen or other Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number:

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

For

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For every Coach, Carriage, Cart, Wain, Dray, or other Carriage whatsoever moved, drawn, or propelled by Machinery or Steam Power, or other Power than Animal Power, the Sum of One Shilling for each Wheel:

Which said Tolls shall be taken before any Horse, Mule, Ass, or other Beast or Animal, Cattle or Carriage whatsoever, shall be permitted to pass through any Toll Gate, Turnpike, or Bar which shall be continued or erected by virtue of this Act upon or across the said Road, or on the Sides thereof.

XI. That in all Cases where there shall be a fractional Part of a Halfpenny on the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable and paid in lieu of such fractional Part.

As to the Fraction of a Halfpenny in Tolls.

XII. That no more than Two full Tolls shall be demanded or taken (except in the Cases herein-after mentioned) for passing and repassing on the same Day (such Day to be computed for the Purposes of this Act from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll Duty through all or any of the Turnpikes, Toll Gates, or Bars to be continued or erected upon, across, or at the Sides of the said Road.

Only Two full Tolls to be payable on One Day.

XIII. That all Horses, Beasts, Animals, and Cattle (except Horses, Beasts, Animals, or Cattle drawing any Stage Coach, Van, Waggon, Caravan, Omnibus, or other Stage Carriage as herein-after mentioned,) in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate, Turnpike, or Bar on the said Road, or on the Side thereof, shall, upon the Production of a Ticket or Tickets denoting such Payment, in returning through the same Toll Gate, Turnpike, or Bar, and in going through such other Toll Gate, Turnpike, or Bar (if any) as the Tickets for such Payment shall free, be permitted to pass Toll-free the same Day, except as herein-after mentioned.

Persons having paid Toll to return free on same Day.

XIV. That the Tolls hereby made payable shall be paid for all Horses, Beasts, Animals, or Cattle drawing any Carriage as often as such Carriage shall be changed, in the same Manner as if no previous Payment of Tolls in respect of such Horses, Beasts, Animals, or Cattle had been made on the same Day.

Fresh Tolls to be paid on every Change of Carriage.

XV. That the Tolls hereby made payable shall be paid for all Horses or other Beasts or Animals not drawing which shall be let out

Postchaises, &c. to pay on every fresh to Hiring.

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to Hire, and for all Horses and other Beasts or Animals drawing any Postchaise or other Carriage let out to Hire, as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses, Beasts, or Animals had been made on the same Day.

Regulations
as to Stage
Coaches, &c.

XVI. That the Tolls hereby made payable for or in respect of all Horses or other Beasts or Animals drawing any Stage Coach, Van, Waggon, Caravan, Omnibus, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward shall be payable and paid for every Time of passing or repassing through any of the said Turnpikes, Toll Gates, or Toll Bars respectively.

Proviso as
to Stage
Coaches, &c.
passing
through Gate
freed by a
Ticket from
another
Gate.

XVII. Provided, That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any such other Toll Gate, the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Exemption
from Tolls.

XVIII. That no Toll shall be demanded or taken by virtue of this or the said recited Acts for any Horse, Beast, or other Cattle carrying or conveying, or going for, or returning after having been only employed in carrying or conveying on the same Day any Lime or other Matter or Thing to be used for Manure only for improving Lands, or Stones, Pipes, Tiles, or other Materials for Bridges, or the guttering, tunnelling, or draining of Lands, or any Turf, Milk, Hay, Straw, Fodder for Cattle, Corn, Apples, Timber or Wood, or any Potatoes, Carrots, Turnips, or other Roots or Vegetables or Vegetable Productions, which has or have arisen or grown on the Lands or Grounds in the Occupation of the Owner of any such Turf, Milk, Hay, Straw, Fodder, Corn, Apples, Timber, Wood, Potatoes, Carrots, Turnips, or other Roots or Vegetables, or Vegetable Productions, carried to the House, Barn, Barton, Granary, or Stable of the Owner of such Turf, Milk, Hay, Straw, Fodder, Corn, Apples, Timber, Wood, Potatoes, Carrots, Turnips, Roots, Vegetables, or Vegetable Productions, or from any Part of the Lands and Premises in his Occupation

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Occupation to any other Part of such Lands and Premises, such Turf, Milk, Hay, Straw, Fodder, Corn, Apples, Timber, Wood, Potatoes, Carrots, Turnips, Roots, Vegetables, or Vegetable Productions not having been bought, sold, or disposed of, or not going to be sold or disposed of, but to be laid up on the Premises of such Owner, nor being carried a greater Distance than Three Miles on the said Turnpike Road.

XIX. That the several Toll Gates, Bars, Chains, and Toll Houses now standing or being upon the said Road, or on the Sides thereof, shall be continued until removed by any Order of the said Trustees, and it shall be lawful for the said Trustees to order and cause to be set up in, upon, or across the said Road, or on the Sides thereof, any Toll Gate, Turnpike, Bar, or Toll House, and to remove the present or any future Toll Gate, Turnpike, Bar, or Toll House: Provided always, that no Toll Gate shall be removed, erected, or set up upon or across the said Road, or on the Sides thereof, except the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Act of Ninth *George* the Fourth, Chapter Seventy-seven. Respecting
Toll Gates.

XX. That on or before the *Monday* next after the passing of this Act the Mortgagee or Mortgagees now in possession of any of the Toll Gates, Bars, Toll Houses, or Buildings upon the said Road, or on the Side thereof, shall deliver up the same to the said Trustees or their Clerk, and the said Trustees, their Clerk, Collectors, Officers, and Servants, shall enter into possession of the said Toll Gates, Bars, Toll Houses, and Buildings, and shall thenceforth receive the Tolls which can or may be collected thereat; and if any Renter, Collector, Receiver, or other Person shall refuse or neglect to deliver up Possession as aforesaid of any of the said Toll Gates, Bars, Toll Houses, or Buildings, then such Renter, Collector, Receiver, or other Person may be removed therefrom in manner provided by any Law or Statute then in force relating to Turnpike Roads in *England*. Mortgagees
in possession
to deliver
up Gates to
Trustees.

XXI. That the Mortgagee or Mortgagees now in possession of all or any of the Toll Gates, Bars, Toll Houses, or Buildings upon the said Road, or on the Side thereof, shall, on or before the said *Monday* next after the passing of this Act, deliver or cause to be delivered to *Benjamin Tuthill Allen* of *Burnham* in the County of *Somerset*, Solicitor, at his Dwelling House at *Burnham* aforesaid, or other the Clerk to the said Trustees for the Time being at his Dwelling House, a full, true, and particular Account of all Monies received Mortgagees
in possession
to account.

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received and expended or retained in hand by the said Mortgagee or Mortgagees from the Time of his or their entering into such Possession up to the said *Monday* next after the passing of this Act, and also of all Monies which shall have accrued due and be owing to him or them as such Mortgagee or Mortgagees as aforesaid for Rent of Tolls or otherwise during the Time in which he or they shall have been in possession of the said Toll Gates, Bars, Toll Houses, or Buildings as aforesaid, and shall produce to the said Trustees or their Clerk true and correct Vouchers and Receipts for all such Payments, Receipts, Debts, Contracts, and Engagements, and that such Mortgagee or Mortgagees shall, within One Calendar Month next after the passing of this Act, pay over to the said Trustees or their Treasurer the Balance of all Monies which shall have come to his Hands as such Mortgagee in possession as aforesaid, and which shall not have been duly expended by him according to Law.

Disputed
Accounts to
be referred
to One of
the Masters
of Her
Majesty's
Courts of
Common
Law at West-
minster.

XXII. That if any Dispute or Difference shall arise between the said Mortgagee or Mortgagees now in possession of all or any of the said Toll Gates, Bars, Toll Houses, or Buildings in or upon the said Road or on the Sides thereof as aforesaid and the said Trustees as to the Correctness of any such Account, the same shall, on a summary Application to One of the Judges of any of Her Majesty's Courts of Common Law at *Westminster*, be referred to One of the Masters of the said Court, who shall inquire into and examine such Account, shall have Power to tax all legal Charges and Expenses charged therein, and to allow or disallow any Payments or Deductions, and to act therein in all respects in the same Manner and on the same Principle as the Accounts of Mortgagees in possession are taken in a Court of Equity; and any Balance to be found due upon the taking of such Account, after Payment or Deduction of all Interest due to the said Mortgagees, shall be paid by the said Mortgagee or Mortgagees in possession, within Seven Days next after such Balance shall have been so ascertained, to *Richard Woodland* of *Bridgwater* in the County of *Somerset*, Banker, the Treasurer of the said Trustees, at his Residence aforesaid, or to other the Treasurer of the said Trustees for the Time being at his Residence, and the Order of Reference to such Master as aforesaid, and his Allocatur thereon, shall have the Force and Effect of a Judgment at the Suit of the Treasurer for the Time being of the said Trustees, and shall be enforceable in the Name of such Treasurer.

Mortgagees
not to take
possession of
Toll Gates

XXIII. That whenever and so long as the Interest upon all existing Mortgages upon the Tolls of the said Road, made under the Provisions of the said recited Act, shall be duly paid, at the Rate
herein-

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herein-after mentioned, within One Calendar Month next after the same shall become due, the same having been lawfully demanded, no Holder of any Mortgage of the Tolls collected on the said Road shall be entitled to enter into possession of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Bars, Chains, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rents, shall pay the Interest from Time to Time becoming due, at the Rate herein-after mentioned, upon all the said existing Mortgages, without any Priority or Preference, except as herein-after provided, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after the Day whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due, at the Rate herein-after mentioned, on such Mortgages up to the last of such Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the said Trustees, or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law, in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

except for
Arrears of
Interest.

XXIV. And whereas there are due and owing on the Credit of the Tolls granted by the said Act Two several Sums of One thousand three hundred Pounds and Four thousand and eleven Pounds, making together the Sum of Five thousand three hundred and eleven Pounds, exclusive of all Arrears of Interest thereon: Be it enacted, That from and after the passing of this Act the said Sum of Five thousand three hundred and eleven Pounds shall be deemed and taken to be the Principal Sum due and owing on the Credit of the Tolls authorized to be taken on the said Road, and that all Arrears of Interest due at the Time of the passing of this Act on the said Sum of Five thousand three hundred and eleven Pounds shall be and the same are hereby extinguished.

As to
Amount of
Principal
Debt owing
on Credit of
Tolls.

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XXV. That

*The Wedmore Turnpike Road Act, 1852.*Application
of Monies.

XXV. That all Monies which shall come to the Hands of the said Trustees by virtue, of this Act shall be applied as follows; (that is to say,)

First, in paying and discharging, without Prejudice to the Second Payment, the Costs and Expenses attending the applying for, obtaining, and passing this Act, or in any Manner incidental thereto:

Secondly, in paying the Expenses of erecting or providing, altering and repairing, Toll Gates, Toll Bars, and Toll Houses, the Salaries of Officers employed by the said Trustees, and all Arrears of Salary, and other Costs, Charges, and Expenses, now due and owing to any or either of such Officers, and generally the Costs attending the Management of the said Road; but the Amount so applied shall not exceed for the First Year after the passing of this Act, such Year to be deemed to commence on and from the Thirty-first Day of *December* next after the passing thereof, the Sum of One hundred Pounds, and the Sum of Forty Pounds *per Annum*, exclusive of the Toll-gate Keepers, afterwards until the whole of the said Principal Sum of Five thousand three hundred and eleven Pounds has been paid off and discharged, and the Sum of Sixty Pounds *per Annum* after the said Debt shall have been discharged:

Thirdly, in paying Interest after the Rate of Two Pounds *per Centum per Annum* on the Principal Debt or Sum of One thousand three hundred Pounds, or such Part thereof as shall be due and owing on the Credit of the said Tolls to the several Mortgagees named in the Schedule to this Act, or the Persons for the Time being entitled thereto, for and on account of the several Sums of Money set opposite to their respective Names in the said Schedule:

Fourthly, in paying Interest after the Rate of One Pound *per Centum per Annum* on the Principal Debt or Sum of Four thousand and eleven Pounds (the Residue of the whole Principal Sum of Five thousand three hundred and eleven Pounds), or such Part thereof as shall be due and owing on the Credit of the said Tolls; provided always, that no such Interest shall be payable on either of the Two before-mentioned Principal Sums of One thousand three hundred Pounds and Four thousand and eleven Pounds until the Costs and Expenses attending the applying for, obtaining, and passing this Act, or in any Manner incidental thereto, shall have been firstpaid and discharged:

Fifthly, in reducing, paying off, and discharging the said Principal Debt or Sum of One thousand three hundred Pounds due and owing on the Credit of the said Tolls to the several Mortgagees named

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named in the Schedule to this Act, or the Persons for the Time being entitled thereto, in manner herein-after provided:

Sixthly, in reducing, paying off, and discharging the said Principal Debt or Sum of Four thousand and eleven Pounds (the Residue of the whole Principal Debt or Sum) due and owing on the Credit of the said Tolls in manner herein-after provided:

Seventhly, in paying the Expenses of improving, maintaining, and keeping in repair the said Road.

XXVI. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall, at any general annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such general annual or other Meeting, cause Notice to be given of such Meeting, and of the Object or Purpose thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *Somerset*; or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County, and circulating in the Neighbourhood of the said Road, or by Circular addressed to each Creditor at his last known Place of Abode, and forwarded to him by Post; and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the said Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Payment and Discharge of other Monies owing on the Security of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which

such

As to Mode
of discharg-
ing Debt.

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such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

Trustees or Clerk to be deemed competent Witnesses.

XXVII. That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or other Proceeding.

Road not exempted from Provisions of future General Acts.

XXVIII. That nothing herein contained shall be deemed or construed to exempt the Road comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament, or from the Provisions of any such Act now in force, except so far as any such last-mentioned Provisions may be expressly varied by this Act.

No Money to be borrowed on Credit of Tolls.

XXIX. That it shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

No Money to be collected or laid out by Trustees in Towns.

XXX. That it shall not be lawful for the said Trustees to lay out any Money collected under the Powers of this Act on any Part of the said Roads within the Limits of any Act of Parliament passed for the Improvement of any Town or District, nor shall any be collected therein.

Interpretation of Terms.

XXXI. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include "Corporation:"

Words importing the Masculine Gender shall include Females:

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in execution of this Act:

The

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The Expression "the Road" or "the said Road" shall mean the Road to which this Act applies :

The Expression "Toll Gate" or "Toll Gates" shall mean any Toll Gate, Turnpike, Bar, or Chain set up and erected or to be set up and erected upon or across or by the Side of the said Road to which this Act applies, or across any Highway or Lane communicating therewith :

The Word "Lands" shall include Messuages, Tenements, and Hereditaments.

XXXII. That this Act shall commence and take effect on the Day of the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Commence-
ment and
Term of Act.

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SCHEDULE referred to in the foregoing Act.

Mortgagees entitled to Priority in Payment of Interest and Principal.

	£
The Representatives of Robert Phippen - - -	500
Do. John Tucker - - -	400
Do. Richard Gilling - - -	200
Do. Joseph Ruscombe Poole - - -	100
William Edwards - - - - -	100

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty, 1852.