

that the right honourable the judges of assizes may then give their resolutions therein. And the inhabitants of Croscombe are to have notice of this order.
See no. 130 above.

134. It is ordered by this court by and with the consent of both parties [Hodges and Hodges, gent., contra Hodges] that one of the jurors be withdrawn and all matters in difference betwene them shalbe referred to the arbitrement of John Merryfeild, esq. [J.P.], who is desired by this court to heare and determine the same before the first day of the next terme, and likewise to order what costs the defendant shall pay to the plaint.

A *nisi prius* cause. The *postea* is entered in P.R.O., *Asz.* 24/35 sub Aug. 1654.

135. [f. 36] Uppon heareinge of the award heretofore made betwene the said parties [cross indictments between Whitlock and Daw, Torr, and others] by vertue of an order of reference made att the assizes held att Taunton 12 August 1653; and uppon heareinge of counsell learned on both sides concerninge the said award and the contempt of the said Whitlock in not performinge the same. It is ordered by this court by consent of the parties that all the matters in controversie betwene them be againe putt to the arbitrement of James Cade, gent., and Lewis Sweetinge the younger, gent., mencioned in the said order, to heare and determine the same att or before 1 November next yf they cann. And in case they cannot, then by like consent all the matters aforesaid in controversie are putt to the umpheradge of such person as the said James Cade and Lewis Sweetinge shall nominate and choose, who is to umpyre and finally end the same att or before 24 December then next followinge. And the said Whitlock is nowe discharged of his contempt.

A *nisi prius* cause. The *postea* is entered in P.R.O., *Asz.* 24/35 sub Aug. 1654, where the parties are named as Whitlock and Tor *alias* Heathfield.

Chard Assizes, 4 August 1655,¹ before John Glynne, Chief Justice of the Upper Bench, and Francis Swanton, Clerk of Assize.²

136. [f. 40] Whereas this court is informed by the humble petition of the constables of the hundred of Keynsham in this county that there is a bridge in the parish of Compton Dando within the said hundred called Turne bridge which is soe ruinous that it is very dangerous for passengers to travaile that way, and that it is not certainly knowne who ought to reparaire the said bridge. This court doth therefore desire Robert Longe, esq., Richard Jones, esq., John Harrington, esq., [John] Hipposly, esq., and William Cole, esq., five of the justices of the peace of this county, whereof one of them is of the quorum, to meete together with all convenient speede and veiw the decayes of the said bridge and examine who ought to reparaire it, and certifie what they shall doe therein att the next quarter sessions of the peace to be holden for this county, att which tyme the justices of the peace then and there assembled are desired by this court to make such order for the speedy reparaire of the said bridge as shalbe agreable to lawe and justice.³

¹ The winter assizes 1655 were delayed because of the Penruddock rising. They were eventually held at Chard on 25 April, for the discharge of Crown causes only: see nos. 177-179 below.

² For the significance of the presence of the clerk of assize on the assize bench see J. S. Cockburn, 'Seventeenth-Century Clerks of Assize—Some Anonymous Members of the Legal Profession', *American Jnl. of Legal Hist.* xiii (1969), 315-32.

³ See no. 98 above and no. 151 below.

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