



ANNO SEXTO

GEORGII IV. REGIS.

Cap. cxliii.

An Act for maintaining and improving certain Roads leading to and from the Town of Cirencester in the County of Gloucester. [10th June 1825.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His late Majesty King George the First, intituled *An Act for repairing the Roads leading from Cirencester Town's End to Saint John's Bridge in the County of Gloucester*: And whereas another Act was passed in the Fifteenth Year of the Reign of His late Majesty King George the Second, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the First, intituled 'An Act for repairing the Roads leading from Cirencester Town's End to Saint John's Bridge in the County of Gloucester'*: And whereas another Act was passed in the Thirty-first Year of the Reign of His said late Majesty King George the Second, intituled *An Act for repealing so much of the Act of the Fifteenth Year of His present Majesty, for enlarging the Term and Powers granted by an Act of the Thirteenth Year of His late Majesty King George the First, for repairing the Roads from Cirencester Town's End to Saint John's Bridge in the County of Gloucester, as directs that the Inhabitants of the several Parishes and Hamlets therein named shall pass Toll-free; and for repairing the Street from the High Cross in Cirencester to the Town's End there, and for other Purposes therein mentioned; and for*

13 G. 1. c. 11.
15 G. 2. c. 15.
31 G. 2. c. 54.

[Local.] 47 H enlarging

- enlarging the Terms and Powers granted by the said Two former Acts: And whereas another Act was passed in the Thirty-first Year of the Reign of His said late Majesty George the Second, intituled *An Act to enable the Trustees appointed for putting in execution an Act passed in this Session of Parliament, intituled 'An Act for repealing so much of the Act of the Fifteenth Year of His present Majesty, for enlarging the Term and Powers granted by an Act of the Thirteenth Year of His late Majesty King George the First, for repairing the Roads from Cirencester Town's End to Saint John's Bridge in the County of Gloucester, as directs that the Inhabitants of the several Parishes and Hamlets therein named shall pass Toll-free; and for repairing the Street from the High Cross in Cirencester to the Town's End there, and for other Purposes therein mentioned; and for enlarging the Terms and Powers granted by the said Two former Acts,' to reduce all or any of the Tolls granted by the said Act, and for appointing additional Trustees for putting the said Acts in execution: And whereas another Act was passed in the Thirty-fifth Year of the Reign of His late Majesty*
- 31 G. 2. c. 70. *George the Third, intituled An Act for enlarging the Term and Powers of several Acts passed in the Thirteenth Year of the Reign of King George the First, and the Fifteenth and Thirty-first Years of the Reign of His late Majesty King George the Second, for repairing the Road from Cirencester to Saint John's Bridge in the County of Gloucester, and certain other Roads therein mentioned: And whereas another Act was passed in the Fifty-fifth Year of the Reign of His said late Majesty George the Third, inti-*
- 55 G. 3. c. 2. *tuled An Act to continue the Term and amend and enlarge the Powers of several Acts passed for repairing the Road from Cirencester to Saint John's Bridge in the County of Gloucester, and certain other Roads therein mentioned: And whereas another Act was passed in the Twentieth Year of the Reign of His late Majesty George the Second, intituled An Act for repairing the Road leading from Cirencester in the County of Gloucester to Birdlip Hill in the said County: And whereas another Act was passed in the Tenth Year of the Reign of His late Majesty George the Third, intituled*
- 20 G. 2. c. 23. *An Act to enlarge the Term and Powers of an Act made in the Twentieth Year of His late Majesty, for repairing the Road from Cirencester in the County of Gloucester to Birdlip Hill in the said County: And whereas another Act was passed in the Thirty-fifth Year of the Reign of His said late Majesty George*
- 10 G. 3. c. 74. *the Third, intituled An Act to enlarge the Term and Powers of Two several Acts passed in the Twentieth Year of the Reign of His late Majesty George the Second and in the Tenth Year of the Reign of His present Majesty, for repairing the Road from Cirencester in the County of Gloucester to Birdlip Hill in the said County: And whereas another Act was passed in the Fifty-*
- 35 G. 3. c. 141. *fifth Year of the Reign of His late Majesty George the Third, intituled An Act to continue the Term and to amend and enlarge the Powers of several Acts passed for repairing the Road from Cirencester in the County of Gloucester to Birdlip Hill in the said County: And whereas an Act was passed in the Twenty-fifth Year of the Reign of His late Majesty George the*
- 55 G. 3. c. 1. *Second, intituled An Act for repairing the Road from the Town of Cirencester to the Town of Stroud, and that Part of Rodborough Hill which leads to Dudbridge, and also the Road leading from Cirencester towards Bisley, so far as the Bottom of Gulph-Hill, all in the County of Gloucester: And whereas another Act was passed in the Nineteenth Year of the Reign*
- 25 G. 2. c. 13. *of His late Majesty George the Third, intituled An Act to enlarge the Term and Powers of an Act passed in the Twenty-fifth Year of the Reign of His late Majesty, for repairing the Road from the Town of Cirencester to the*
- 19 G. 3. c. 115. *Town*

Town of Stroud, and that Part of Rodborough Hill which leads to Dudbridge, and also the Road leading from Cirencester towards Bisley, so far as the Bottom of Gulph Hill, all in the County of Gloucester: And whereas another Act was passed in the Thirty-eighth Year of the Reign of His late Majesty George the Third, intituled An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarging the Powers of Two several Acts passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, and in the Nineteenth Year of the Reign of His present Majesty, for repairing the Road from the Town of Cirencester to the Town of Stroud, and that Part of Rodborough Hill which leads to Dudbridge, and also the Road leading from Cirencester towards Bisley, so far as the Bottom of Gulph Hill, all in the County of Gloucester: And whereas another Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King George the Third, intituled An Act to continue the Term and to amend and enlarge the Powers of several Acts passed for repairing the Road from Cirencester to Stroud, and another Road therein mentioned, both in the County of Gloucester: And whereas an Act was passed in the Thirty-first Year of the Reign of King George the Second, intituled An Act for repairing and widening the Road from Cirencester in the County of Gloucester to Cricklade in the County of Wilts: And whereas another Act was passed in the Nineteenth Year of the Reign of His late Majesty King George the Third, intituled An Act to enlarge 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 the Road from Cirencester in the County of Gloucester to Cricklade in the County of Wilts: And whereas another Act was passed in the Forty-first Year of the Reign of His said late Majesty George the Third, intituled An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, 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 Nineteenth Year of the Reign of His present Majesty, for repairing the Road from Cirencester in the County of Gloucester, to Cricklade in the County of Wilts; and for amending, improving, and keeping in Repair the Road leading from near the Wharf at Latton in the said County of Wilts to the Town Bridge in Cricklade aforesaid: And whereas another Act was passed in the Third Year of the Reign of His present Majesty, intituled An Act for more effectually amending and repairing the Roads from Cirencester in the County of Gloucester to the Town Bridge in Cricklade in the County of Wilts: And whereas the Trustees of the said Roads respectively have borrowed at Interest several considerable Sums of Money on the Credit of the said Acts, divers of which Sums of Money still remain due and owing: And whereas the Powers and Provisions of the said Acts have been found in some respects defective, and it is expedient that the same should be amended and enlarged, and also that the said several Acts should be repealed, and that the said Roads should be consolidated in One new Act, and that the Tolls now taken on the said Roads or some of them should be increased or altered: And whereas it would be of great Convenience and Advantage to the Public if Powers were to be granted to the Trustees of the said Roads when consolidated, for making and maintaining a Turnpike Road from Cirencester into or towards Cheltenham in the said County of Gloucester, and also for making and maintaining therefrom a Branch of Road from the Parish of Cubberley at or near

38 G. 3. c. 10.

58 G. 3. c. 23.

31 G. 2. c. 61.

19 G. 3. c. 116.

41 G. 3. c. 42.

3 G. 4. c. 101.

near *Cockleford Mill*, to the Parish of *Badgworth* in the said County of *Gloucester*, at or near *Crickly Hill*; and also for making turnpike and maintaining the present Road or Highway leading or continuing from the Turnpike Road from *Cirencester* to *Saint John's Bridge* aforesaid, at the Bottom of *Dyer Street*, along *Lewis Lane*, *Quern's Lane*, and *Sheep Street Lane*, to the Corner of *Castle Street*, all in the Parish of *Cirencester* aforesaid; and also for making turnpike and maintaining the present Road or Highway leading or continuing from the said Turnpike Road from *Cirencester* to *Cricklade* aforesaid, at the present Termination thereof in *Cirencester* aforesaid, along *Cricklade Street*, till it unites with the Turnpike Road from *Cirencester* aforesaid to *Birdlip*: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fourth Year of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: 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 passing of this Act, the said several recited Acts of the Thirteenth Year of the Reign of King *George* the First, the Fifteenth, Twentieth, Twenty-fifth, and Thirty-first Years of the Reign of King *George* the Second, the Tenth, Nineteenth, Thirty-fifth, Thirty-eighth, Forty-first, Fifty-fifth, and Fifty-eighth Years of the Reign of His late Majesty King *George* the Third, and the said recited Act of the Third Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of several Acts for repairing the Road from Cirencester in the County of Gloucester, to the Town Bridge in Cricklade in the County of Wilts*, shall be and the same are hereby declared to be repealed; and that instead thereof this Act shall thenceforth commence and take Effect, and be put in Execution during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, diverting, improving, and keeping in Repair the Roads herein-after described; that is to say, from *Cirencester* aforesaid to *Saint John's Bridge*, from *Cirencester* aforesaid to *Dances Fancy*, and from the *Bibury* Turnpike Road at *Ampney Bottom* to *Ready Token*, from *Cirencester* aforesaid to *Birdlip*, from a Place called *Spittle Gate* to a Place called *Baunton Gate*, from *Cirencester* aforesaid to *Stroud*, at or near the *Anchor Inn*, all in the said County of *Gloucester*; and from *Cirencester* aforesaid to the *Town Bridge* in *Cricklade* in the said County of *Wilts*; and for making and maintaining a new Turnpike Road from *Cirencester* towards *Cheltenham* and *Gloucester*, commencing at or near *The Salutation* in the Parish of *Stratton*, and extending to the old Road near *Cockleford* in the Parish of *Cubberley*, and from thence to *Cudnall* in the Parish of *Charlton Kings*, and from the old Road aforesaid to the Parish of *Badgworth* at or near *The Balloon* at *Crickley Hill*, all in the County of *Gloucester*; and also for making turnpike and maintaining the present Road

or

Repeal of former Acts for repairing Roads herein mentioned.

or Highway leading or continuing from the Turnpike Road from *Cirencester* to *Saint John's Bridge* aforesaid, at the Bottom of *Dyer Street*, along *Lewis Lane* and *Quern's Lane*, and *Sheep Street Lane*, to the Corner of *Castle Street*, all in the Parish of *Cirencester* aforesaid.

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 by the said several recited Acts for repairing and improving the said several Roads, or any one of such Acts, to be taken or received, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and became 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 Trustees for carrying the said recited Acts hereby repealed or any of them into execution, or to any other Person or Persons for the Benefit of the said Trusts, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Tolls granted by this Act made liable to the original Debt.

III. And be it further enacted, That all Conveyances, Covenants, Bonds, Agreements, Contracts, and Securities made to or by or entered into by any Person or Persons to or with the Trustees for executing the said recited Acts, or any or either of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, notwithstanding the Repeal of the said Acts; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the Trustees for executing the said recited Acts, with or to any Person or Persons, for any Purpose relating to the said Roads or any of them, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said Acts.

Conveyances, &c. under former Act to continue in force.

IV. And be it further enacted, That all Books of Proceedings of the Trustees in the Execution of the said first Eighteen recited Acts, kept according to the Directions or Provisions thereof or of any Act then in force, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and also all Books of Accounts of Receipts and Disbursements made under the said first Eighteen recited Acts, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the Clerk for the Time being to the said Trustees, and shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the said Book or Books, or to take such

Books of Proceedings kept under former Acts to be Evidence, and together with all Books kept of Accounts under former Acts, shall be open to the Inspection of the Trustees and Creditors.

Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Transferring
Powers of
General Acts
to this Act.

V. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof respectively as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Trustees
appointed.

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of Gloucester for the Time being, together with the Right Honourable Henry George Bathurst commonly called Lord Apsley, Edmund Adams, Robert Anderson, the Honourable William Lenox Bathurst, the Honourable Seymour Thomas Bathurst, John Raymond Barker, the Honourable Charles Bathurst, Augustus Keppel Baylis, Michael Hicks Beach, George Bissett Clerk, William Beach, George Bevir, George Sarmon Bevir, John Bedwell, Francis Bedwell, Devereux Bowly, Henry Bowly, Thomas Packer Butt, Richard Bowly, James Bowly, Christopher Bowly, William Bowly, Thomas Brown, Thomas Crowther Brown, John Brewin, James Bucholl Clerk, Thomas Byrch, John Byrch, John Lewis Bythesea Clerk, Richard Estcourt Cresswell, Sackville Cresswell Clerk, John Chapman Clerk, Joseph Cripps, Edward Cripps, Samuel Glutterbuck, Joseph Cripps junior, Henry Cripps Clerk, William Cockin Clerk, Charles Cripps, John Coxwell, James Fielder Croome, Robert Bennett Croome, William Croome, the Honourable James Dutton, Edward Andrew Daubeny Clerk, Daniel Edmonds, Giles Edmonds, Henry Elwes, John Meggott Elwes, John Fisher, Fulwar Craven Fowle Clerk, Benjamin Fisher, John Gingell, Robert Gordon, John Gardner, William Gearing, Richard Gregory, William Gregory, Sir Berkeley William Guise Baronet, John Wright Guise, John Haines, William Halliday, Edward Haines, Edward Haines junior, Thomas Haines, Sir William Hicks Baronet, William Hinton, William Frederick Holme Clerk, William Hoare, John Price Jones Clerk, Baynham Jones, Robert Kilmister, Thomas Kimber, John Kimber, William Lawrence, Charles Lawrence, William Jenner Lane, Thomas Lediard, Samuel Lediard, Conway Whithorne Lovesey, Robert Lyne, William Chester Master, George Millward, John Mills, John Masters, Daniel Mills, John Masters junior, Joseph Mountain, Richard Masters, Charles Messman Clerk, Thomas Minster, Joseph Randolph Mullings, George Newmarch, Thomas Pettat Clerk, Joseph Pitt, Cornelius

*nelius Pitt Clerk, Joseph Pitt junior, William Gregson Pitt, William Playne, Peter Playne, Charles Bragge Prowse, Henry Anthony Pye Clerk, Peters Clerk, William Pye, William Robbins, George Robbins, William Search, Matthew Surtees Clerk, Thomas Slatter, George Smith, Charles Southby, William Stevens senior, William Stevens junior, Timothy Stevens, the Right Honourable John Thynne commonly called Lord John Thynne, Henry Norwood Trye, Daniel Trinder, James Tyler, Thomas Vaisey, Thomas Wall, Charles Bruce Warner, Thomas Warner, David Whatley, David Whatley junior, Stephen Wilkins, John Wilkins, Henry Wilkins, William Whitehead, Edward Wilbraham, Edward Wilbraham junior, Bartley Wilson, William Worme, William Wood, Daniel Zachary, and their Successors, being duly qualified according to the Provisions of the said recited Act of the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, and of the said recited Acts of the Fourth and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, making, and maintaining the said several Roads, and for otherwise putting this Act in Execution.*

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified as directed by the said last-recited Acts of the Third and Fourth Years of the Reign of His present Majesty, (not exceeding Two in the whole, in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons, so elected and appointed, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to
appoint
additional
Trustees.

VIII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Town Hall in the Town of *Cirencester* aforesaid, or some other convenient Place in the said Town, on the Second *Friday* after the passing of this Act, or as soon after as conveniently may be; and shall and may then, and from Time to Time after, adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood of the said Roads, as they shall think proper.

First Meet-
ing of Trus-
tees.

IX. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said last-recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the said several recited Acts, shall hold and enjoy such their several and respective Offices and Employments until they shall respectively die, or resign the same, or shall be removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Present
Officers
to continue.

X. Pro-

Clerk not to
act as Treas-
urer, and
vice versa.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; 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, or the Clerk of any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, 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, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Impar lance, shall be allowed.

Treasurer to
give Security.

XI. Provided always, and be it further enacted, That the said Trustees shall and they are authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office.

For erecting
Turnpikes.

XII. And be it further enacted, That it shall be lawful for the said Trustees to continue the several Turnpikes, Toll Gates, and Toll Houses already erected upon the said Roads or any of them, or upon the Sides thereof; and it shall also be lawful for the said Trustees to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across the several Roads by this Act directed or authorized to be made or maintained, and upon the Sides thereof, or any Part thereof respectively, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, or Chain or Chains, and any Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Toll Gate and Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of a Statute Acre each, as they shall think necessary; and from Time to Time to take down and remove or alter or discontinue the same, or any Part of them, as they the said Trustees shall think proper, and direct or appoint.

XIII. And

XIII. And be it further enacted, That the said Trustees shall and they are hereby required to erect and set up and continue, or cause to be erected and set up and continued, upon each of the Branches of Road herein-before particularly described, One or more Toll Gate or Toll Gates, or Turnpike or Turnpikes; and the Tolls by this Act granted shall be demanded and taken at such Toll Gate or Toll Gates, or Turnpike or Turnpikes, subject to the Provisions in this Act and the said recited Acts contained.

Trustees to erect Toll Gates on each of the Branches, and to take Tolls thereat.

XIV. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees, or their Surveyor, to direct or order any Repairs to be made by virtue of this Act upon any Branch of the Roads comprised in this Act, unless some Toll Gate or Turnpike shall be erected and continued upon such Branch for taking the Tolls hereby granted; nor shall it be lawful for the said Trustees to lay out or apply any of the Monies to be collected or received by virtue of this Act in or towards such Repairs, or for paying for the same.

No Money to be laid out on Roads where there is no Turnpike.

XV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates, or Side Bars, or Chains, which shall be erected or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Roads, and on every Day (such to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

Power to take Tolls.

For every Horse or other Beast, drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-a-Vis, Barouche, Phaeton, Chaise Marine, Calash, Curricule, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, the Sum of Nine-pence:

Tolls,

For every Horse, Ox, or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Sixpence; and having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches or upwards, and less than Six Inches at the Bottom or Soles thereof, the Sum of Seven-pence Halfpenny; and having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Nine-pence:

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

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

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

Which said Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, which shall be erected or placed by virtue

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of

of this Act in, upon, or across the said Roads, or on the Sides thereof, or any Part thereof; and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, in manner herein-after directed.

Tolls to be paid but Once a Day.

XVI. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any of such Toll Gates, Turnpikes, or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free; at any Time or Times during the same Day; to be computed as aforesaid, except any such Horse, Beast, or Cattle shall return drawing a different Waggon, Wain, Cart, or other such Carriage, in which Case such Horse, Beast, or Cattle shall be again liable to Toll in respect thereof; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Stone Carts to pay every Time of passing.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Waggon, Cart, or other such Carriage, shall be payable and paid for or in respect of Horses or Beasts drawing any Waggon, Cart, or other such Carriage laden with Stone, every Time of passing or repassing along the said Roads, or any of them.

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

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads, or any of them.

Horses drawing Post Chaises to be subject again to Toll on every new Hiring.

XIX. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads, or any of them, whenever any new Hiring thereof shall take place.

Limiting the Number of Tolls on the whole Line of Roads.

XX. Provided also, and be it further enacted, That no more than the Tolls following shall be demanded or taken, for or in respect of the same Horses, Beasts, or Cattle, for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid), through all or any of the Toll Gates or Turnpikes along the whole Line of the said Roads hereby authorized and directed to be amended, made, and maintained; (that is to say), no more than Two Tolls upon the said Road from *Cirencester* to *St. John's Bridge*, no more than One Toll on the said Road from *Cirencester* to *Cricklade*, no more than Two Tolls on the said Road from *Cirencester* to *Stroud*, no more than One Toll on the said Road from *Cirencester* to *Birdlip*, no more than Two Tolls on the said Road from *Cirencester* to *Charlton Kings*, nor more than Two Tolls on the said Road from *Cirencester* to *Crickley Hill*.

XXI. And whereas an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing the Road from Piff's Elm in the Parish of Boddington, through Cheltenham, to Shipton Lane near Frog Mill Inn, and certain other Roads therein mentioned, in the County of Gloucester*: And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Turnpike Road from Cainscross, through Stroud, over Rodborough and Minchinhampton Commons, to the Town of Minchinhampton, with several Branches therefrom, all in the County of Gloucester*: And whereas Travellers with Horses, Beasts, and Carriages, passing along Part of the Turnpike Roads comprised in this Act towards *Cheltenham*, will pass along Part of the *Cheltenham* and *Frog Mill* Turnpike Road, and will be liable to the Payment of Toll in respect thereof upon both the said Turnpike Roads: And whereas Travellers with Horses, Beasts, and Carriages passing along the said *Cheltenham* and *Frog Mill* Turnpike Road, and also Travellers with Horses, Beasts, and Carriages passing along the said *Stroud* and *Minchinhampton* Turnpike Road, may pass along Part of the Roads by this Act authorized to be maintained in repair, and will be liable to the Payment of Toll in respect thereof upon both the said Turnpike Roads; be it therefore further enacted, That the Trustees of the Turnpike Roads comprised in this Act shall be and they are hereby empowered to contract and agree with the Trustees of the said *Cheltenham* and *Frog Mill* Turnpike Road, for the Repair of such Parts of the said respective Turnpike Roads as shall be travelled upon or used by the same Horses, Beasts, and Carriages passing along both the same Turnpike Roads; and also to contract and agree with the Trustees of the said *Stroud* and *Minchinhampton* Turnpike Road, respecting the Repair of such Parts of the Turnpike Roads comprised in the Act, as shall be travelled upon or used by Horses, Beasts, and Carriages passing along or from the said *Stroud* and *Minchinhampton* Turnpike Road, or otherwise to compound with the said respective Trustees for such Repairs, or for freeing Travellers from the Payment of the Tolls, or Part thereof, on any of the said Three several Turnpike Roads, in respect of Horses, Beasts, and Carriages passing from or to or along the Turnpike Roads comprised in this Act, or otherwise to pay or perform such other Consideration, by way of Equivalent for such Repairs or Exemption, as shall be mutually agreed upon between the Trustees of the Turnpike Roads comprised in this Act and the Trustees of the said *Cheltenham* and *Frog Mill* Turnpike Road, and of the *Stroud* and *Minchinhampton* Turnpike Road respectively.

Enabling the Trustees to agree with Trustees of adjoining Roads.

XXII. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance, or who shall subscribe for or agree to advance any Money for and towards the making or maintaining the said new Roads, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as is or are expressed in the Writing subscribed by them, or as the said Trustees shall order and direct; and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any One of such Trustees, or of their Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts

Subscribers to pay their Subscriptions.

of

of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Monies
vested in
Trustees.

XXIII. And be it further enacted, That all such Monies shall be vested in the said Trustees, and applied by them in making the said new Pieces of Turnpike Road, according to the Conditions expressed in the Writing so subscribed as aforesaid, by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and which shall remain of the said Subscription unapplied in the Hands of the said Trustees, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first Place in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively, with Interest for the same, and in defraying the current Expences of Books, Advertisements, and Salaries of Officers, and other such Expences incidental to the Execution of this Act; Secondly, in paying and discharging all the Interest which shall, at the Commencement of this Act, be owing to any Mortgagee or Mortgagees of the Tolls or Duties heretofore payable on the Roads by the said several former Acts directed to be improved and kept in repair; Thirdly, in paying and discharging all Interest which shall hereafter accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls or Duties heretofore payable on the said Roads, and of all Money subscribed for making the said new Roads as aforesaid, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties which shall hereafter be payable on the said Roads; Fourthly, in defraying the Expences of making and maintaining the said Road from *Cirencester* to *Cheltenham*, and the Branch of Road therefrom as aforesaid, and of erecting and providing, altering and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings upon, across, and by the Sides of the same Roads, and otherwise in executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby as aforesaid repealed, and also the several Sums which have been subscribed as aforesaid, and Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act, and all other Debts and Sums of Money now owing and which may hereafter become due and owing by or on account of this Trust.

No Priority
of Mort-
gages.

XXIV. 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 Tolls granted by the said recited Acts hereby as aforesaid repealed, or any of them, or who has subscribed, or who shall hereafter subscribe any Money for making the said new Roads, or who shall lend or advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assigns, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same,
or

or of subscribing or advancing such Sum or Sums of Money, except as herein-before mentioned; but that as well as Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assigns, as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall, in proportion to the Sum or Sums therein mentioned, be Creditors under this Act, in equal Degree one with another, without any Preference.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to make the said new Turnpike Roads upon, in, over, or through any Lands, Grounds, or Hereditaments, (making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby), of such Width or Dimensions as they shall think proper, together with such Footpaths, Causeways, Arches, Culverts, Ditches, Drains, and Fences as they shall think necessary or expedient; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Roads, Footpaths, Causeways, Arches, Culverts, Ditches, Drains, and Fences are or is intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Roads may be made.

XXVI. And whereas a Map or Plan, describing the Line of the said new Roads, and the Lands, Hereditaments, and Premises through or over which the same are to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the County of *Gloucester*; be it therefore enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Roads shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made: Provided always, that the said Roads shall not exceed Forty-six Feet in Width.

Roads to be made according to the Map or Plan deposited at the Office of the Clerk of the Peace.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace of the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owner.

XXVIII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said new Pieces of Road 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 Curtilage, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground 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, or other Person interested therein, first had and obtained.

Trustees may contract for the Purchase of Land.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to treat, contract, and agree with the Parties or Persons who shall be Owners of or interested in any Lands, Buildings, Tenements, Hereditaments, or Premises, to be taken or made use of in the Execution of this Act, or who shall sustain any Loss or Damage by means thereof, for the Purchase of such Lands, Buildings, Tenements, Hereditaments, or Premises, and for the Value, Consideration, Compensation, or Satisfaction to be made for the same, or for such Loss or Damage aforesaid; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on the 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, Wards, Infants; or Issue unborn, Lunatics, Idiots, Persons of unsound Memory and Understanding, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands, Buildings, Tenements, Hereditaments, or Premises, to give their Consent in Writing to the said Trustees for the taking and using any such Lands, Tenements, Hereditaments, and Premises, and the pulling down of any Dwelling House, or any other Building, and to treat, contract, and agree with the Trustees for executing this Act for the Value, Consideration, Compensation, or Satisfaction to be made for such Property or Interest, or for any Loss or Damages as aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees any such Lands, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for any of

the Purposes of this Act; and all Contracts, Agreements, 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 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, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, and Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or Administrators, or any other Person or Persons as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in possession of the Premises, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Value, Consideration, Compensation, Satisfaction, or Damage to be inquired into and ascertained by a Jury, in the Manner prescribed by the said last-recited Act passed in the Third Year of the Reign of His present Majesty, in Cases where any Damages, Value, or Recompence for Premises thereby authorized to be taken and used for widening, diverting, altering, and improving any Turnpike Road; are directed to be inquired into and ascertained, subject to all the Regulations and Provisions of the said Act relative to the summoning and impannelling the Jury, the summoning of Witnesses, the fining of the Sheriff, his Deputy, Bailiff, or Agent, and fining the Witnesses, and to the Payment of the Expences of summoning and maintaining the Jury and Witnesses.

XXX. 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, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant 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 Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 Court of Exchequer, to be placed to his Account there, *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at West-*

Application
of Compensation
Money,
if amounting
to 200*l.*

1 G. 4. c. 35.

minster

minster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court; and for other Purposes, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain, until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, 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, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court, 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, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities, or Government or Real Securities, 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, or Government or Real Securities, 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less than 200*l.* and amounting to 20*l.*

XXXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, 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 or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Trustees, or any Three or more of them, 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 Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to

Two

Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

XXXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in cases of Infancy, 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. Where under 20l.

XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, 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 in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; 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 In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Exchequer, on Motion or Petition.

[*Local.*]

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are

are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of
disputed
Titles.

XXXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities, or Government or Real Securities, to be purchased with such Money, and also the Capital of such Bank Annuities, or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may
order reason-
able Expences
to be
paid by
Trustees.

XXXV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of 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 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.

Ditches,
Drains,
Bridges, &c.
by whom to
be made and
cleansed.

XXXVI. And be it further enacted, That Ditches, Drains, or Water-courses of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same, shall be made by the Trustees, or their Surveyor or other Officer, on the Sides of the said Roads, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Roads (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to a House), at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriage-

Carriageways or Footways lead into or out of or cross the said Roads, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained, by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass in or under the said Roads, shall be scoured, cleansed, and kept open, repaired and maintained by the said Trustees, subject to the Provisions of the said Act of the Third Year of the Reign of His present Majesty.

XXXVII. And be it further enacted, That this Act shall be deemed **Public Act.** 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.

XXXVIII. And be it further enacted, That this Act shall commence **Commence-** upon the passing thereof, and shall continue and be in force for Twenty- **ment and** one Years, and from thence to the End of the then next Session of Par- **Continuance** liament. **of this Act.**

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