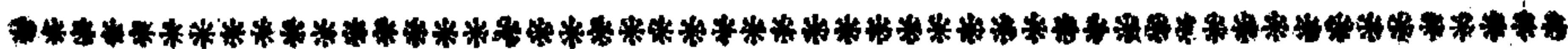




ANNO PRIMO & SECUNDO

# GEORGII IV. REGIS.



## Cap. lxxxiii.

An Act for repairing the Roads from *Tetbury* to *Symondshall*, from *Frocester Hill* to *Dunkirk*, and from the *Latterwood* to *Nailsworth*, and other Roads therein mentioned, all in the County of *Gloucester*.  
 [28th May 1821.]

**W**HEREAS an Act was passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Roads from Tetbury to the Gates on the West of Simonds-Hall-Down, and from the Turnpike Gate at the Top of Frocester Hill to the Turnpike Road from Cirencester towards Bath; and from the Field called Bowldown Sleight to the End of a Lane adjoining to the Road from Horsley to Tetbury near Tiltups Inn; and from the Market House in Tetbury to the Turnpike Road on Minchinhampton Common; and from the said Road in Minchinhampton Field into the Turnpike Road from Cirencester to Stroud near Burnt Ash; and from the said Turnpike Road to Tayloe's Mill Pond in Chalford Bottom; and through Hide to the Bottom of the Bourn Hill, in the County of Gloucester:* 31 G. 2. c. 65.  
 And whereas another Act was passed in the Twentieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Second, for repairing and widening* 20 G. 3. c. 93.  
 [Local.] 28 T several

*several Roads from Tetbury and other Places in the County of Gloucester, so far as the same relates to the Road from Tetbury to the Gates on the West of Simonds-Hall-Down; and from the House at the Top of Frocester Hill, where the Turnpike Gate lately stood, to the Turnpike Road from Cirencester towards Bath; and from the Field called Bowldown Sleight to the End of a Lane adjoining to the Road from Horsley to Tetbury, near Tiltups Inn; and for amending and keeping in repair the Road from the said Turnpike Road near Howell's Down, across Owlpen Down, to a Lane leading to Lampern Hill; and from another Part of the said Turnpike Road near the Latterwood Turnpike, across Owlpen Down aforesaid, all in the said County of Gloucester: And whereas another Act was passed in the Fortieth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for continuing the Term and altering, and enlarging the Powers of Two Acts passed in the Thirty-first Year of the Reign of His late Majesty King George the Second, and in the Twentieth Year of the Reign of His present Majesty, so far as the same relate to such of the Roads from Tetbury and other Places in the County of Gloucester, as are comprised in the said last-mentioned Act; and for amending and repairing certain other Roads in and through the Parish of Horsley, and near Tetbury aforesaid, in the said County of Gloucester: And whereas the Trustees appointed by or in pursuance of the said Acts have proceeded to put the same in Execution, and a considerable Sum of Money has been borrowed, and is now due and owing on the Credit of the Tolls authorized to be taken on the said Roads; which Money cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in repair, unless some of the Powers of the said Acts be altered and enlarged, and the Tolls increased; and it would be convenient if the Powers for managing the said Roads were consolidated in One Act 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 from and after the Twenty-fifth Day of June next after the passing of this Act, the said Act passed in the Thirty-first Year of the Reign of His said late Majesty King George the Second, so far as the same relates to the Roads comprised and described in the said Acts of the Twentieth and Fortieth Years of the Reign of His said late Majesty King George the Third, and also the said Acts passed in the Twentieth and Fortieth Years of the Reign of His said late Majesty King George the Third, shall be and the same are hereby declared to be repealed, and instead thereof this Act shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in repair the several Roads herein-after particularly described.**

40 G. 3. c. 75.

Money borrowed on Tolls.

Repeal of former Acts.

New Term and Tolls made liable to Debts, &amp;c.

II. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts, or either of them, so far as such Acts relate to the Roads comprised and described in the said Acts of the Twentieth and Fortieth Years of the Reign of His said late Majesty King George the Third, and of all Interest due and to grow due on such Monies by virtue of any Mortgages or Demises made by the Trustees for executing the said respective Acts,

or any of such Trustees, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed, or had become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the said Trustees, or any of them respectively, or to any Person or Persons for the Benefit of such Trustees, or of any of the Roads directed to be kept in repair by the said Acts hereby repealed, so far as such Acts relate to the Roads comprised and described in the said Acts of the Twentieth and Fortieth Years of the Reign of His said late Majesty, shall be liable to the Payment of, and shall pay all such Sum or Sums of Money to the Trustees for executing this Act; and all Bonds, Covenants, and Agreements, and Contracts for Securities, entered into by any Person or Persons to or with any of the Trustees for executing the said Acts hereby repealed, or to or with any Treasurer or Treasurers appointed by such Trustees, or any other Person or Persons acting for or on behalf of such Trustees, according to the Provisions and Directions of such Acts, so far as such Acts relate to the Roads comprised and described in the said Acts of the Twentieth and Fortieth Years of the Reign of His said late Majesty, shall remain in full force and effect, and be and continue available in all Courts of Law and Equity, until the same shall be fully satisfied and performed, on Account and for the Benefit of the Trusts created by this Act, (except as is herein-after otherwise provided in respect of any existing Leases or Demises of the Tolls authorized to be taken by the said Acts hereby repealed, or either of them, and any Bonds or other Securities for securing the Payment of the Rents reserved by such Leases or Demises, and for the Performance of the Covenants and Agreements therein respectively contained, on the Lessees Part, to be observed and performed), and all Contracts or Agreements duly made or entered into by the Trustees for executing the said Acts hereby repealed, so far as such Acts relate to the Roads comprised and described in the said Acts of the Twentieth and Fortieth Years of the Reign of His said late Majesty, to or with any Person or Persons, shall remain in full force and effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, except as is herein-after otherwise provided as before mentioned.

III. And be it further enacted, That *George Adey, Stephen Adey, William Moore Adey junior, Charles Austin Adey, Anthony Adey, Edward Austin junior, Anthony Austin, John Austin, Humphry Austin senior, L'estrangle Southgate Austin, Humphry Austin junior, John Southgate Austin, Henry Southgate Austin, the Reverend Anthony Austin, George Isaac Austin, Maurice Frederick Fitzhardinge Berkeley, Augustus Fitzhardinge Berkeley, Francis Henry Fitzhardinge Berkeley, Thomas Moreton Fitzhardinge Berkeley, Charles Grantley Fitzhardinge Berkeley, Craven Fitzhardinge Berkeley, John William Biederman, Richard Blagden, Edward Bloxsome senior, Edward Bloxsome junior, Berkeley Wathen Bloxsome, William Henry Bloxsome, George Frederick Bloxsome, Henry Croft Burgh, Edward Archer Norris Burgh, William Butt, William Cox Buchanan, Henry John Clifford, Walter Charles Clifford, Lewis Clutterbuck, John Cook, the Reverend Robert Jermyn Cooper, John Cooper, Henry Cooper, Samuel Goodson Dauncey, the Reverend Richard Davies, Charles Dyer, Robert Dyer, Samuel Dyer senior, Samuel Dyer junior, John Dyer, William Dyer, the Reverend Edmund William Estcourt, Thomas Henry Sutton Estcourt, James Bucknall Estcourt, Edmund* Appointment of Trustees.

Edmund Hiley Estcourt, Joseph Fry, John Barnes Gregory, Robert Hale, Blagden Hale, John Blagden Hale senior, Robert Blagden Hale, John Richard Blagden Hale, Matthew Blagden Hale, Edward Blagden Hale, John Blagden Hale junior, Richard Blagden Hale, George Hayward junior, Robert Holford, George Holford, the Reverend Richard Webster Huntley, James Webster Huntley, Henry Veel Huntley, William Warburton Huntley, Edmund Huntley, Osmond Charles Huntley, George Henry Huntley, Edwin Hathaway, Nigel Kingscote, Thomas Henry Kingscote, Henry Robert Kingscote, Fitzharding Kingscote, Robert Arthur Fitzharding Kingscote, Daniel Lloyd, John Lloyd, Nathaniel Lloyd, the Honourable Augustus Moreton, the Honourable Henry George Francis Moreton, the Honourable Augustus Henry Moreton, the Honourable Percy Moreton, William Miller, John Morse, the Reverend Charles Norford, the Reverend William Scott Panting, the Reverend Thomas Esbury Partridge, Thomas Esbury Partridge junior, Daniel Esbury Partridge, Joseph Haythorne Partridge, Robert Clark Paul, the Reverend Samuel Paul Paul, Walter Matthews Paul, Josiah Tippetts Paul, Robert Clark Paul junior, Edmund William Paul, Thomas Perry, the Reverend James Phelps, James Phelps junior, William Phelps, John Blagden Phelps, John Phillimore, Purnell Bransby Purnell, the Reverend Henry Jones Randolph, William Carter Randolph, the Honourable Charles Henry Somerset commonly called Lord Charles Henry Somerset, the Honourable and Reverend William George Henry Somerset commonly called Lord William George Henry Somerset, the Honourable John Thomas Henry Somerset commonly called Lord John Thomas Henry Somerset, the Honourable Fitzroy James Henry Somerset commonly called Lord Fitzroy James Henry Somerset, the Honourable Henry Somerset commonly called Marquis of Worcester, the Honourable Granville Charles Henry Somerset commonly called Lord Granville Charles Henry Somerset, the Honourable Edward Henry Somerset commonly called Lord Edward Henry Somerset, John Savage, Francis Savage, Edward Sheppard junior, Robert William Sheppard, Richard Calvert Sheppard, Arthur Francis Sheppard, Thomas Henry Sheppard, Stoughton, Thomas Tippetts senior, Thomas Tippetts junior, David Taylor, the Reverend John Taylor, William Vizard senior, Henry Vizard, Charles Vizard, George Vizard, John Vizard, William Vizard junior, Edward Vizard, John Wallington (of Peers Court), Edward Wallington senior, Edward Wallington junior, John Wallington (of Dursley), Charles Wallington, the Reverend Daniel Henry Lee Warner, Edward Weight, Thomas White senior, Thomas White junior, Henry White, Samuel White, John Wight, Edward Wilbrabam junior, Thomas Williams, Edward Wood, William Wood senior, John Wood, William Wood junior, Jacob Wood, Joseph Wood, James Young senior, James Young junior, William Francis Young, and all His Majesty's Justices of the Peace acting for the County of Gloucester, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for amending, varying, altering, improving, and maintaining in repair the several Roads herein-after described; (that is to say), the Turnpike Road leading from the Northward End of the Street called the Long Street, in the Town of Tetbury, through Beverstone and Kingscote towards Wotton-under-Edge, to a Place where a Gate formerly stood, at the Westward End of a Down (some Time since inclosed) called Symondshall Down, and the Turnpike Road branching from the before-described Road, near a Direction Post on Symondshall Down, and leading towards Dursley, to a Place where another Gate formerly stood at the Westward End of the said Down,

on

Description  
of the Roads.

on the Top of *Bowcott Hill*, and the Turnpike Road leading from the Direction Post at the Top of *Frocester Hill*, through the *Latterwood* into the first described Road at or near a Barn called *Asbell Barn*, situate at or near a Place called *Coldharbour*, and the Turnpike Road branching from the said first described Road, at or near *Kingscote*, into the Road leading from *Cirencester* and *Tetbury* towards *Bath*, at or near a Place called *Dunkirk*, and the Turnpike Road leading from the last described Road, at or near a Place called *Bowldown Sleight*, across the first described Road from *Tetbury* to *Symondshall Down* at *Calcot*, to or near a House or Place called *Tiltups Inn*, and the Turnpike Road branching from the before described Road leading from *Frocester Hill* to *Asbell Barn* aforesaid, at the Toll Gates in the Wood called *The Latterwood*, through *Horsley*, to the Road leading from *Gloucester* and *Stroud* to *Bath* at or near *Nailsworth*, and the Turnpike Road also branching from the said Road leading from *Frocester Hill* to *Asbell Barn* aforesaid, across *Owlpen Down*, to the said first described Road from *Tetbury* to *Symondshall Down*, and also the Turnpike Road branching from the said Road from *Tetbury* to *Symondshall Down*, near *Howell's Down*, across the last described Road over *Owlpen Down* to the Top of *Lampern Hill*, and for otherwise putting this Act in Execution.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized, at their First Meeting, or at any adjourned Meeting to be holden in pursuance of this Act, to elect any Number of Persons not exceeding Ten, 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 they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named and appointed.

Power to appoint Ten additional Trustees.

V. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be elected and appointed by virtue of this Act, shall die, or by Bankruptcy, Insolvency, or otherwise, shall become disqualified to act, or by Writing under their or his Hands or Hand, delivered to the Clerk or Clerks of the said Trustees, shall refuse to act in the Execution of this Act, it shall be lawful for the Trustees assembled at any Meeting to be held under this Act, from Time to Time, to elect and appoint One or more other fit Person or Persons to be a Trustee or Trustees, in the room of the Trustees or Trustee so dying, becoming disqualified, or refusing to act as aforesaid; and every Person who shall be so elected and appointed, and being duly qualified, shall be invested with the same Powers and Authorities for executing this Act, as if he had been named and appointed a Trustee in and by this Act.

Power to elect other Trustees on Death, &c.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall at the Time of his acting be in his own Right, or in Right of his Wife, seised or possessed, and in the actual Possession and Enjoyment of or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds; or shall be Heir apparent of a Person seised or possessed, and in the actual Possession and Enjoyment of, or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold

Qualification of Trustees.

Lands, Tenements, or Hereditaments of the clear yearly Value of Three hundred Pounds; or shall be possessed of or entitled unto a Personal Estate, or Real and Personal Estates together, of the clear Value of Four thousand Pounds; nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees for executing this Act, an Oath or Affirmation in the following Form of Words, and which Oath or Affirmation the said Trustees, or any One of them, at any of their Meetings to be holden in pursuance of this Act, are and is hereby authorized to administer :

Trustees  
Oath.

‘ I do swear [*or*, being One of the People  
‘ called *Quakers*, do solemnly affirm], That I am truly and *bonâ fide* in  
‘ my own Right [*or*, in Right of my Wife] seised or possessed, and in  
‘ the actual Possession and Enjoyment of or in the Receipt of Rents and  
‘ Profits issuing out of Freehold or Copyhold Lands, Tenements, or  
‘ Hereditaments of the clear yearly Value of One hundred and fifty  
‘ Pounds; *or* am Heir apparent of \_\_\_\_\_ who to the best of  
‘ my Knowledge and Belief is truly and *bonâ fide* seised or possessed of,  
‘ and in the actual Possession and Enjoyment of, or in Receipt of Rents  
‘ and Profits issuing out of Freehold or Copyhold Lands, Tenements, or  
‘ Hereditaments of the clear yearly Value of Three hundred Pounds; *or*  
‘ am possessed of or entitled unto a Personal Estate, or Real and Personal  
‘ Estates together, of the clear Value of Four thousand Pounds [*as the*  
‘ *Case may be*]; and that I will truly and faithfully execute the Powers  
‘ and Trusts reposed in me by an Act passed in the Second Year of the  
‘ Reign of His Majesty King *George* the Fourth, intituled [*here set forth*  
‘ *the Title of this Act*], according to the best of my Skill and Judgment,  
‘ and without Favour or Affection to any Person or Persons whomso-  
‘ ever. So help me GOD.’

[*Or*, being a Quaker, omit the Words ‘ So help me GOD.’]

Trustees in-  
terested or  
holding  
Places of  
Profit, or  
keeping Vic-  
tualling  
Houses, &c.  
not to act.

VII. Provided also, and be it further enacted, That no Person (ap-  
pointed or to be appointed a Trustee by virtue of this Act) shall be  
capable of acting as a Trustee in the Execution of this Act, in any Case  
where he shall be concerned in Interest (except as herein-after provided),  
nor whilst he holds any Place or Employment of Profit, or shall be con-  
cerned or interested in any Contract or Contracts under the said Trustees  
or this Act; and that no Person shall be capable of being appointed  
a Trustee, or of acting as such, during the Time he shall keep a Victual-  
ling House, or other House of public Entertainment, or who shall sell  
Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail, or  
who shall be Lessee or Farmer of the Tolls, or of any Part or Parts  
thereof, under this Act; and if any Person not being qualified as afore-  
said, or being disqualified by any of the Causes aforesaid, or not having  
taken and subscribed the Oath as herein mentioned, or, being a Quaker,  
not having made and subscribed the Affirmation as herein mentioned, shall  
nevertheless act as a Trustee in the Execution of this Act, every such  
Person 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 reco-  
vered, together with full Costs of Suit, in any of His Majesty’s Courts of  
Record at *Westminster*, by Action of Debt, or on the Case, or by Bill,  
Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of  
Law,

Law, or more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified as aforesaid, or is not under any of the Disabilities to act herein mentioned (as the Case may require), and that he has subscribed an Oath or Affirmation according to the Directions of this Act, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings touching the Execution of this Act, which shall be done and performed by any such Person previously to his being convicted of any of the Offences before mentioned, shall be as valid and effectual, as if such Person had been qualified according to the Directions of this Act, or had not been under any of the Disabilities in this Act mentioned: Provided also, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act.

VIII. And be it further enacted, That any of the Trustees appointed or to be appointed under this Act, who are or shall be in the Commission of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being such Trustees as aforesaid; except in Cases where they shall be personally interested, otherwise than as Mortgagees, Assignees, Lenders of Money, or Holders of any Security on the Credit of the Tolls granted by virtue of this Act. Trustees may act as Justices.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall assemble at *Hunters Hall Inn*, situate at a Place called *Cold Harbour* in the Parish of *Kingscote* in the County of *Gloucester*, or at some other convenient House within the District of Roads comprised in this Act, on the Twenty-sixth Day of *June* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Forenoon and Two in the Afternoon, and proceed to carry this Act into Execution; and it shall be lawful for the said Trustees to adjourn the same Meeting to any other Day at the said *Hunters Hall Inn*, or some other convenient Place on the said Roads, and so from Time to Time, as often as they, or any Five or more of them, shall see Occasion, for the managing and repairing the said Roads, and executing all other the Purposes of this Act; and if at any Meeting appointed to be held by virtue of this Act, there shall not be present Five Trustees, then the Trustees or Trustee who shall or may be present at any such Meeting, shall and may adjourn such Meeting to such other Time and Place, upon or near the said Roads, as they or he shall think proper; and if at any Meeting appointed to be held under this Act, there shall not be present One Trustee, or in case the Trustees or Trustee present at any Meeting shall omit to adjourn, the Clerk or Clerks to the said Trustees shall and may, from Time to Time, as often as any such Case shall happen, adjourn any Meeting to the Place where the last Meeting was appointed to be, or have been holden, at such Time as he or they shall think fit, not exceeding the Space of Three Calendar Months from the Time of making such Adjournment: Provided always, that no Business shall be done or proceeded upon by the said Trustees, at any Meeting to be held under this Act, before the Hour of Eleven of the Clock in the Forenoon, nor shall Meetings of Trustees.

shall any Meeting be appointed to be held at any later Hour than Three of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be holden.

Meetings on  
Emergencies.

X. And be it further enacted, That in case it shall at any Time or Times be thought necessary to hold a Meeting of the said Trustees on an earlier Day than the Day to which any Meeting shall have been adjourned, then and so often as it shall so happen, it shall and may be lawful for any Two or more of the said Trustees, or to and for the Clerk or Clerks, to the said Trustees, upon an Order in Writing delivered to him or them, signed by Two or more of the said Trustees (although not assembled at a Meeting) authorizing him or them to call a Meeting, and mentioning the Time, Place, and Purpose of such earlier Meeting, to call a Meeting of the said Trustees by Notice, to be published Twice in the *Gloucester Journal*, or in some other Newspaper circulated in the said County of *Gloucester*, mentioning the Time, Place, and Purpose of such Meeting; and of every such Meeting at least Fourteen Days previous Notice shall be given before the holding thereof; and all Proceedings of the Trustees (the Number present not being less than Five) at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

Power for  
Trustees to  
execute this  
Act.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees at all their Meetings to be held in pursuance of this Act, to make such Orders, Rules, and Regulations as they shall think proper, for effectually carrying into Execution the several Powers and Authorities in this Act contained; but no such Orders, Rules, and Regulations shall be valid, unless Five Trustees at the least shall be present at such Meetings, nor unless the major Part of the Trustees present at such Meetings shall concur therein; and at all such Meetings the Trustees then present shall and may elect any One of such Trustees to be the Chairman to preside at the Meeting at which he shall be elected; and in case there shall be an equal Number of Votes at any Meeting of the said Trustees, including the Vote of the Chairman presiding at such Meeting, such Chairman shall in all such Cases have an additional or casting Vote; and no Order made at any Meeting shall be revoked or altered at any subsequent Meeting, unless Notice of such Alteration or Revocation being intended shall have been given at a previous Meeting, and entered in the Book of Proceedings of such Meeting, nor unless Notice of the Meeting at which such Alteration or Revocation is intended to be made, and the Object of such Meeting, shall have been published Twice in the *Gloucester Journal*, or some other Newspaper circulated in the said County of *Gloucester*, (of which Meeting at least Ten Days previous Notice shall be given before the holding of such Meeting), nor unless there shall be present at such Meeting a greater Number of Trustees than were present at the Meeting at which any such Order was made; and the said Trustees shall at all their Meetings pay and bear their own Expences, except in paying for the Use of the Room or Rooms where their Meetings shall from Time to Time be held for the Purposes of this Act.

No Orders to  
be revoked  
without spe-  
cial Notice.

Notice to be  
given of  
Meetings.

XII. And be it further enacted, That of all Meetings to be held in pursuance of this Act (except where it shall be otherwise directed), Notice in Writing of the Time and Place of holding every such Meeting shall be



be affixed on all the Toll Gates erected or to be erected on the said Roads by this Act authorized to be repaired, at least Ten Days previous to the holding of every such Meeting, or such other Notice thereof shall be given and published in such Manner as the said Trustees, at their said First Meeting, or at any subsequent Meeting to be held by virtue of this Act, shall order and direct.

XIII. 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 provide and keep, or cause to be provided and kept by their Clerk or Clerks for the Time being, One or more Book or Books, wherein all Orders and Proceedings of the said Trustees at their Meetings shall be regularly entered, and such Orders and Proceedings so entered shall be signed by the Trustees making the same; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Demises or Mortgages and Assignments of the Tolls, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Orders, &c. to be entered in a Book.

XIV. 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 or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which any Sum 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, and any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward, and the said Trustees and Creditors shall or 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 or Clerks shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the same Book or Books, or take such Copies or Extracts as aforesaid, every such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Accounts of Receipts and Disbursements to be kept by Clerks, and be open to Inspection of Trustees and Creditors.

XV. And be it further enacted, That the said Trustees shall and may, from Time to Time, appoint and remove any Treasurer or Treasurers, Clerk or Clerks, Collectors, Surveyors, or other Officers, as they shall think necessary for the Purposes of this Act, and on such Removal, or on the Death, Resignation, or Incapability of any or either of such several Officers, shall and may appoint other or others in his or their place or stead, and shall and may, with and out of the Monies arising by virtue of this Act, allow and pay unto such Treasurer or Treasurers, Clerk or Clerks, Collectors, and Surveyors, and also to such other Persons as shall be aiding or assisting them in their respective Offices, or in any ways employed in the Execution of this Act, such Salaries, Rewards, and Allowances as to the said Trustees shall seem reasonable: Provided always, that no Person shall be capable of being appointed to, or of taking or holding, or acting in the Execution of any Place of Trust or Profit under the said

For appointing Treasurer, Clerk, and other Officers, with Salaries.

No Person keeping an Inn to hold any Office.

[Local.]

Trustees, during the Time he shall keep a Victualling House, or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail, but no such Person shall be precluded from farming the Tolls by this Act granted, provided he or she shall employ some other Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

Treasurer to give Security.

XVI. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office, before such Treasurer enters upon his Office, and if they shall so think proper, shall and may also take such Security from any other Officer to be appointed or continued under or by virtue of this Act; and if any Treasurer shall act in the Execution of his Office, before he shall have given such Security as the said Trustees shall require, such Treasurer so acting shall 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, nor more than One Impar lance shall be allowed.

Present Officers to continue until others are appointed.

XVII. Provided also, and be it further enacted, That the Clerk or Clerks, Surveyors, and other Officers, except the Treasurer or Treasurers who have been appointed under and employed in the Execution of the said former Acts hereby repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively resign, or be removed or displaced by the said Trustees in manner aforesaid, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Offices of Clerk and Treasurer not to be held by the same Person.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person or Persons, who may be continued or appointed to act as their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to appoint the Person who may be appointed a Treasurer for the Purposes of this Act, or the Partner or Partners of any such Treasurer, the Clerk or Clerks to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of 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 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 together with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

Power to appoint temporary Collectors.

XIX. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls under this Act, or any

Part or Parts thereof, shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or be imprisoned for any Debt or Offence, it shall be lawful for any Three or more of the said Trustees, although not assembled at any Meeting of Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such case, and also in case any Collector or Receiver shall die, any Three or more of the said Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, in the room or stead of the Collector or Receiver who shall be so discharged, or shall die, to continue until the said Trustees shall, at a Meeting holden in pursuance of this Act, appoint a Collector or Receiver of such Tolls in his room or stead, which Person so nominated and appointed shall have the like Power and Authority, and shall be answerable and accountable and removeable in the same Manner, in all respects, as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House, or Building, or the Appurtenances, to be continued, erected, or set up by virtue of this Act, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Three or more of the said Trustees (although not assembled at a Meeting), or by their Clerk or Clerks for the Time being; or if any Lessee or Farmer of any of the Tolls granted by the said recited Acts, or any of them, or arising by virtue of this Act, shall retain and keep Possession of any such Toll Gate, or Toll House, or Buildings, or the Appurtenances, after the End or Expiration of his Lease or Term therein, then and in any or either of the said Cases it shall be lawful for any Justice of the Peace for the County wherein such Toll Gate, or Toll House, or Building, or the Appurtenances shall be situate, upon Proof on Oath before him by One Witness (which Oath the said Justice is hereby authorized to administer) of Demand of Possession having been made by the said Trustees, or any Three or more of them, or by their Clerk or Clerks, 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, 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 the said Trustees, or any Two of them, or any Person they or any Three or more of them shall appoint for that Purpose, into Possession of such Toll Gate, Toll House, Building, and Appurtenances.

XX. And be it further enacted, That every Officer and other Person who shall be appointed or continued under or by virtue of this Act, to or in any Office or Employment, shall from Time to Time, when thereunto required by the said Trustees by an Order made at any of their Meetings respectively, make out and deliver to such Trustees, or to such Person or Persons as they the said Trustees shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments;

Officers to  
account.

ments; and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Trustees shall at any of their Meetings appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall neglect or refuse to deliver up to the said Trustees, or their Clerk or Clerks, or to such Person or Persons as they the said Trustees shall in manner aforesaid appoint, within Ten Days after being thereunto required by the said Trustees, or their Clerk or Clerks, pursuant to an Order made at any Meeting of the said Trustees, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees, or any Five or more of them, or by their Clerk or Clerks, or any other Person or Persons acting in their behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so refusing or neglecting shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such manner as the Trustees might have done; and if upon Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered to administer), or upon the Inspection of the said Account, if produced, it shall appear to such Justice that any of the Monies, which shall have been collected or received, shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby authorized and required upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively, together with the Costs attending such Distress and Sale; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Costs and Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear (without sufficient Excuse) before the said Justice, at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid, the said Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any shall have been made), or until he or she shall have compounded with the said Trustees, or any Five or more of them, for such

such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make), and shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof, to the said Trustees, or any Five or more of them: Provided always, that no Officer or Person who shall be committed for want of a sufficient Distress only shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

XXI. And be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Tolls or other Monies under or by virtue or on account of the said former Acts hereby repealed, or shall have in his or her Custody or Possession any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the Roads hereby authorized to be repaired, or any of them, shall, when required so to do, account for and deliver the same to the said Trustees, or any Five or more of them, or any Person or Persons appointed by them, or any Five or more of them, for that Purpose, in like Manner and under the like Penalties as are herein-before directed with respect to any Officer or Person appointed under or by virtue of this Act.

Books, Monies, and Effects relative to former Acts, to be delivered to the Trustees under this Act.

XXII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees; and no Action or Suit which shall be so brought by or against any such Clerk or Trustee, shall abate or be discontinued by the Death, Resignation, or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee without the Consent of the said Trustees, or any Five or more of them: Provided always, that every such Clerk or Trustee, in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event, or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reason of being made Plaintiff, Defendant, Informant, Appellant, or Respondent.

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

XXIII. And be it further enacted, That the present Toll Gates, with the Toll Houses, Weighing Engines, and Appurtenances on the said several Roads, shall or may be continued until removed by Order of the said Trustees at any of their Meetings, and the said Trustees at any of their said Meetings shall and may, as they shall think proper, continue or remove all or any of the Turnpikes or Toll Gates or Bars, and all or any of the Toll Houses and the Weighing Engine already erected on the said Roads, and also may erect and set up any other Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the Roads by this Act authorized to be repaired, and upon the Side or Sides thereof, and also in, upon, or across any Lane or Way leading into or out of the same respectively, and also may erect and

Power to continue and erect Toll Gates, Toll Houses, &c.

provide a Toll House with suitable Out-buildings and Conveniences, and One or more Weighing Engine or Engines, at or near every such Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates, Toll Houses, or Weighing Engines, or any of them, as they the said Trustees at any of their Meetings shall think expedient, and also may take in and inclose from the Sides of the said Roads, convenient Garden Spots for the said Toll Houses respectively, not exceeding One-eighth Part of an Acre to each Toll House.

Lamps to be  
lighted at  
Toll Houses.

XXIV. And be it further enacted, That it shall and may be lawful for the Trustees at any of their Meetings from Time to Time to order and direct such and so many Lamps to be placed and erected on or against each and every or any or either of the Toll Houses to be continued or erected by virtue of this Act, as they shall think proper, and also to order and direct at what Times of the Year, and during what Hours, such Lamps, or any of them, shall be kept lighted; and all and every Toll Collectors and Collector appointed by the said Trustees, and also all and every Lessees or Farmers, Lessee or Farmer, of the Tolls authorized by this Act to be taken and collected, and all and every Persons and Person appointed by any such Lessees or Farmers, Lessee or Farmer, who shall neglect or omit to observe and fulfil any Order or Orders of the said Trustees, in respect to the keeping and lighting of such Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission.

Toll Gates,  
Toll Houses,  
&c. vested in  
Trustees.

XXV. And be it further enacted, That the Right and Property in all the Turnpikes, Toll Gates, Toll Houses, and Weighing Engines, and the several Conveniences and Appurtenances thereunto belonging, already erected or made upon or by the Sides of the said Roads, or which shall be erected or made by virtue of this Act, and all Materials for building and repairing the same, and for repairing or making the said Roads, or any Part thereof, and all Mile Stones and Direction Posts already set up or erected, or hereafter to be set up or erected, on or by the Sides of the said Roads, and all other Materials, Articles, and Things which have been provided for the Purpose of the Acts hereby repealed, or which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the Trustees for carrying this Act into Execution; and they the said Trustees are hereby authorized and empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, and to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or Appurtenances, or shall break down or damage, steal or take away, spoil, injure, or destroy any or either of such Turnpikes, Toll Gates, Toll Houses, Weighing Engines, Conveniences, Appurtenances, Materials, Articles or Things, or any Part of any of them, or disturb the said Trustees, or their Agents or Servants, in the Possession thereof; and in all such Actions and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or in respect of which such Action and Proceedings shall be brought and preferred is or are the Property of "The Trustees for repairing and improving the several Roads called *The Coldharbour District of Roads*;" and that in all Civil and Criminal Proceedings whatsoever relating to the said

Roads, and in all Disputes, Suits, or Litigations touching or in anywise relating to the Tolls or Duties hereby granted, no Person or Persons shall be incompetent to give Testimony or Evidence therein, by reason only of being a Trustee or Trustees, Collector or Collectors of the Tolls, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer or Officers, Servant or Servants of, or other Person or Persons employed by or under the said Trustees, or any Inhabitant or Inhabitants of any Township, Parish, or Place through which the said Roads do or shall pass.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons continued or to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take at each and every Turnpike or Toll Gate, Bar or Chain, continued or to be erected by virtue of this Act, from the Owner or Owners of or Person or Persons using, leading, driving, or attending any Horse, Beast, Cattle, or Carriage, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same, (subject to the Provisions and Restrictions herein-after contained), the following Sums or Tolls; (that is to say),

For every Horse, Mule, Ass, or other Beast, drawing any Carriage, of whatever Name or Description (except Stage Coaches, and also except Waggons and Carts laden with Coals as herein-after mentioned), the Sum of Sixpence :

For every Horse or other Beast drawing any Stage Coach licensed to carry in the whole, Inside and Outside, not more than Nine Passengers, the Sum of Sixpence :

For every Horse or other Beast drawing any Stage Coach licensed to carry in the whole, Inside and Outside, more than Nine, and not exceeding Sixteen Passengers, the Sum of Seven-pence :

For every Horse or other Beast drawing any Stage Coach licensed to carry in the whole, Inside and Outside, more than Sixteen Passengers, the Sum of Eight-pence :

For every Carriage with Four Wheels, being empty, fixed to any Waggon, Wain, Cart, or other Carriage, the Sum of One Shilling ; and for every Carriage with Two Wheels, being empty, so fixed, the Sum of Sixpence ; and being loaded, Double such Sums :

For every Horse, Mule, Ass, or other Beast drawing any Waggon, Wain, or Cart, or other such Carriage, laden with or carrying Coal, from the Thirty-first Day of *October* to the First Day of *April* following, within the Period of each and every Year, the Sum of Nine-pence :

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

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

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

And upon Payment of any of the said Tolls the Collector or Receiver shall and he is hereby required to deliver *gratis* to every Person paying such Toll, a Note or Ticket denoting such Payment ; and all such Notes or Tickets shall be provided by the said Trustees or their Lessees, and there shall be printed and specified thereon the Name of the Gate at which

Power to  
take Tolls.

Tolls.

Collectors  
to give  
Tickets de-  
noting Gates  
freed.

which the Toll is received, and of the Gate or Gates (if any) which shall be freed from Toll by such Payment.

Two Oxen to be considered as One Horse.

XXVII. Provided always, and be it further enacted, That in all Cases where Oxen or other Neat Cattle shall be used in drawing any Waggon, Wain, Cart, or other such Carriage, every Two of such Oxen or Neat Cattle shall, for the Purposes of this Act, as far as regards the Payment of Tolls, be considered as One Horse.

Limiting the Payments at each Turnpike for same Horse, &c. in One Day to One (except as after mentioned).

XXVIII. Provided always, and be it further enacted, That no Person or Persons shall be subject to the Payment of Toll at any of the Toll Gates to be continued or erected on the said Roads more than Once in any One Day, (the Day to be computed from Twelve of the Clock of the Night to Twelve of the Clock in the succeeding Night), for passing and repassing on any of the said Roads on the same Day with the same Horse or Horses, Beast or Cattle, through any of such Toll Gates (except as herein-after mentioned), such Person or Persons producing a Note or Ticket denoting the Payment of such Toll, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Payment of the Toll as herein-before mentioned.

Limitation of Number of Tolls to be taken on Roads in One Day.

XXIX. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees, or any Collector or Collectors, to demand or take more than the respective Numbers of Tolls in the whole herein-after mentioned, for or in respect of the same Horses, Beasts, Cattle, or Carriages, for passing Once in any One Day (to be computed as aforesaid) along the Line or Lines of the said several Roads as after mentioned; (that is to say), on the Road leading from *Tetbury* to the Westward End of the Down (some Time since inclosed) called *Symondshall Down* aforesaid, not more than Two full Tolls; on the Roads leading from the Top of *Frocester Hill* to the Road from *Cirencester* and *Tetbury* to *Bath*, at or near *Dunkirk* aforesaid, not more than Two full Tolls; on the Roads leading from *Dunkirk* to or near the Inn or Place called *Tiltups Inn* aforesaid not more than Two full Tolls; and on the Road leading from the Toll Gates in the *Latterwood* to *Nailsworth* aforesaid not more than Two full Tolls; and on the several other Roads by this Act intended to be repaired not more than One full Toll (except in the Cases of Horses or other Beasts drawing Stage Coaches or Post Chaises, and other Carriages travelling for Hire, as herein-after provided).

Stage Coaches, Post Chaises, &c. to pay every Time of passing.

XXX. Provided nevertheless, and be it further enacted, That the said Tolls shall be payable for or in respect of all Horses or other Beasts drawing Stage Coaches, for every Time of passing and repassing through any of the said Turnpikes or Toll Gates on the same Day, (the Day to be computed as aforesaid), and that the said Tolls shall be payable for or in respect of all Horses or other Beasts drawing Post Chaises or other Carriages travelling for Hire, for every Time of passing and repassing through any of the same Turnpikes or Toll Gates on the same Day, (the Day to be computed as aforesaid) with a Ticket denoting a fresh Hiring: Provided always, that the said Tolls shall only be payable on every Time of passing and every Time of repassing of any such Stage Coaches, Post Chaises, or other Carriages travelling for Hire, at the first Turnpike or Toll Gate on the said Roads through which any such Stage Coaches,

Post



Post Chaises, or other such Carriages shall so pass and repass in any One Day (to be computed as aforesaid); and every such Payment shall free every other Turnpike or Toll Gate on the said Roads through which any such Stage Coaches, Post Chaises, or other such Carriages, shall subsequently pass and repass in any One Day (to be computed as aforesaid), on the Production of a Ticket denoting the Payment of such Toll, and which Ticket the Collectors of the Tolls are in every such Case hereby required to deliver *gratis* on Payment of the Toll.

XXXI. Provided always, and be it further enacted, That all and every Waggon, Wain, Cart, or other such Carriage (in respect whereof, or of the Horses or other Beasts drawing the same, the Tolls hereby granted are made payable), having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be entitled to have and enjoy the Privileges and Exemptions granted by the said Act, in Manner therein mentioned.

Waggons, &c. allowed Privileges and Exemptions granted by 55 G. 3. c. 119.

XXXII. Provided also, and be it further enacted, That the respective Tolls hereby granted and made payable, or any of them, shall not be increased in respect of Narrow Wheels, by the Provisions of any general Statute or Act of Parliament now in force.

No additional Tolls for Narrow Wheels.

XXXIII. And whereas great Injury is done to the aforesaid Roads from the heavy Loads carried thereon in Carts or Carriages drawn by One Horse or Two Oxen; be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any of their Meetings, to order or cause any such Cart or other Carriage, although the same shall be drawn only by One Horse or Two Oxen, to be weighed at any Weighing Engine now or hereafter to be erected upon any Part of the said Roads; and in case any such Cart or other Carriage with the Lading thereof, shall exceed One Ton Weight in the Summer or Fifteen Hundred Weight in Winter, (the same to be computed as in an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, is specified), to cause to be demanded and taken such Sum of Money for Overweight, as would have been payable by virtue of the said Act, or any subsequent Act made for altering or amending the same Act, in case such Cart or other Carriage had been drawn by more than One Horse or Two Oxen; and which Sum of Money shall be recovered in like Manner, as by the said Act is directed, with respect to the Sums thereby made payable for Overweight of Lading; any thing in the said Act contained to the contrary notwithstanding.

Carriages drawn by only One Horse, or Two Oxen, to be subject to Payments for Overweight.

13 G. 3. c. 84.

XXXIV. And be it further enacted, That the said Trustees shall and may cause Fences and Ditches to be erected and made upon or over such Parts of any Commons, Waste Grounds, Wood Grounds, Common Fields, or other uninclosed Lands, over or by the Sides whereof any Part or Parts of the said respective Roads do or shall lead, as they shall think necessary,

Fences may be erected on Commons to prevent Evasion of Tolls.

Penalty for pulling down, &c. any such Fences.

necessary, in order to prevent the Payment of Toll being avoided, not exceeding in Length Half a Mile on either Side of any Turnpike Gate to be continued or erected by virtue of this Act; and if any Person or Persons shall pull down or otherwise displace, damage, or carry away any such Fence, or any Part thereof, or shall fill in or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above any Damages which may be thereby occasioned.

Penalty on evading Tolls.

XXXV. And be it further enacted, That if any Person or Persons shall with an intent to evade any of the said Tolls ride, drive, go, or pass with any Horse, Cattle, Beast, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place situate by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his or her Family or Servants); or if any Person or Persons owning or occupying any Gate, private Passage, Land, Ground, or Place situate as aforesaid, (the same not being a public Highway or Road) shall knowingly or willingly permit or suffer any other Person or Persons (except as aforesaid) to go or pass with any Horse, Cattle, Beast, or Carriage, through or over such Gate, private Passage, Land, Ground, or Place, in order or with intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall leave upon or near any Part of the said Roads, any Horse or Horses or other Beast or Cattle, or any Carriage chargeable with the Payment of any of the said Tolls, with intent to avoid or evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly or fraudulently pass through any Turnpike or Toll Gate to be continued or erected by virtue of this Act, with any Horse or other Cattle or Beast, drawing or not drawing, without Payment of Toll; all and every such Persons and Person so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Powers for Recovery of Tolls.

XXXVI. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person subject or liable to the Payment of any of the said Tolls, shall after Demand being made thereof neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls as aforesaid, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, or other Thing, upon or in respect of which any Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements, (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast), or any Carriage, in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing or distraining may sell the Horse, Cattle, Beast, Carriages, or Things so seized and distrained, or a sufficient Part thereof,

returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

XXXVII. And be it further enacted, That if any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties or other Witness or Witnesses (which Oath the said Justice is hereby authorized and empowered to administer), and shall determine the Amount of Toll due, and other Matters in Dispute between the Parties, and also assess the Charges of such Seizure, Distress, Keeping, and Sale, and also the Attendance of any Person or Persons for that Purpose on the said Justice, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) of the Money arising by such Sale, after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

Disputes respecting Tolls to be settled by a Justice.

XXXVIII. Provided always, and be it further enacted; That this Act shall not extend, or be construed to extend, to charge with Toll any Horses or Carriages conveying or attending His Majesty, or any of the Royal Family, or returning after having been so employed.

Exempting the Royal Family from Toll.

XXXIX. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act of or from any Person or Persons 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 Stone, Bricks, Timber, Wood, Gravel, Lime, or other Materials for making or repairing the said Roads, or any of the Roads within any Parish, Township, Chapelry, Hamlet, or Place; in which any Part of the said Roads lie, or for erecting, setting up, rebuilding, building, or repairing any present or any future Toll House or Toll Houses, Toll Gate or Toll Gates, Weighing Engine or Weighing Engines, Bridge or Bridges, or any of the Fences thereof; on or on the Sides of any of the said Roads authorized to be repaired by virtue of this Act; or in carrying or conveying any Seed for seeding the Ground, or Hay, Grass, Sainfoin, Fodder, Rushes, Teazles, Vetches, Straw, or Corn or Pulse in the Straw only, Turnips, or Potatoes, or Milk, for the Use of the Owner, and not for Sale, or not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Out Houses, or Yards, or on the Lands of the Owners thereof, or for the Use of the Owners thereof; or

Exemption from Tolls.

of

of or from the Surveyor or Surveyors of the said Roads for the Time being; 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 (unless laden also with some other Thing not herein exempted from Toll), or any Mould, Dung, Soil, Marl, Manure, or Compost employed in Husbandry for manuring or improving Land, or any Lime to be employed for that Purpose, or for any Horses, Oxen, 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 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 Postmasters General, either when employed in conveying, fetching, 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 on their March or on Duty; or for any Horse or Horses or other Beast, or any Waggon, Cart, Wain, or other Carriage, 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 after 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 after having been so employed; or from any Rector, Vicar, or Curate in going to or returning from his Parish Church, or other Place of Divine Worship, or going to visit or returning from visiting any sick Person or Persons, or otherwise in the Discharge of his Parochial or Ministerial Duties; or from any Person or Persons going to or returning from his, her, or their proper or usual Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is by Authority ordered to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Districts, or Places through which any Part of the said Roads pass; 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 County of *Gloucester*, or for the Cities or Counties of the Cities of *Gloucester* and *Bristol*, or either of them, on the Day or Days of such Election, or on the Day before or Day after any such Election shall begin or be concluded respectively; or for any Horses, Carts, or Waggons employed only in carrying or conveying Vagrants sent by legal Passes, or returning empty after having been so employed; or for any Horse, Beast, Cattle, or Carriage which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon, either before or after passing through any Toll Gate to be continued or erected on the said Roads, unless such Crossing shall be with intent to evade the Payment of Toll at any or either of the said Turnpikes, and the Payment of Toll shall be thereby evaded; or for any

any Carriage conveying Volunteer Infantry; 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, or on other public Duty, 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; 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 for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

XL. 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, or Barrack, or 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 Roads, or in this Act contained to the contrary notwithstanding.

Exempting  
Stores from  
Overweight.

XLI. And be it further enacted, That it shall and may be lawful for the said Trustees, at any of their Meetings to be held from Time to Time for the Purpose, and they are hereby empowered to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees shall think proper, and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the respective Tolls granted by this Act, or now made payable by any Act or Acts of Parliament now in force and effect with respect to Overweight; and such reduced Tolls shall and may be collected, levied, and applied in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied: Provided always, that it shall not be lawful for the said Trustees to reduce the said Tolls, or any of them, without the Consent in Writing of Three-fifths in Value of the Creditors on the said Tolls respectively; and that no Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls, unless Twenty Days previous Notice, at the least, shall be given thereof, by Advertisement to be inserted Twice in the *Gloucester Journal*, or some public Newspaper to be circulated in the County of *Gloucester*, and also in Writing to be affixed upon all the Turnpikes or Toll Gates which shall be then erected on the Roads by this Act authorized to be repaired: Provided always, that it shall be lawful for the Trustees, at the First Meeting appointed to be held after the passing of this Act, to fix and determine the Amount of the Tolls to be taken by virtue of this Act, without any such Consent or Notice as aforesaid;

Power to  
reduce Tolls.

Tolls not to  
be reduced  
without Con-  
sent of  
Three-fifths  
of Creditors.

said; so that such Tolls, or any of them, be not reduced below the several Amounts authorized to be collected by the said recited Acts or either of them.

Trustees may compound for Tolls.

XLII. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time, with all or any of the Inhabitants of the several Parishes, Townships, or Places to or through which any Part of the said Roads do or shall pass or lead, and to and with any other Person or Persons whomsoever, for the passing of all or any Description of their Horses, Cattle, or Carriages through all or any of the Turnpikes or Toll Gates erected or continued, or to be erected by virtue of this Act; which Composition shall be paid in advance, and in default thereof the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

Trustees may let and lease the Tolls.

XLIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall be and they are hereby empowered, after giving Fourteen Days Notice thereof by Advertisement to be inserted Twice in the *Gloucester Journal*, or some other public Newspaper to be circulated in the County of *Gloucester*, and also in Writing to be affixed upon every Turnpike or Toll Gate the Tolls whereof shall be intended to be let or leased, from Time to Time to let, lease, and demise, by Writing under their Hands and Seals, the Tolls granted by this Act, or any Part or Parts of such Tolls, for any Term not exceeding Three Years at a Time, for the best Price that can be gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Surety or Sureties for the Payment of the Rent and Performance of the Conditions and Agreements, as the said Trustees, or any Five or more of them, shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased and demised are under this Act directed to be applied; any Law or Statute to the contrary thereof notwithstanding; and if the said Trustees at any Meeting for the letting the said Tolls, shall be of Opinion that a Combination exists among the Bidders to undervalue the same, they may then proceed in such Letting in such Manner as to them shall seem most likely to create a real, *bonâ fide*, and advantageous Competition for the same; and at all such Lettings the Trustees shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves, or their Clerk or Clerks or Treasurer, or other Person by them authorized, to the Intent that such Tolls may not be let for less than an adequate Value; any thing in any Law or Statute to the contrary notwithstanding.

Lessees or Persons appointed by them may collect the Tolls.

XLIV. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof to all Intents and Purposes whatsoever, as any Collector of the said Tolls

continued as aforesaid, or appointed by the said Trustees, is by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls continued as aforesaid, or appointed by the said Trustees, is made subject or liable to.

XLV. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls, shall demand or take, or cause to be demanded or taken from any Person or Persons any Toll not authorized by this Act to be taken, or a greater or less Toll than authorized to be taken by or under this Act, or by or under any Act or Acts of Parliament now in force and effect with respect to Overweights, or by or under any Order of the Trustees made under the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and shall claim such Exemption, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees, or any Five or more of them, shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, such Forfeitures respectively to be recovered in Manner herein-after mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for any such Demand and Taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Penalty on Renters, &c. taking greater or less Tolls.

XLVI. And be it further enacted, That every Toll Collector being Lessee of the said Tolls, or appointed either under this Act, or by the Trustees for executing the same, or by any such Lessee, to collect the Tolls payable at any Turnpike or Toll Gate, Turnpikes or Toll Gates, to be continued or erected by virtue of this Act, shall and he is hereby required to place the Name or Names of the Gate or Gates (if any) which any Ticket required to be given by this Act by any Collector or Receiver of Tolls will free or clear, and also his Christian and Surnames, painted on One or more Board or Boards in legible Characters, in the Front or some other conspicuous Part of every Toll House or Toll Gate immediately on his coming on Duty, each of the Letters on such Board or Boards to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in Black Letters on a White Ground, or in White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector or Receiver of the same Tolls shall not place such Board or Boards as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading the Words to be painted on such Board or Boards, 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

For punishing Toll Collectors misbehaving, &c.

Penalty on obstructing Collectors, &c.

shall refuse or neglect to give or tender a Ticket denoting the Payment of the Toll, and naming and specifying the Gate or Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Travellers, then and in every such Case every such Toll Collectors 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 herein-after by this Act directed to be recovered and applied: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector or Receiver, or any Surveyor or Surveyors on the said Roads, who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such last-mentioned Penalty shall be recovered and applied as other Penalties are herein-after by this Act directed to be recovered and applied.

Enabling the Trustees to take Possession of the Toll Houses, &c. when let to farm in case of Non-performance of Leases.

XLVII. And be it further enacted, That in case all or any of the said Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Lease or Agreement for demising or letting thereof; or in case such Lease or Agreement shall in any Manner become void; then and in either of such Cases it shall and may be lawful for any Justice of the Peace, for the County or Place where any Toll Gate or Toll House, Toll Gates or Toll Houses, which shall have been demised or let to farm to any such Lessee or Lessees, Farmer or Farmers, shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or any Five or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Five or more of the said Trustees, by Warrant under his Hand and Seal, to order any Constable, or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Engine, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority Possession thereof; and thereupon it shall be lawful for the said Trustees, or any Five or more of them, (if they shall think fit) to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes, (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations,



Obligations, Covenants, or Agreements on the Lessees' Part) as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees, or any Five or more of them, in every such Case to demise or let to farm the said Tolls again to any Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

XLVIII. And be it further enacted, That all Demises or Leases of the Tolls arising on the said Roads by this Act authorized to be repaired, or any of such Roads which shall be in Existence at the Commencement of this Act, and all Bonds or other Securities which shall have been given for Payment of the Rents reserved by such Leases respectively, and for the Performance of the Covenants and Agreements in such Leases contained on the respective Lessees' Part, shall respectively continue in force until the respective monthly Days on which the Rents therein respectively reserved shall become payable, and happening next after the Commencement of this Act, on which respective Days the said respective Leases, Bonds, or other Securities aforesaid shall cease and determine, in the same Manner as if such Leases, Bonds, or other Securities had expired by Effluxion of Time (save as to the Obligations, Covenants, or Agreements for Payment of Rent and Performance of Covenants in such Leases, Bonds, or Securities, on the respective Lessees' and Obligors' Part, to be observed and performed during the Continuance of such Leases, Bonds, or Securities by virtue of this Act), and until such Determination of such Leases respectively, the respective Lessees therein shall be entitled to collect and receive, from the Commencement of this Act, the respective Tolls by this Act granted and made payable.

Present Leases and Bonds to continue until monthly Days of Payment of Rent, after Commencement of Act.

XLIX. And be it further enacted, That in case any or either of the said Lessees of the Tolls shall claim to be entitled to any Compensation or Satisfaction for or on account of such Continuance or Determination of his or their Lease or Leases as aforesaid, then if the said Trustees and such Lessee or Lessees cannot agree as to the Amount of such Compensation or Satisfaction, such Lessee or Lessees may sue for and recover the same by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Difference in vacating Leases how to be settled.

L. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, assembled at any Meeting, to borrow and take up at Interest on the Credit of all and every the Tolls arising by virtue of this Act, or of such Part or Parts of the same Tolls as they shall see fit, such Sum or Sums of Money, or further Sum or Sums of Money, as they the said Trustees, or any Five or more of them, shall in their Discretion think necessary and expedient for the Use or Benefit of the Roads hereby directed to be kept in repair; provided that Notice of every such Meeting, and the Purpose thereof, be given by Advertisement to be inserted Twice in the *Gloucester Journal*, or some other public Newspaper circulating in the said County of *Gloucester*, and also in Writing affixed on all the Toll Gates continued or to be erected on the said Roads, or on such of them as the said Trustees shall direct or think proper, at least Fourteen Days before every such Meeting, and for securing the same Money, together

Power to borrow Money on Security of Tolls.

ther with Interest, the said Trustees are hereby authorized and empowered from Time to Time, either at any such Meeting or any subsequent Meeting, by any Writing or Instrument, Writings or Instruments under their Hands and Seals, or under the Hands and Seals of any Five or more of them, to demise or assign by way of Mortgage, all and singular the Tolls granted by this Act, or any or either of them, and the Turnpikes and Toll Houses for collecting the same Tolls, as a Security to any Person or Persons, or his, her, or their Trustee or Trustees, who shall advance or lend such Sum or Sums of Money, by the following Words, or any other Words to the like Effect; (that is to say),

Form of  
Mortgage.

‘ BY virtue of an Act passed in the Second Year of the Reign of His  
 ‘ Majesty King *George* the Fourth, intituled [*here set forth the Title of*  
 ‘ *this Act*], We, Five of the Trustees for putting the said Act in Execution,  
 ‘ in consideration of the Sum of \_\_\_\_\_ to  
 ‘ the Treasurer of the said Roads in hand paid by  
 ‘ of \_\_\_\_\_ do grant, bargain, sell, and demise unto the said  
 ‘ \_\_\_\_\_, his Executors, Administrators, and Assigns;  
 ‘ such Proportion of the Tolls to arise upon the said Roads, and the Turn-  
 ‘ pikes and Toll Houses already erected or hereafter to be erected for  
 ‘ collecting the same Tolls, as the said Sum of \_\_\_\_\_  
 ‘ doth or shall bear to the whole Sum now or hereafter to become due  
 ‘ and owing on the Credit thereof, to be had and holden from the Day  
 ‘ of the Date hereof, for and during the Continuance of the said Act,  
 ‘ unless the said Sum of \_\_\_\_\_ with Interest at the Rate of  
 ‘ \_\_\_\_\_ *per Centum per Annum*, shall be sooner repaid  
 ‘ and satisfied. Given under our Hands and Seals this  
 ‘ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_.’

Copies of  
Mortgages to  
be entered  
in a Book.

And the Costs and Charges of all such Demises or Mortgages shall be paid out of the Tolls thereby demised, and Copies of all such Demises and Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees, for which Entry the said Clerk or Clerks shall be paid the Sum of Five Shillings and no more, and such Book or Books shall and may at all seasonable Times be perused and inspected by the said Trustees, or any Creditor or Creditors on the said Tolls, without Fee or Reward; and every Person to whom any Demise or Mortgage shall be made as aforesaid, or who shall be possessed of any Demise or Mortgage made by virtue of the said former Acts, any or either of them, or who shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer his, her, or their Right, Title, Interest, or Benefit, in and to the said Demise or Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, which Assignment or Transfer may be made in the following Words, or Words to the like Effect, to be endorsed on such Demise or Mortgage, or to be written under the same, or thereunto annexed, and signed in the Presence of and attested by Two or more credible Witness or Witnessess; (that is to say),

Form of  
Transfer.

‘ I the within named \_\_\_\_\_ (or I \_\_\_\_\_ of  
 ‘ Assignee, Executor, or Administrator of the within named \_\_\_\_\_ )  
 ‘ [*as the Case may require*] do hereby assign and transfer this Mortgage  
 ‘ Security, with all my Right and Title to the Principal Money thereby  
 ‘ secured, and all Interest now due and hereafter to grow due upon the  
 ‘ same,

same, unto \_\_\_\_\_ of \_\_\_\_\_, his Executors, Administrators, and Assigns. Dated this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_  
 Witness to the Signing hereof \_\_\_\_\_

Which Transfer shall be produced and notified to the said Clerk or Clerks within Three Calendar Months next after the Day of the Date thereof, who shall enter the same, or the Particulars thereof, in the Book or Books to be kept for entering Copies of the several Demises or Mortgages which shall be made as aforesaid, and for each Entry the said Clerk or Clerks shall be paid the Sum of Five Shillings, and no more; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of every such Demise or Mortgage which shall be so transferred, and to the Payment of the Principal Money thereby secured, and the Interest due and to grow due thereon; and every such Assignee may in like manner assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators) to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof.

LI. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money, on the Credit of the said recited Acts, or who shall hereafter advance any Sum or Sums of Money on the Credit of this Act, his, her, or their Assignee or Assignees in respect to the Priority of the Mortgage or Assignment or Transfer thereof, or of advancing such Sum or Sums of Money, but that as well all Persons to whom any such Mortgages, Assignments, or Transfers have already been made or given, as those to whom any such shall hereafter be made or given, his, her, and their Assignee and Assignees, shall (in proportion to the Sum or Sums therein mentioned) be Creditors on this Act, and in equal Degree one with another. No Priority of Mortgages.

LII. And be it further enacted, That the said Trustees, or any Five or more of them, may and shall, if thereunto required by the Person or Persons entitled thereto, destroy and cancel all or any of the Mortgages, Assignments, or Transfers now subsisting, which have been made by virtue of the said Acts hereby repealed, of the Tolls thereby authorized to be collected on the said Roads, or any of them, and to give and execute a Mortgage or Mortgages of the Tolls by this Act granted in manner herein-before directed, for such Sum or Sums of Money as may be expressed in any Mortgage, Assignment, or Transfer to be cancelled by virtue of this Act. Old Mortgages may be cancelled and new ones granted.

LIII. And be it further enacted, That if any Mortgagee or Mortgagees, Assignee or Assignees of any of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings, shall seek to obtain the Possession of such Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them as Lessor or Lessors of the Plaintiff, and upon his, her, or their An Action of Ejectment may be supported by One Mortgagee.

their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons as shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises *pari passu*, and in proportion to the several Sums which may be due to them as Mortgagees.

Application  
of the Tolls  
and Money  
borrowed.

LIV. And be it further enacted, That the Tolls and all other Monies to be received by virtue of this Act, as also the Monies which at the Time of the Commencement of this Act shall have been raised or produced under the said former Acts hereby repealed, for or in respect of the said Roads by this Act directed to be kept in repair, or any of them, and which shall be remaining undisposed of on the Day of the Commencement of this Act, shall be applied as herein-after mentioned; (that is to say), in the first Place in paying and defraying all the Costs, Charges, and Expences incident to and attending the applying for, obtaining, and passing of this Act, and after such Costs, Charges, and Expences shall have been fully discharged, then the several Tolls arising on the said Roads hereby directed to be kept in repair; and such Monies as already have been or shall or may hereafter be borrowed on the Credit of the said Tolls, and all Forfeitures and other Monies arising on the said Roads, shall, in the next place, be applied in manner following, (that is to say), first, in paying the Interest of the Principal Monies borrowed or raised under the said former Acts, and which shall or may be borrowed or raised under the Powers of this Act, on the Credit of the Tolls hereby granted and subject thereto, in paying the necessary Expences of the said Roads, and of making any Alterations and Improvements thereof respectively, and of repairing and maintaining the same, and keeping the several Parts and Branches thereof in repair, or to the Use and Benefit thereof, in such Proportions as the said Trustees at any of their Meetings shall from Time to Time order and direct; and also in paying and defraying the several Salaries and Allowances which shall be granted or allowed to the Clerk or Clerks, Surveyor or Surveyors, Accountants or other Officers to the said Trustees, and also all other incidental Expences whatsoever; and lastly in paying off and discharging the Principal Monies already borrowed or raised under or by virtue of the said former Acts hereby repealed, or to be by them the said Trustees borrowed or raised under or by virtue of this Act.

Power for  
widening,  
altering, &c.  
Roads.

LV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, from Time to Time, to widen, divert, turn, shorten, vary, alter, and improve the Line, Course, or Path of any Part or Parts of the Roads by this Act authorized to be repaired, or any of them, in such Manner as they shall think fit, upon, through, or over any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction as herein-after mentioned; and also to widen, divert, vary, turn, alter, and make the same Roads, or any of them, upon, through, or over Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds; and it shall and may be lawful to and for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any such private Lands, Grounds, or Hereditaments as aforesaid, through which or

whereupon the said Roads, Widenings, and Alterations shall be intended to pass or be made, and to stake out and make the same in such Manner as the said Trustees shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, and Hereditaments respectively for any of the Purposes of this Act, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and if any Person or Persons shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making, widening, diverting, turning, shortening, varying, altering, or improving such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Forty Shillings, provided that the said Roads when widened, turned, varied, or altered by virtue of this Act, shall be and remain Thirty Feet wide at the least, and shall not be more than Sixty Feet wide; and provided also, that it shall not be lawful for the Trustees acting in the Execution of this Act, or any of them, in widening, diverting, turning, shortening, varying, altering, and improving any Part or Parts of the said Roads, by this Act authorized to be repaired, to deviate more than One hundred Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners for the Time being, of the Estates, Lands, or Grounds which may be affected by any such Deviation.

LVI. Provided also, and be it further enacted, That the Powers and Authorities hereby given for diverting, making, and improving the said Roads, shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted as Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Trustees restrained from pulling down Dwelling Houses, or taking Gardens, &c. without Consent of the Owners.

LVII. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the said Roads by this Act authorized to be repaired, or make any new Road over and through any private Lands, Grounds, or Hereditaments, or shall take away or remove any Fence for widening the said Roads, or any of them, or any Part thereof, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences, or other good and sufficient Fences on both Sides of any such Roads, as shall be so turned or altered, or on the Side or Sides upon which any such Fence shall or may be so taken away or removed as aforesaid, with sufficient Ditches to the same, and sufficient Posts and Rails, or other Fence to protect the Growth of any such Quickset Hedges or Fences, so as effectually to guard and fence off the Lands adjoining to the same Roads, and also proper Gates, Bridges, and Arches, where necessary, out of the said Roads into the Lands adjoining, and shall keep such Quickset Hedges or Fences so to be made in good Order and Repair, for and during the Term of Seven Years from the Time that such Quickset Hedges or Fences shall have been made or set up, unless the Owners or Proprietors for the Time being of any such

Trustees to fence any old Roads altered, and any new Roads.

Lands, Grounds, or Hereditaments, shall agree with the said Trustees to keep such Quickset Hedges or Fences in repair from an earlier Period.

Trustees may purchase Lands for making and altering Roads.

Incapacitated Persons empowered to convey Lands.

LVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which they are enabled to purchase by virtue of this Act for making, widening, diverting, altering, and improving the said Roads, or any of them, and also for making all necessary Fences on the Sides of the said Roads, and for the Erection of Toll Houses with Garden Spots thereto, not exceeding One-eighth Part of an Acre for each Toll House with the Garden thereto for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right; and to and for all and every Person and Persons whomsoever, who are or shall be possessed of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid, and to sell and convey by Conveyance, Lease, and Release, or Bargain and Sale enrolled, unto the said Trustees, all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid, and all Contracts, Sales, and Conveyances which shall be so made shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and all other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

Where Persons interested neglect or refuse to treat for Sale of Lands, &c.

LIX. And be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which the said Trustees are by this Act enabled to purchase, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons or of the Principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of  
any

any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, shall, for the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage, Value, or Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place where any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie; and in order thereto the said Trustees or any Five or more of them are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before such Jury and examine upon Oath all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath the said Trustees or any One of them are and is hereby empowered to administer), and such Trustees or any Five or more of them shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Juries' Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict, or Inquisition and Judgment, Order and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants, signed by any Five or more of them, to the Sheriff of the County wherein such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie, commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them acting in the Premises, shall have Power, and they are hereby authorized from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, or his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who without sufficient Excuse shall

Verdict of  
Jury to be  
final.

Trustees to  
Issue their  
Warrant to  
the Sheriff  
to summon  
the Jury.

Sheriff, &c.  
to be fined  
for neglect-  
ing Duty.

Fines.

shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, shall after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no One Fine be more than Twenty Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person for one Offence.

How Expences of Jury, &c. are to be paid.

LX. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning or returning of the said Jury or Juries as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in any of such Cases the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall have arisen not interested in the Matter in Question (who is hereby required to examine and settle the same at a Time and Place to be by him appointed after summoning the Parties interested to attend him for that Purpose), and shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Money to be received by virtue of this Act; and in default of Payment thereof by the said Treasurer within Five Days after the said Costs shall be so settled the same shall and may be levied by Distress and Sale of the Goods and Chattels of the said Treasurer by Warrant under the Hand and Seal of such Justice; but if any Jury or Juries so summoned and returned as aforesaid shall give in and deliver a Verdict of Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury or Juries as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands, Houses, Buildings, Tenements, Hereditaments and Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise (not interested in the Matter in Question who is hereby required to examine and settle the same) shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender



of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees by the Ways and Means hereinafter provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in manner aforesaid.

LXI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid by the said Trustees or their Treasurer, out of any Monies in the Hands of the said Trustees or Treasurer, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties, Person or Persons respectively entitled thereto, or to his, her, or their Agents, or into the Bank of *England*, in manner by this Act directed (as the Case may require); and upon such Payment to such Parties or Persons or their Agents, or into the Bank of *England*, then such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises respectively, shall and may be taken and used for the Purposes of this Act, and such Lands, and the Scite of such Houses, Buildings, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall direct, and shall be by them, or such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Roads for ever thereafter, and the said Roads shall be repaired and kept in repair by the said Trustees, and also by the same Ways and Means as any other Highways are or ought by Law to be kept in repair; and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Roads shall be completed, the Lands constituting any former Road or Roads, which may thereby become useless or unnecessary, shall or may be stopped up or discontinued, unless leading over some Moor, Common, uncultivated Land, or waste Ground, or to some Village, Town, or Place, to which such new Road or Roads doth not or do not lead, and shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances being executed by the said Trustees, or any Five or more of them, and inrolled in the Office of the Clerk of the Peace for the County wherein such Road shall be situate; shall be good and effectual in the Law, to all Intents and Purposes whatsoever:

Money allowed for Lands how to be charged and tendered, and such Lands used for Roads.

Old Roads may be stopped up or sold.

LXII. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act as aforesaid, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price

When Pieces of Land are to be sold, first Offer to be made to the original Proprietor.

[Local.]

thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or a Master Extraordinary of the High Court of Chancery; or before One of His Majesty's Justices of the Peace for the County or Place where such Ground is situate (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and the said Trustees may then proceed in the Sale of such Piece or Pieces of Ground, or Piece or Pieces of old Road, to any other Person or Persons whomsoever, in such Manner as they shall think will be most for the Benefit and Advantage of the said Roads; and in case any such Person or Persons to whom a first Offer is directed to be made, shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner by this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground, shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

Reserving to the Owners of Lands purchased for the Purposes of this Act, the Mines and Minerals under the same.

LXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of the Owner or Owners, Proprietor or Proprietors of any of the Lands or Grounds to be taken, used, or retained by the said Trustees for the Purposes of this Act, their Heirs or Successors, of, in, or to any Mines or Minerals under such Lands or Grounds, but that such Owners or Proprietors respectively shall have full Power to work under the said Lands or Grounds so purchased respectively, for the Purpose of digging and carrying away the said Materials; provided that no Pits or Openings be made for that Purpose in the said Lands or Grounds so purchased, nor the said Mines or Minerals so worked as to occasion any Injury or Damage, or Danger of Breaches, Injury, or Damage, to the said Lands or Grounds, or any Roads, Edifices, or Erections thereon.

Bridges, &c. to be repaired by Persons liable to the Repair of the same.

LXIV. And be it further enacted, That all and every the Bridge or Bridges, Causeways, Arches, Drains, or Sewers, in any Part of the said Roads, which have been accustomed or ought to be repaired by the County, or any Hundred, Parish, Hamlet, or Place, or by any particular Person or Persons, or Bodies Politic or Corporate, by reason of the

Tenure of Lands or otherwise howsoever, shall be still liable to be maintained and kept in repair as they were before the passing of this Act.

LXV. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenants for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction 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, Houses, Buildings, Tenements, Hereditaments, and Premises, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, 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 or 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 or Interest 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, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased, in case such Purchase or Settlement were made.

Application  
of Compensa-  
tion  
Money if  
amounting  
to 200l.

LXVI. Pro-

Where less than 200l. and exceeding 20l.

LXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Tenements, and Hereditaments to be 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, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees; in case of Infancy, Idiocy, Lunacy, or other Incapacity, 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 having or 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 and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application where not more than 20l.

LXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last herein-before mentioned; shall not exceed 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, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out Titles, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

LXVIII. 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, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under or by virtue of the Powers of 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 any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises 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 High Court of Chancery

Chancery to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises [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 therein 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 of *England* as aforesaid.

LXIX. 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 Privy of the Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or of any Estate, Right, Title, or Interest in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased in pursuance of this Act for the Purposes aforesaid, 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 any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises 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, Houses, Buildings, Tenements, Hereditaments, and Premises 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, Houses, Buildings, Tenements, Hereditaments, and Premises, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

LXX. 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, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and to be applied in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from

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

Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, or their Treasurer, 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.

Power for getting Materials to repair the Roads,

and to land Materials, and carry same over Lands adjoining any River, &c.

LXXI. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Roads, or building, rebuilding, or repairing any present or future Toll House or Toll Houses, on or by the Sides thereof, or any Bridge or Bridges thereon, out of any common River or common Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place in which any Part of the said Roads lies, or in any adjoining Parish, Hamlet, or Place, and to haul or carry away any such Materials, when got over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks, wherefrom such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damages done by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person, in any Parish or Place in which the said Roads, or any of them, lie or are situate, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted or set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, at any of their Meetings shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), or on, through, or over any open Land or Common, any Stone or other Materials for making or repairing the said Roads, or for building or repairing any present or future Toll House or Toll Houses, on or by the Sides thereof, from any River, Stream, or Canal in any Parish, Hamlet, or Place in which any Part of the said Roads lie, paying or tendering for the Damages done in landing on, or going through or over any inclosed Lands or Grounds, for or with such Materials, such Sum or Sums as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken

taken shall be situate, on Fourteen Days Notice thereof given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining of the same.

LXXII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads, or any other of the Purposes aforesaid, out of or from any inclosed Land or Ground until Three Days Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two Justices of the Peace, acting in and for the County, where the Lands from whence such Materials are intended to be taken shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

Notice to be given before Materials taken.

LXXIII. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall be dug, gotten, or gathered for the Repair or Use of the said Roads, or shall raise or carry away any Materials out of or otherwise interfere with or obstruct the working of any Pit or Quarry, which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Three Calendar Months (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made as to 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.

Penalty on taking away Materials got by Surveyor.

LXXIV. And be it further enacted, That if any Person shall, after the Commencement of this Act, erect or place any Sluices, Dam, Floodgate, or other Obstruction in any Brook or Watercourse, whereby or by means whereof the said Roads, or any Part thereof, shall be flooded, damaged, or injured, or rendered unsafe, or shall make, lay, or open any new Ditch, Drain, Pipe, or Watercourse into the said Roads, or any of them, or shall deepen or widen any such Ditch, Drain, or Watercourse already made into or on the Sides of the said Roads, or any of them, or shall inclose or take in any Ditch, Drain, Pipe, or Watercourse, lying on the Outside of his, her, or their Paling, Hedges, or other Fences without Licence or

No Flood-gates or Obstructions to be made in the Water-courses, &c. so as to injure the Roads.

Consent

Consent in Writing for that Purpose, first had and obtained from the said Trustees, or any Five or more of them, or from the Surveyor or Surveyors of the said Trustees for the Time being; then and in every such Case it shall be lawful for the Surveyor or Surveyors to the said Trustees, and the several Workmen to be employed by him or them to take down and remove every such Sluice, Dam, Floodgate, or other Obstruction, and to convert the Materials thereof for the Benefit of the said Roads, and also to stop, fill up, and destroy all and every such Ditches, Drains, Pipes, and Watercourses, and to pull down and remove the Building, Walls, Paling, or other Fences so inclosing such Ditches, Drains, Pipes, or Watercourses; and the Person erecting or placing such Sluice, Dam, Floodgate, or other Obstruction, or making, opening, deepening, widening, or inclosing such Ditch, Drain, Pipe, or Watercourse without such Licence or Consent respectively as aforesaid, or causing or procuring the same to be done, shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds, over and above the Costs and Charges of taking up and removing such Sluice, Dam, Floodgate, or other Obstruction, or filling up such Ditch, Drain, Pipe, or Watercourse, or pulling down or removing such Buildings, Walls, or other Fences as aforesaid.

Penalty for erecting Buildings or Encroachments on the Sides of Roads.

LXXV. And be it further enacted, That if any Person shall encroach upon the said Roads by erecting or making, or causing to be erected or made any Dwelling House or other Building, Hedge, Ditch, or other Fence, (except Turnpike Houses or other Buildings or Fences erected by Order of the said Trustees) every Person so offending shall forfeit for every such Offence the Sum of Five Pounds, to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, or any Five or more of them, by Order under their Hands, made at a Meeting or some Adjournment thereof, directed to their Surveyor or Surveyors to cause any such Dwelling House, Building, Hedge, Ditch, or other Fence to be taken down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of the Peace, in and for the County or Place where the Premises shall be situate, upon Proof thereof to him or them made upon Oath, (which Oath any such Justice is hereby empowered to administer) to levy as well the Expences of taking down any such Dwelling House, Building, Hedge, and Fence, and of filling up the Ditches aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels; rendering the Overplus (if any) to the Owner or Owners on Demand.

Gates not to project over the Roads.

LXXVI. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads or Footpaths belonging thereto, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Roads as that no Part of such Gate shall when open, project over any Part of the said Roads, or any of the Footpaths thereof, and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure having any Gate opening outwards contrary to the Meaning of this Act, shall within Twenty Days after Notice to him, her, or them given in Writing from any Surveyor of the said Roads, (such Surveyor being authorized to give such Notice, by Writing under the Hands of the said Trustees, or any Five or more of them),



them), cause such Gate to be hung, so that no Part of the Gate when open, shall project over any Part of the said Roads or any Footpath belonging thereto; and in Default thereof the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Intention of this Act, and the Person or Persons guilty of such Neglect or Default shall upon Complaint made to any Justice or Justices of the Peace, acting in or for the County or Place where such Neglect shall happen, and upon Conviction upon the Oath of One credible Witness (which Oath any such Justice is hereby empowered to administer), pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

LXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stones, Carriages, Sawpits, or other Pits, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being placed, made, or laid upon any Part of the said Roads, and to turn any Watercourse, Sinks, or Drains running along, into, or out of the said Roads to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary, and to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Roads, or in the Hedges or Banks adjacent thereto respectively, (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Trees being an Ornament or Shelter to a House) and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Four Feet, in case the Owners or Occupiers of the Premises shall for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove any such Branches, Shrubs, or Bushes, or to cut such Hedges, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or the said Surveyor or Surveyors, shall require; the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors  
may remove  
Annoyances.

LXXVIII. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall, at any Time be found wandering, straying, or lying about the said Roads, or any Part thereof, or by the Sides thereof, except where any Part of the said Roads shall pass over any Commons or Waste Lands, and shall not be fenced off on both Sides thereof, it shall and may be lawful to and for the Surveyor or Surveyors of the said Trustees for the Time being, or any other Person or

Surveyors to  
impound  
Cattle found  
straying on  
the Roads.

[Local.]

29 F

Persons

Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the common Pound of the Parish, Township, Tything, or Place where the same shall be so found, or in such other Place as the said Trustees, or any Five or more of them, shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Ten Days after such impounding, it shall and may be lawful to and for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Surveyors  
may make  
Causeways,  
&c. and cut  
Drains.

LXXIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Persons as they shall appoint, by Order of the said Trustees, or any Five or more of them, to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways for the Use of Foot Passengers in, upon, or on the Sides of the said Roads, in such Manner as they shall think proper; and also Ditches or Drains in, upon, and under the said Roads, and also through any Ground lying contiguous or near thereto, (not being a Garden, Orchard, Yard, Paddock, Planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees); and to erect, rebuild, and keep in repair all Bridges, Culverts, and Arches upon the said Roads, or across any of the Ditches, Watercourses, or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads, (not being the Scite or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, Planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, and Carriages as a public Highway, whilst the old Road is repairing or widening, and until such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning such Damages between such Owners or Occupiers, and such Trustees, that then it shall and may be lawful for any Two or more Justices of the Peace acting in and for the County wherein such Grounds shall be situate, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Roads to be  
measured,

LXXX. And be it further enacted, That the said Trustees may and they are hereby empowered to cause the said respective Roads to be measured,

measured, and Stones or Posts to be set up in or near the same, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as they shall think proper; and also such and so many Direction Posts as they shall judge necessary or proper, and may also set up or cause to be set up, a Boundary Stone or Post at the Termination of the said Roads, and of the respective Branches thereof.

and Mile  
Stones set  
up.

LXXXI. And be it further enacted, That all Persons who by Law are or who shall be liable to do Statute Work, or are or shall be chargeable or liable to be charged, towards repairing and amending the said Roads by this Act authorized to be repaired, or any Part or Parts thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace acting in and for the said County of Gloucester, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, or by their Clerk or Clerks, Surveyor or Surveyors by their Order, yearly to adjudge, apportion, and determine what Part or Proportion, and how much of the Statute Work or Duty shall every Year be done and performed upon the said Roads, by the Inhabitants of the respective Parishes, Townships, Tythings, Hamlets, or Places in which the said Roads do lie; and also what Proportion and how much of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Tything, Hamlet, or Place in lieu of or as a Composition for such Statute Work or Duty, shall be by him or them paid to the said Trustees, or to their Treasurer or Surveyor; 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, Township, Tything, Hamlet, or Place to bring in Lists unto and before such Justices, at some Place and Time to be expressed in such Summons, within Ten Days after the serving of such Summons, containing the Names of the several Persons who within such Parish, Township, Tything, Hamlet, or Place are by Law subject or liable to do and perform 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 the Amount of the respective Sums to be paid, which Lists shall be made in such Manner and under such Regulations and Restrictions, as is or are or may be directed by any Law or Statute in force and effect for the repair of public Highways; and out of such Lists the said Justices respectively shall or may allot, appoint, order, and direct such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do and perform such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable and proper; and the same shall be done on such Days and at such Times (not being Seedtime, Haytime, or Harvest) and on such Part or Parts of the said Roads as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors for the Time being, shall from Time to Time order, direct, and appoint; and the said Justices may also order, apportion, direct, and appoint the Persons who, by such Lists shall appear to be subject or 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 Justices shall think proper, to the

Statute  
Labour how  
to be regu-  
lated and  
enforced.

Power for  
Justices to  
summon  
Parish Sur-  
veyors to  
bring in Lists  
of Persons  
liable.

Justices to  
direct  
Statute Duty  
to be done;

and to ap-  
portion Pay-  
ment of  
Money in  
lieu of or as  
a Composi-  
tion for Sta-  
tute Duty.

Surveyor

Penalties for  
Default of  
Payment of  
Money or  
Performance  
of Duty.

Penalty on  
Parish Sur-  
veyors for  
not deliver-  
ing in Lists,  
or paying  
Composition  
Money.

Trustees  
may com-  
pound for  
Statute Duty  
with Inhabit-  
ants or Sur-  
veyors.

Surveyor or Surveyors of every such Parish, Township, Tything, Hamlet, or Place for the Time being, to be by him or them paid over to the said Trustees, or their Treasurer or Treasurers, Surveyor or Surveyors, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do and perform such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by any Clerk or Clerks, or 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 shall or 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, Horse or Beast, to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, or by any Person employed by him, such Surveyor or other Person is hereby empowered to remove and dismiss the Person who shall be so found idle or negligent as aforesaid, and in that Case the Person so coming to work or sending such Labourer as aforesaid, shall be subject and liable to the respective Forfeitures and Penalties aforesaid, as if he had neglected or refused to come or send a Labourer, or such Team or Draught, Horse or Beast, had not been sent to work on any Part of the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Tythings, Hamlets, or Places in which the said Roads lie, shall refuse or wilfully neglect to give in such Lists to such Justices as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect and pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads.

LXXXII. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors to be by them appointed, being authorized so to do by the said Trustees, to compound and agree, by the Year or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Parishes, Townships, Tythings, Hamlets, or Places in which the said Roads lie and are situate, for a certain Sum of Money, in lieu of the Whole or any Part of their Statute Work or Duty, or to compound and agree with the Surveyor or Surveyors of the Highways for any such Parishes, Townships, Tythings, Hamlets, or Places, for the Whole or any Part of the Statute Work liable to be performed within the same respectively; all which Composition Monies shall be from Time to Time paid in advance by every such Person so compounding to the said Trustees, or their Treasurer or Surveyor, on or before the Fifth Day of *April* in each and every Year, and shall be applied in the repair of the said Roads.

LXXXIII. And

LXXXIII. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, are hereby empowered to contract with any Person or Persons for amending, diverting, varying, altering, widening, making, improving, and maintaining in repair the said Roads, or any Part thereof, and for erecting Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workman or Workmen, or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding on all such Parties or Persons as shall sign the same, his, her, or their Executors and Administrators; and Actions and Suits shall and may be maintained thereon, under the Order and Direction of the said Trustees, or any Five or more of them, in the Name or Names of their Clerk or Clerks, and Damages and Costs recovered against the Party or Person, Parties or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damage to be recovered in any such Action or Suit against any such Party or Person, Parties or Persons, so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement, any Law or Usage to the contrary in anywise notwithstanding.

Trustees  
may con-  
tract for  
Repairs of  
Roads.

LXXXIV. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of the said Roads, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof, or shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully damage any Bridge, Wall, Toll Gate, Toll House, Weighing Machine, or other Erection made or erected by the said Trustees, or repaired or repairable by them, or break or damage any Lamp to be placed or fixed on or against any such Toll House, or shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag or trail upon any Part of the said Roads to the Prejudice thereof, or shall in or upon any Part of the said Roads, or upon the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Forty Yards from the Centre

Penalty on  
riding upon  
Footpaths,  
Causeways,  
&c. or driv-  
ing Cattle  
thereon, or  
any ways  
injuring the  
same or  
the Fences  
thereof.

of any Part of the said Roads ; or shall blow or blast any Rock or Quarry on any Part of the said Roads, or on the Sides thereof, or on the Banks thereof, or play at Foot Ball, or any other Game or Games upon the said Roads, or any Part thereof, to the Annoyance of any Passenger or Passengers ; or if any Person shall leave any Waggon, Wain, Cart, or any Stage Coach or Post Chaise upon any Part of the said Roads, or on the Side or Sides thereof (except in Cases of Accident) or for the Purpose of loading or unloading such Waggon, Wain, Cart, Stage Coach, or Post Chaise, and in such Cases for such Time only as shall be necessary to remove and load or unload such Waggon, Wain, Cart, Stage Coach, or Post Chaise, or shall not place any such Waggon, Wain, Cart, Stage Coach, or Post Chaise during the Time of loading or unloading thereof, as near to one Side of the Road as conveniently may be, either with or without any Horse or Horses, Beast or Beasts of Draught harnessed or yoked thereto ; or shall lay and leave any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever, upon any Part of the said Roads, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Roads or Footways, or to the Prejudice, Annoyance, or Interruption of the Persons travelling thereon, or shall suffer any Water, Filth, Dirt, Matter, or Thing whatsoever, to run or flow into or upon the said Roads or Footpaths, or on the Side or Sides thereof, from any House, Building, Erection, Lands, or Premises adjacent thereto, to the Injury of the said Roads ; or if any Person or Persons in the Performance of Statute Work or Duty on any of the said Roads, or if any Person or Persons employed to haul any Materials for the Repairs of the said Roads, shall place or deposit any Stones or other Materials, to be brought by him or them for the Repair of the said Roads, within Ten Feet of the Centre of such Roads, where such Roads shall be of sufficient Width to admit of such Stones or other Materials being placed at that or a greater Distance from the Centre of the said Roads ; or if any such Person or Persons in the Performance of Statute Work or Duty, or employed to haul Materials as aforesaid, shall not pile and heap the Stones and other Materials to be brought by him or them for the Repairs of the said Roads, on the Sides of and without encroaching upon or interrupting the travelling upon such Roads ; or if any Person shall turn or suffer to be turned any Horse, Cow, Mule, Ass, Beast, Sheep, or Swine on or to be or remain upon the said Roads to graze or depasture on the Sides thereof, or if any Person driving any Pigs or Swine upon the said Roads, shall suffer such Pigs or Swine to root up or damage the said Roads, or any Part thereof, or the Fences or Banks on either Side thereof respectively ; or if any Person shall, after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, cause or suffer to be or remain on the said Roads, or any Part thereof, the Stone or other Thing with which such Waggon, Cart, or other Carriage shall or may have been blocked or stopped ; or if any Higgler, Hawker, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Sides of any Part of the said Roads ; or if any Blacksmith or other Person occupying a Blacksmith's Shop situate near the said Roads, and having a Window or Windows fronting to the said Roads, shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Roads ; or if the  
Driver

Driver of any Waggon, Cart, Dray, Sledge, or other Carriage meeting any Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the Left or Near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care upon the said Roads; or if any Person leading or driving any Horse, Mule, Ass, or other Beast carrying Rods or Bars of Iron on the said Roads, shall in any Manner hinder, interrupt, or obstruct any other Person or Persons in the passing or travelling on such Roads; or if any Person shall plough up, dig up, or break up any of the Soil between any Part of the said Roads, and the Hedges or Fences on the Sides thereof, for the Purpose of making Compost or Manure, or shall scrape off any Soil or other Thing from the said Roads, or the Sides thereof, or shall remove, take up, and carry away any Stones or Scrapings, or any Dung, Mould, Soil, Compost, or Manure from the Sides of the said Roads, or from any Place or Places where the same shall have been laid, deposited, or placed by the said Trustees, or any Person or Persons employed by them, without the Consent of the Surveyor or Surveyors of the said Roads first obtained for that Purpose, each and every Person offending in any or either of the Cases aforesaid, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXXV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall be committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied together with the Costs attending the Information and Conviction by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant); and the Overplus, if any, after such Penalties, Forfeitures, and Fines, and the Charges of such Information, Conviction, Distress, and Sale are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of this Act; and in case such Penalties, Forfeitures, and Fines respectively, shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before him, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance

Mode of Recovery and Application of Penalties and Forfeitures not before otherwise directed.

or

or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, 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 of the said County or Place as aforesaid, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges shall be sooner paid and satisfied.

For securing transient Offenders.

LXXXVI. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they, or any of them, shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons being unknown to such Trustees, Collectors, Surveyors, or other Officers who shall commit any Offence or Offences against this Act, and to take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Conviction of Offenders against this Act.

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

Form of Conviction.

County of } BE it remembered, That on the Day  
 of } in the Year of our Lord  
 to wit. } is convicted before  
 of His Majesty's Justices of the Peace for the of  
 by virtue of an Act passed in the Second Year of  
 the Reign of His Majesty King George the Fourth, intituled [*here set forth the Title of this Act, and specify the Offence, and when and where the same was committed, as the Case may be*]. Given under my Hand and Seal, or our Hands and Seals, the Day and Year first above mentioned.'

Proceedings not to be quashed for Want of Form.

LXXXVIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor



nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage, if any, in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought, or within Fourteen Days after the Cause of Action shall arise.

LXXXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Four Months next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace, to be holden for the County or Place in which the Cause of Complaint shall arise, as the Case may be, unless such Complaint shall arise within Ten Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Person or Persons appealed against, or to the Clerk or Clerks of the said Trustees, and within Four Days next after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County or Place, as the Case may be, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against, as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Quarter Sessions, by their Order or Warrant, cause such Costs so awarded to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within the County or Place (as the Case may be) where the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Persons  
aggrieved  
may appeal  
to the  
Quarter  
Sessions.

XC. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Fourteen Days Notice thereof shall be given to the

Limitation  
of Actions.

[Local.]

29 H—1

Clerk

Clerk or Clerks of the said Trustees, nor after sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid and tried in the County where the Cause of Action shall have arisen and not elsewhere, and the Defendant or Defendants in every such Action or Suit shall or may at his and their Election plead specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Costs and  
Expences of  
the Trustees  
or Justices  
to be paid.

XCI. Provided also, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be held pursuant to the Directions of this Act, to order and direct the Treasurer or Treasurers acting in pursuance of this Act for the Time being, to pay and defray out of the Money in his or their Hands arising from the Tolls and other Monies to be received by him or them, all such Costs, Charges, and reasonable Sums as they the said Trustees, or any of them, or any Justice or Justices of the Peace shall have been at or put unto, or shall have expended in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information, or other Prosecution whatsoever, for or on account thereof, or for or concerning any Matter or Thing whatsoever which they shall have done or ordered to be done in the Execution of this Act.

Public Act.

XCII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

Commence-  
ment and  
Continuance  
of this Act.

XCIII. And be it further enacted, That this Act shall commence on the Twenty-sixth Day of *June* next after the passing thereof, and shall continue and be in force 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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