



ANNO QUINQUAGESIMO OCTAVO

# GEORGI II. REGIS.



## Cap. xxiii.

An Act to continue the Term, and to amend and enlarge the Powers of several Acts passed for repairing the Road from *Cirencester* to *Stroud*, and another Road therein mentioned, both in the County of *Gloucester*. [19th March 1818.]

**W**HEREAS an Act was passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Road from the Town of Cirencester to the Town of Stroud, and that Part of Rodborough Hill which leads to Dudbridge, and also the Road leading from Cirencester towards Bisley, so far as the Bottom of Gulph Hill, all in the County of Gloucester*: And whereas an Act was passed in the Nineteenth Year of the Reign of His present Majesty, intituled *An Act to enlarge the Term and Powers of an Act passed in the Twenty-fifth Year of the Reign of His late Majesty, for repairing the Road from the Town of Cirencester to the Town of Stroud, and that Part of Rodborough Hill which leads to Dudbridge, and also the Road leading from Cirencester towards Bisley, so far as the Bottom of Gulph Hill, all in the County of Gloucester*: And whereas an Act was passed in the Thirty-eighth Year of the Reign of His present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the next Session of Parliament, the Term, and enlarging the Powers, of several Acts passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, and in the Nineteenth Year of the Reign of His present Majesty, for repairing the Road from the Town of Cirencester to the Town of Stroud, and that Part of Rodborough Hill which leads to Dudbridge, and also the Road leading from Cirencester towards Bisley, so far as the Bottom of Gulph Hill, all in the County of Gloucester*: And whereas the Trustees appointed in or

25 G. 2. c. 13.

19 G. 3. c. 115.

38 G. 3. c. 10.

[Local.]

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by



by virtue of the said recited Acts have proceeded to put the same in Execution, and have from Time to Time borrowed several considerable Sums of Money upon the Credit of the Tolls by the said Acts granted and made payable; and the said Monies, or great Part thereof, are still due and owing, and cannot be paid off, or the Interest thereof discharged, and the said Roads effectually amended, improved, and kept in Repair, unless the Term granted and continued by the said recited Acts be further continued, and some of the Powers and Provisions thereof amended, altered, and enlarged, and the Tolls 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, and all and every the Authorities, Powers, Provisions, and Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained (except such as are varied, altered, or repealed, and also such of them as relate or are applicable to the Road leading from *Cirencester* towards *Bisley*, so far as the Bottom of *Gulph Hill*, and in the said recited Acts mentioned), shall be and continue in full Force and Effect, and shall be executed for and during the Term herein-after mentioned, in like Manner, and as fully and effectually to all Intents, Uses, and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Alterations, Amendments, and Additions contained in this Act, and which shall commence and take Effect upon and from the passing of this Act, and shall continue and be in full Force during the Term hereby granted; and this Act, and the additional Term and Tolls hereby continued and 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 any of them, or which shall be borrowed on the Credit thereof, and of this Act, and all Interest due and to grow due for the same respectively.

Recited Acts  
continued.

Trustees.

II. And be it further enacted, That the Right Honourable *Henry George Bathurst* commonly called *Lord Apsley*, the Honourable *William Lenox Bathurst*, the Honourable *Seymour Bathurst*, *Sir Paul Bagot*, *Michael Hicks Beach*, *William Hicks Beach*, *George Bevir*, *Joseph Bevir*, *Samuel Bowly* the younger, *Devereux Bowly* the younger, *Henry Bowly*, *James Hart Bowly*, *Thomas Crowther Brown*, *Robert Jefferis Brown*, *John Byrch*, *Buckoll Clerk*, *Joseph Cripps* the younger, *Henry Cripps Clerk*, *Charles Cripps*, *John Cripps*, *James Fielder Croome*, *William Croome*, *Robert Bennett Croome*, *John Croome Clerk*, the Honourable *John Dutton*, *William Davis*, *Joseph Gillman*, *William Gillman*, *John Gregory*, *William Gregory*, *Edward Haynes* the younger, *William Pierce Hayward*, *William Kimber of Sapperton*, *Edmund Kimber*, *William Lawrence* the younger, *Charles Lawrence*, *John Lawrence*, *Thomas Lediard*, *William Lediard*, *Samuel Lediard*, *John Masters* the younger, *Benjamin Mackay Clerk*, *Henry Mayer*, *Sir James Musgrave* Baronet, *Augustus Musgrave Clerk*, *Thomas Musgrave*, *Cornelius Pitt Clerk*, *Joseph Pitt* the younger, *William Pitt*, *Charles Pitt*, *George Hicks Pitt*, *Peter Playne*, *George Playne*, *David Ricardo*, *Osman Ricardo*, *John Ricardo*, *Alexander Ricardo*, *William Stevens* the younger, the Honourable *John Thyne*, *William Thompson*, *Daniel Trinder*, *Thomas Vaisey* the younger, *Edward Wilbrabam* the younger, *Henry Wilkins*, *John Wilkins*, and *Philip Watkins*, shall be and are hereby added to and joined with the Trustees appointed



appointed or elected in or by virtue of the said recited Acts, or any of them, for putting the same and this Act in Execution; and that the said Trustees by or in pursuance of the said recited Acts and of this Act appointed, or to be elected and qualified according to the Directions of the said first-recited Act, shall be and they are hereby nominated and appointed Trustees for surveying, ordering, amending, and keeping in Repair the said Road from the said Town of *Cirencester* to the Town of *Stroud*, and that Part of *Rodborough Hill* which leads to *Dudbridge*, and for otherwise putting the said recited Acts and this Act in Execution, subject to the Alterations and Amendments herein contained.

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 their first Meeting 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 the said recited Acts and this Act; and such Trustees so elected, and being duly qualified, shall be and are hereby vested 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 elect an additional Number of Trustees.

IV. And be it further enacted, That if after any Adjournment of the said Trustees at any Time it be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that case the Clerk to the said Trustees, upon an Order in Writing signed by any Five or more of the said Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in Manner before directed, and of the Time and Place which shall be mentioned in such Order of the said Trustees (such Meeting not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments, and the major Part of the Trustees at such Meetings shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order, Agreement, or Determination; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Twenty-one Days before in some public Newspaper printed in the City or County of *Gloucester*, and in case no such Paper shall at that Time be printed, then in some public Newspaper usually circulated within the said County, of the Intention to apply to revoke or alter the same, nor unless a greater Number of Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of any such Order, Agreement, or Determination.

Meetings on Emergencies.

V. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Five or more of the said Trustees, though not assembled at any General Meeting of the Trustees appointed by virtue of the said recited Acts or this Act, by Writing under their respective Hands, shall and may nominate and appoint such Person as they shall think proper to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the stead of such Collector or Receiver as shall so die, become incapable, abscond,

Power to appoint temporary Collectors.



abscond, or absent himself; and every Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects, as the Person who shall so die, become incapable, abscond, or absent himself would have had or been subject to; and if any Collector or Receiver of the said Tolls, who shall be discharged from the said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person having the Possession of any Toll House or Buildings to be erected or set up by virtue of the said recited Acts or this Act, shall neglect or refuse to deliver up such Possession for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the said County of *Gloucester*, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary or expedient, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put in Possession thereof the said Trustees or any Five or more of them, or any of their Officers, or any Person or Persons whom the said Trustees or any Five or more of them shall appoint to receive such Possession.

Trustees may sue and be sued in the Name of their Clerk.

VI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of the said recited Acts or this Act in the Name of their Clerk for the Time being; and that no Action or Suit brought or commenced, or to be brought or commenced by the Direction of or against the said Trustees by virtue of the said recited Acts or this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of any such Clerk, or by the Act of any such Clerk, without the Consent of the said Trustees, but that the Clerk for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant (as the Case may be) in every Action: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto, or become chargeable, with by reason of his being so made Plaintiff or Defendant as aforesaid.

Treasurer, &c. to give Security.

VII. And be it further enacted, That the said Trustees are hereby authorized and required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, to be appointed under or by virtue of the said recited Acts or this Act, for the due Execution of their respective Offices, as to the said Trustees shall seem expedient.

Accounts to be kept of Receipts and Disbursements.

VIII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums



Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of, or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Acts and this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered 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, or more than One Imparlance, shall be allowed.

Clerk restrained from acting as Treasurer, and vice versa.

X. And be it further enacted, That the several Tolls granted and made payable by virtue of the said recited Acts of the Twenty-fifth Year of the Reign of His late Majesty King *George* the Second, and the Nineteenth and Thirty-eighth Years of the Reign of His present Majesty, 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 Portion 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 any Coach, Waggon, or any other Carriage, shall be permitted to pass through the same; (that is to say),

Repealing former Tolls and granting new ones.

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 Nine-pence:

Tolls.

For every Horse 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 Sixpence:

For every Horse 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 Nine-pence:

[Local.]

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For



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

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

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

Which said respective Tolls shall be demanded and taken before any Horse 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, shall be permitted to pass through any Turnpike or Toll Gate, Bar or Chain, 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.

Tolls vested  
in Trustees.

XI. And be it further enacted, That 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 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.

Tolls to be  
paid but once  
a Day for  
the same  
Horses, &c.

XII. 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 on the said Road from *Cirencester* to *Stroud* by virtue of the said recited Acts or this Act, before Twelve of the Clock in the Night of that Day with the same Horses or any other 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 deliver *gratis* on the Receipt of such Toll ; and each Ticket delivered upon receiving Toll for the Passage of any Carriage shall be provided by the said Trustees, and shall specify the several Gates through which any Person having once paid Toll shall be allowed to pass without again paying Toll on the same Day, and such Ticket shall also name or specify the several and respective Turnpikes or Toll Gates freed by such Payment.

Toll Collec-  
tors to put  
up their  
Names.

XIII. 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 the said recited Acts and 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



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 anywise 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 or deliver a Ticket denoting the Payment of the Toll, and naming and specifying the Gate or Gates freed by such Payment, 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 Person or Persons travelling upon the said Road, 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.

XIV. 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, 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, 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 Parochial Church or 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,

General Ex-  
emptions  
from Toll.



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 Militiamen 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, Barrack, 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 to 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 Waggons 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 County of *Gloucester*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this and the said recited Acts; and the same shall be recovered and levied in the same Manner as other Penalties and Forfeitures are by the said recited Acts, or any or either of them, or this Act, empowered or directed to be levied and recovered.

XV. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike



pike Roads, or in this Act or the said recited Acts contained, to the contrary notwithstanding.

XVI. And be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector, or Person so distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Quantity of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen), be ascertained by some Justice of the Peace for such of the Counties wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Quantity of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

For settling  
Disputes  
concerning  
Tolls.

XVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be and are hereby declared not to be incompetent to give Evidence in any Dispute, Suit, or Litigation, by reason of their being so appointed to collect the said Tolls.

Toll Bar  
Keepers not  
incompetent  
Witnesses.

XVIII. And whereas an Act was passed in the Fifty-fourth Year of the Reign of His present Majesty King George the Third, intituled *An Act for making and maintaining certain Roads from the Town of Stroud, and several other Places therein mentioned, all in the County of Gloucester*: And whereas it is in and by the said recited Act enacted, that if the Right Honourable the Earl of Bathurst or his Heirs should, at his and their own Costs and Expence, make or cause to be made a good and sufficient Road for Carriages and Horses, of such Width and Dimensions as Public Highways or Turnpike Roads are by Law required to be made, from a Place called *Hermitage Bottom* to the Road leading from *Cirencester* to *Tetbury*, and at or near the Toll Gate or Place called *Tetbury Toll Gate*, and if any Two of His Majesty's Justices of the Peace acting for the County of Gloucester should certify to the Justices of the Peace to be assembled at any General Quarter Sessions for the said County of Gloucester that such Road was well and sufficiently made fit and commodious for the Passage of Horses, Cattle, and Carriages, then the Road so set out and made should thenceforth be and become a Public Highway and Road, and should vest in the Trustees of the said Road from *Cirencester* to *Stroud* aforesaid, to, for, and upon the same Trusts in every respect as the other Parts of the said Road from *Cirencester* to *Stroud* aforesaid from Time to Time should be vested in such Trustees, and thenceforth the said Road from *Hermitage Bottom* aforesaid to the said Toll Gate, near a certain Place called *The Round Tower*, should be stopped up and discontinued, and be no longer used as a Public Road, and the Ground and Soil of the same should become the Property of and be vested in the said Earl Bathurst and his Heirs: And whereas the said

A certain  
Road made  
by Earl  
Bathurst to be  
deemed Part  
of the Road  
to be repaired  
by the said  
Acts and this  
Act.

[Local.]

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Earl



Earl Bathurst hath at his own Expence made and completed the said Road from *Hermitage Bottom* aforesaid to the said Road leading from *Cirencester* to *Tetbury*, at or near the said Place called *Tetbury Toll Gate*, and the same hath been certified by Two of His Majesty's Justices of the Peace to be well and sufficiently made fit and commodious for the Passage of Horses, Carts, and Carriages, as directed by the said last-recited Act, and the same is now become Part of the Roads directed to be repaired by the said other recited Acts; be it therefore enacted, That the said Road from *Hermitage Bottom* aforesaid to the said Road leading from *Cirencester* to *Tetbury*, at or near the said Place called *The Toll Gate*, shall be deemed to all Intents and Purposes to be Part of the Roads by the said Three first-recited Acts and this Act directed to be repaired, and the same shall to all Intents and Purposes be repaired and kept in Repair in the same Manner as the Roads directed by the said Three first-recited Acts and this Act are directed to be repaired.

For diverting  
a small Part  
of the Road  
with Consent,  
&c.

XIX. And whereas it would shorten the said Road, and be safer and more commodious to the Public, if a small angular and dangerous Part of the said Road at *Walbridge*, in the Parish of *Rodborough*, in the County of *Gloucester*, of about One hundred and fifty Yards in Length, from a Place near the *Anchor Inn* to a Place near the Bridge over the *Stroud-Water Brook*, were diverted, by making a new Piece of Road in a straight or nearly straight Line between those Limits, over Land chiefly belonging to *Peter Smith* of *Walbridge* aforesaid, Esquire; and if a small Part (now become useless) of a Footpath leading into the same at or near the Angle thereof, out of Land near the Mill there, and which Part commences at and from a Field called *Little Bacon Slade*, in the said Parish of *Rodborough*, were discontinued, which said new Piece of Road the said *Peter Smith* is willing to make and complete at his own Expence, upon Condition that so much of the old Road as will be diverted thereby shall be stopped up and discontinued; and the Ground and Soil thereof vested in and to the Use of the said *Peter Smith*; be it therefore further enacted, That it shall and may be lawful for the said Trustees or any Five or more of them to enter into an Agreement with the said *Peter Smith* as to his making and completing the said new Piece of Road, and as to the Extent, Terms, and Conditions thereof; and if the said *Peter Smith* do at his own Costs and Expences make and complete such new Piece of Road, and any Two or more of His Majesty's Justices of the Peace for the County of *Gloucester* shall certify to the Justices of the Peace to be assembled at the General Quarter Sessions for the said County of *Gloucester* that the said new Piece of Road is made and completed, then from and after the signing of such Certificate the said new Piece of Road shall be and become a Public Highway and Road, and shall be vested in the Trustees of the said Road from the Town of *Cirencester* to the Town of *Stroud* aforesaid, to, for, and upon the same Trusts in every respect as the other Parts of the same Road from Time to Time shall be vested in such Trustees; and thenceforth also that Part of the same Road as shall be diverted or turned by such new Piece of Road shall be stopped up and discontinued, and be no longer used as a Public Road, and the Ground and Soil of the same shall become the Property of and be vested in the said *Peter Smith* and his Heirs; and the said described Part of the said Footpath shall be also discontinued, and be no longer used as such: Provided always, that nothing in the last preceding Clause contained shall extend or be construed to extend to authorize the making or beginning to make such new Piece of Road, or any Part thereof,











and with the 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 towards the Discharge of any Debt or Debts, or such other Incumbrances, 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 like Direction and Approbation of the said Court, in the Purchase of other 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 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 meantime, 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 meantime, 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.

XXV. 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 Lands, Tenements, or 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, be paid into the Bank of *England*, 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 Trustees for executing this Act (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, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application of Compensation Money when less than 200l. and exceeding 20l.



Where less than 20l.

XXVI. 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 Lands, Tenements, or 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 or for the Use and Benefit of such Person or Persons so entitled respectively.

Directions in case of not making out Titles.

XXVII. 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 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 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 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 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.

Where any Question shall arise touching the Title to any Money to be paid into the Bank, the Person in Possession of the Land, &c. shall be deemed entitled thereto.

XXVIII. 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 this Act, for the Purchase of any 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



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.

XXIX. Provided also, and be it further enacted, That where 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 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 be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts and 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.

Court of Chancery may order Trustees to pay Expences.

XXX. And be it further enacted, That it shall not be lawful for the 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, 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 for such Occupier at his or her last or usual Place of Abode, to appear before One or more Justice or Justices of the Peace acting 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 Cause to the contrary, then and in either of the said Cases the said Justice or 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 or Times as to the said Justice or Justices shall seem proper; and shall and may make such Order therein as he or 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, 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 One or more Justice or Justices of the Peace for the said County of Gloucester shall adjudge reasonable.

Notice to be given to Occupiers of inclosed Lands before Materials are taken therefrom.

XXXI. Provided always, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for

Penalty on taking away Materials got for



by the Surveyor.

for the Purpose of repairing or improving the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, the same to be recovered, levied, and applied in such and the same Manner as other Penalties are directed to be recovered, levied, and applied.

For regulating Statute Labour.

XXXII. And be it further enacted, That so much of the said recited Acts as relate 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 be lawful for any One or more Justice or Justices of the Peace for the said County of *Gloucester*, and he and they is and are hereby empowered and required, upon Application made to him or 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, her, or them paid to the said Trustees or their Treasurer; and in order thereunto it shall be lawful for such Justice or 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 Justice or Justices, at some Place to be expressed in such Summons (within Fourteen Days after the serving of such Summons), of the Names of the 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 Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justice or Justices shall think reasonable, and the same shall be done on such Days, at such Times (not being Hay-time 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 Justice or 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 pay such Proportion thereof as the said Justice or Justices shall



shall think proper to the said Trustees or their Treasurer, at such Time or Times as the said Justice or 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, discharge, 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 and 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.

XXXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be exclusively and specially liable to or charged with the Repair of any Part of the said Road, or of any Bridge, Arch, or Sewer therein, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, by and with the Consent of a Majority of the Inhabitants of such Townships first had at any Vestry, or other public Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Road, all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in the Repair of the said Road; and all such Surveyors shall be reimbursed the Money so by them expended and paid, in such Manner as the Surveyors of the Highways are by Law to be reimbursed the Monies expended in buying Materials for the Repairs of the Highways.

Power to compound for Statute Labour.

[Local.]

6 A

XXXIV. And



Penalty on  
Persons da-  
maging or  
injuring the  
Road, or  
committing  
Nuisances  
thereon.

**XXXIV.** And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Footway upon or on the Side of or adjoining to the said Road, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any such Causeway or Footway; or if any Person shall cause to be hauled or drawn upon any Part of the said Road any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stones, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the said Road, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Road shall ride upon the Shafts, or any other Part of the said Carriage, without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her left or near-Side of the said Road, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Road, or play at Football, or any other Game or Games whatsoever, on any Part of the said Road, or shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Road longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person or Persons, not being the Surveyor or Surveyors thereof, or authorized by him or them, shall lay any Timber, Stone, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon the said Road, or on the Side or Sides thereof, between the said Road and the Fences erected or to be erected on the Sides thereof; or if any Person or Persons shall plough or break up any of the Soil between the said Road and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road, or the Sides thereof, or shall take up or carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying in his own Ground, and be carried away without being brought over any Part of the said Road, or that the same be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as herein-after directed.

For securing  
transient  
Offenders.

**XXXV.** And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to apprehend and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the said County of Gloucester.



XXXVI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby or by the said recited Acts inflicted or authorized to be imposed, shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of one or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures and Fines, and the Charges of the Distress and Sale, are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, one Moiety thereof to the Informer, and the other Moiety thereof to the Treasurer or Clerk to the said Trustees, and applied to the Purposes of the said recited Acts and this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County or Place, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Recovery  
and Appli-  
cation of  
Penalties.

XXXVII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against the said recited Acts and this Act, or any or either of them, shall and may cause the Conviction to be drawn up in the following Form of Words (as the Case shall happen), or in any other Form of Words to the same Effect; (that is to say),

‘ to wit. } BE it remembered, That on the Day of Form of  
‘ in the Year of our Lord Conviction.  
‘ A. B. is convicted before me, one of His Majesty’s Justices of the Peace  
‘ for the said County, by virtue of an Act of the Fifty-eighth Year of the  
‘ Reign of King George the Third, intituled [*here set forth the Title of this*  
‘ *Act, and specify the Offence, and when and where committed*]. Given  
‘ under my Hand and Seal the Day and Year above written.’

XXXVIII. And be it further enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the Trustees for putting the said recited Acts and this Act in Execution, or any Five or more of them, out of the first Money which hath arisen by virtue of the said recited Acts, or out of the first Money which shall arise by virtue thereof and of this Act, together with lawful Interest for the same from the Time of advancing or disbursing the same, in preference to all other Payments and Charges whatsoever.

Expences of  
this Act.

XXXIX. And



Public Act.

XXXIX. 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.

Term and  
Continuance  
of this Act.

XI. 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 from thenceforth continue and be in full Force and Effect, 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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