



ANNO QUINQUAGESIMO QUINTO

# GEORGI II. REGIS.

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## *Cap. ii.*

An Act to continue the Term, and amend and enlarge the Powers of several Acts passed for repairing the Road from *Cirencester* to *Saint John's Bridge*, in the County of *Gloucester*, and certain other Roads therein mentioned.

[23d *March* 1815.]

**W**HEREAS an Act was passed in the Thirteenth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for repairing the Roads leading from Cirencester Town's End to Saint John's Bridge, in the County of Gloucester*: And whereas an Act was passed in the Fifteenth Year of the Reign of His late Majesty King *George* the Second, for enlarging the Term and Powers of the said Act: And whereas an Act was passed in the Thirty-first Year of the Reign of his said late Majesty King *George* the Second, intituled *An Act for repealing so much of the Act of the Fifteenth Year of His present Majesty, for enlarging the Term and Powers granted by an Act of the Thirteenth Year of His late Majesty King George the First, for repairing the Roads from Cirencester Town's End to Saint John's Bridge, in the County of Gloucester,* 13 G. 1. c. 11. 15 G. 2. c. 15. 31 G. 2. c. 54.  
[Local.] E as

as directs that the Inhabitants of the several Parishes and Hamlets therein named shall pass Toll-free; and for repairing the Street from the High Cross in *Cirencester*, to the Town's End there, and for other Purposes therein mentioned, and for enlarging the Term and Powers granted by the

31 G. 2. c. 54. said Two former Acts: And whereas an Act was passed in the Thirty-first Year of the Reign of His said late Majesty King George the Second, for enabling the Trustees for putting the said former Acts in Execution, to reduce all or any of the Tolls granted by the said last-mentioned Act, and for appointing additional Trustees for putting the said Acts in Execution:

35 G. 3. c. 140. And whereas an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of several Acts passed in the Thirteenth Year of the Reign of King George the First, and the Fifteenth and Thirty-first Years of the Reign of His late Majesty King George the Second, for repairing the Road from Cirencester to Saint John's Bridge, in the County of Gloucester, and certain other Roads therein mentioned*: And whereas the Trustees, appointed in or by virtue of the said recited Acts have made great Progress in the Execution of the same, and have borrowed several considerable Sums of Money upon the Credit of the Tolls arising upon the said Road; which Money, together with the said Tolls, have been duly applied according to the Directions of the said recited Acts; but the said Road cannot be effectually amended, widened, improved, and kept in Repair, nor can the said Sums of Money so borrowed as aforesaid be paid off, unless the Term, granted and continued by the said recited Acts, be further continued, some of the Powers and Provisions thereof amended, altered and enlarged; and it is expedient that the Tolls granted by the said recited Acts should be increased: But the several 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 recited Acts, passed in the Thirteenth Year of the

Recited Acts continued.

Reign of His late Majesty King George the First, the Fifteenth and Thirty-first Years of the Reign of His late Majesty King George the Second, and the Thirty-fifth Year of the Reign of His present Majesty, and all and every the Authorities, Powers, Privileges, Provisions, and Clauses therein contained (except such of them as are varied, altered or repealed), shall be and continue in full Force for and during the Term herein-after mentioned, in as full, large and ample manner, and as effectually, to all Intents and Purposes, as if the said Acts and all the Authorities, Powers, Privileges, Provisions and Clauses therein contained, were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Alterations, Amendments and Additions herein contained, and which shall commence and take effect from the passing of this Act, and be in full Force during the Term hereby continued and granted; and the said additional Term, and the Tolls, Clauses, and Powers hereby continued or granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit or on account of the said recited Acts, or that may be borrowed on the Credit of the said recited Acts and this Act, and all Interest due and to grow due for the same respectively.

II. And

II. And be it further enacted, That the Members serving in Parliament for the County of *Gloucester*, for the City of *Gloucester*, for the Borough of *Cirencester*, and for the Borough of *Tewkesbury*, for the Time being, the Honourable *John Bathurst*, the Honourable *William Bathurst*, the Honourable *Charles Seymour Bathurst*, *Michael Beach*, *Hicks Beach*, *William Hicks Beach*, *Edward Adams*, *Henry Bescley Bowly*, *Devereaux Bowly* the younger, *James Hart Bowly*, *George Bewir*, *Joseph Bewir*, *Francis Bedwell*, *John Bedwell*, *Thomas Crowther Brown*, *Robert Jefferys Brown*, *Joseph Cripps* the younger, *Henry Cripps Clerk*, *Charles Cripps*, *John Cripps*, *William Croome*, *Robert Bennet Croome*, *John Croome Clerk*, *William Davis* the younger, *Joseph Gillman*, *William Gillman*, *Richard Hall* the younger, *Robert Hall*, *Edward Haines* the younger, *Francis Hoare*, *William Lawrence* the younger, *Charles Lawrence*, *John Lawrence*, *Thomas Lediard* the younger, *William Lediard*, *Samuel Lediard*, *Cornelius Pitt*, *Joseph Pitt* the younger, *Charles Pitt*, *William Gregson Pitt*, *George Hicks Pitt*, *William Search*, *George Smith*, *Thomas Slatter*, *William Stevens* the younger, the Right Honourable *John Thynne* commonly called Lord *John Thynne*, *William Thontpson*, *Thomas Vaisey* the younger, *Edward Wilbrabam* the younger, *William Wilbrabam Clerk*, *Henry Wilkins*, and *John Wilkins* the younger, shall be and are hereby added to and joined with the Trustees appointed in or by virtue of the said recited Acts or any of them, for putting the same and this Act in Execution; and the Trustees herein nominated, and their Successors, being qualified according to the Directions of the said recited Act of the Thirty-first Year of the Reign of His late Majesty King *George* the Second, are hereby empowered to act in Execution of the said recited Acts and this Act, as fully and effectually to all Intents and Purposes as if they had been appointed by the said recited Acts or any of them.

Appointment of Trustees confirmed.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered at any of their Meetings to be holden in pursuance of the said recited Acts or this Act, to elect any Number of Persons, not exceeding Ten in the Whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing the said recited Acts and this Act, as if they had been herein named and appointed.

Power to appoint additional Trustees.

IV. And be it further enacted, That the several Tolls granted and made payable by virtue of the said recited Acts, or any or either of them, on the said Road, shall cease, determine, and be no longer paid or payable, and that instead thereof, the following Tolls, or such Proportion thereof, and at such Gate or Gates as the said Trustees, or any Five or more of them, shall from Time to Time see fit, shall be demanded and taken at any of the Turnpikes or Toll Gates erected or to be erected upon the said Road, or on the Sides thereof, before any Horse, Beast or other Cattle, or Coach, Waggon, or any other Carriage, shall be permitted to pass through the same; (that is to say),

Present Tolls to cease.

For every Horse or other Beast, drawing any Coach, Barouche, Landau, Chariot, Chaise, Curricule, Caravan, Chair or other wheeled Carriage, (not being a Waggon or Cart), the Sum of Sixpence:

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For every Horse, Mare, Gelding, Mule or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches or more at the Bottom or Sole thereof, the Sum of Four-pence Halfpenny :

For every Horse, Mare, Gelding, Mule or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth at the Bottom or Sole thereof than Six Inches, the Sum of Sixpence :

For every Horse, Mare, Gelding, Mule or other Beast, laden or unladen, and not drawing any Carriage, the Sum of One Penny Halfpenny.

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score, and so in Proportion for any greater or less Number :

Double Tolls  
on Sunday.

And on every *Sunday* (to be computed from Twelve of the Clock on the *Saturday* Night, to Twelve of the Clock on the *Sunday* Night) during the Continuance of this Act, there shall be demanded and taken at the Toll Gates on the said Road, by the said respective Collectors, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same, double the said respective Tolls for every Horse, Mare, Gelding, Mule or other Beast, drawing any Carriage, or laden or unladen, and not drawing; or Drove of Oxen, Cows or other Neat Cattle, Calves, Swine, Sheep or Lambs.

Tolls vested  
in Trustees.

And the said respective Tolls shall be demanded and taken, before any Horse, Mare, Gelding, Mule, or other Beast, Coach, Waggon, Wain, Cart, or other Carriage whatsoever, or Drove of Oxen, Cows or other Neat Cattle, Calves, Swine, Sheep or Lambs, be permitted to pass through any Turnpike or Toll Gate erected or to be erected upon the said Road by virtue of this Act, or upon or across any Lane or Way leading into the same; and upon Payment of any of the said Tolls, the Collector or Receiver shall and he is hereby required to deliver, *gratis*, to the Person paying such Toll, a Note or Ticket denoting such Payment; and the said respective Tolls shall be and the same are hereby respectively vested in the said Trustees for carrying this Act and the said recited Acts into Execution; and the same, and every Part thereof, shall be collected, recovered, levied, paid, applied, varied, reduced, assigned, and disposed of, in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for securing and enforcing the due Payment thereof, and with such Penalties for the Non-payment or Evasion of the same and with such Powers, Provisions, Regulations, and Exemptions, as are contained in the said recited Acts with respect to the Tolls thereby authorized to be taken, except so far as the same Provisions, Regulations, Remedies, Penalties and Exemptions, are by this Act varied and altered.

Toll to be  
paid once a  
Day.

V. And be it further enacted, That no Person having occasion to pass through any Turnpike or Turnpikes where the Tolls are or shall be taken, and who shall return the same Day through the same or any other Turnpike or Turnpikes, continued or erected by virtue of the said recited Acts

or

or this Act, before Twelve of the Clock in the Night of that Day, with the same Horses, Mares, Geldings, Mules, Asses, or any Sort of Cattle for which such Tolls shall have been paid, shall be liable or compelled the same Day to pay the said Tolls more than once, such Person producing a Ticket denoting that such Toll hath been paid on that Day, all which Tickets the Collectors of the Tolls are hereby required to give, *gratis*, on the Receipt of such Toll; and each Ticket delivered upon receiving Toll for the Passage of any Carriage, shall specify the several Gates through which any Person having once paid Toll be allowed to pass without again paying Toll on the same Day.

VI. And be it further enacted, That all and every Toll Collector being Lessee of the said Tolls, or appointed either by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in white Letters on a black Ground, or black Letters on a white Ground; and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any Ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices, before whom the Information shall be laid, shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

For preventing Toll Collectors from taking undue Tolls.

VII. And be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart or other Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel

Exemptions from Tolls.

[Local.]

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or

or other Materials for making or repairing the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or with Seed for seeding the Ground; or Hay, Turnips, Potatoes, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure (Chalk and Lime only excepted) employed in Husbandry, for manuring or improving Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shod or farried, or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers, or Militia or Local Militia Men, on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption; or for the Horses, Carts, or Waggon travelling with Vagrants sent by legal Passes, or returning empty after having been only so employed; or for any Horse or Horses, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Gloucester* and *Wilts*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall, by any fraudulent







Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

XI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, to be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable,

Where less than 200l. and exceeding 20l.

[Local.]

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without

without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application where not more than 20l,

XII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act, and in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

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

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

Where any Question shall arise touching the Title to Money to be paid, the Per-

XIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of England, in the Name and with the Privity of the said Accountant General of the said High Court of Chancery, in pursuance of the said recited Acts or of this Act, for the Purchase of any Lands,

Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

son who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be entitled thereto according to such Possession only, &c.

XV. Provided also, and be it further enacted, That when by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons acting by or under the Authority of the said recited Acts or this Act, to dig, gather, get, take or carry away any Materials for repairing the said Road, or any Part or Parts thereof, out of or from any inclosed Lands or Grounds, without the Consent in Writing of the Owners thereof first had and obtained for that Purpose, and until Ten Days previous Notice in Writing, signed by the Surveyor of the said Road, shall have been given to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Occupiers, to appear before Two or more Justices of the Peace acting in and for the County or Place in which such Lands shall be situate, to shew cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall not attend, or shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in either of the said Cases the said Justices shall authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, get, take and carry away such Materials, at such Time

Notice to be given before Materials taken, &c.

or Times as to the said Justices shall seem proper, and shall and may make such Order therein as they shall think fit, making or tendering such Satisfaction for the Materials, and for the Damage done to the Owners or Occupiers respectively of such Lands or Grounds where or from whence the same shall be dug, gathered, gotten, taken or carried away, or upon, over, or through which the same or any other Materials so dug for repairing the said Road, and gathered as aforesaid, shall be conveyed, as any Two or more Justices of the Peace for the said Counties of *Gloucester* or *Wilts*, as the Case may be, shall adjudge reasonable.

Persons chargeable to Statute Work to continue so.

Justices to determine Differences touching Statute Work.

XVII. And be it further enacted, That so much of the said recited Acts as relates to the Performance of Statute Labour on the said Road, shall be and the same is hereby repealed; and that from and after the passing of this Act, all Persons who by Law are or shall be liable to do Statute Work, or who are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the said Counties of *Gloucester* or *Wilts* (as the Case may be), and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish 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 their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Fourteen Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams 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, are, or may be directed by any Law or Statute in Force or Effect for the Repair of the Public Highways; and out of such Lists, such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, 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 Road as the said Trustees, or their Surveyor or Surveyors (by their Order) shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid,

to

to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct ; and in Default of Payment thereof, the same shall and may be recovered and levied by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as other Penalties and Forfeitures imposed by this Act, or the said recited Acts, may be recovered ; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode 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 Road, 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 neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road ; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road ; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes 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, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied, as other Penalties and Forfeitures imposed by the said recited Acts or this Act may be recovered, and are directed to be apportioned and applied.

XVIII. And be it further enacted, That the Charges and Expences of obtaining and passing this Act, shall be defrayed out of any Money already raised by virtue of the said recited Acts, or out of the first Money to be raised by virtue thereof and of this Act, in preference to all other Payments whatsoever. For paying  
the Expences  
of this Act.

XIX. 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.

XX. And be it further enacted, That the Term granted and continued by the said recited Acts shall, from and after the passing of this Act, cease and determine ; and that the said recited Acts (subject to the Alterations, Amendments, and Additions herein contained) and this Act, shall Continuance  
of this Act.

[Local.] H from

55<sup>o</sup> GEORGII III. *Cap.ii.*

from thenceforth 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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