



ANNO TRICESIMO NONO & QUADRAGESIMO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. 46.

An Act for more effectually repairing, widening, altering, and improving, the Road from a Place called *The Stone Pillar* or *Cross Hand*, in the Parish of *Chippenham*, in the County of *Wilts*, to or near to a Bridge called *Knox Bridge*, in the Parish of *Westerleigh*, in the County of *Gloucester*, and several other Roads therein mentioned, in the said Counties of *Wilts* and *Gloucester*.

[30th May 1800.]

**W**HEREAS an Act was passed in the Eighteenth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from Chippenham Bridge in the County of Wilts, to the Top of Togg Hill, in the County of Gloucester, and from Stone Pillar to the Top of Old Sodbury Hill, in the said County of Gloucester*, whereby the said Roads were divided into Two Districts, and Trustees appointed for the Care of each; one of which Districts, containing the Road from a Place called *The Stone Pillar* or *Cross Hand*, in the Tything of *Allington*, in the Parish of *Chippenham*, in the said County of *Wilts*, through the several Parishes or Hamlets of *Chippenham*, *Langley* Preamble.  
18 Geo. III,  
and

[Loc. & Per.]

100

Burrell,



19 Geo. III,  
recited

*Burrell, Harding Huisb, Yatton Keynell, Castlecombe, Littleton Drewe, Nettleton, Turville Acton, Tormarton, and Old Sodbury, to or near a House commonly called The Cross Hands, at or near the Top of Old Sodbury Hill in the said County of Gloucester, was thereby called The Sodbury Hill District: And whereas an Act was passed in the Nineteenth Year of the Reign of His said present Majesty, intituled, An Act for amending the Road from the Nine Mile Stone on the Bristol Road, at or near a Place called The Clay Pits, to or near the Chapel at Stone, and also the Roads to and near Benkeley, Dursley, Wotton-under-Edge, Stroud, and Sodbury, and several other Roads in the Counties of Gloucester and Wilts; and by virtue of the Powers therein contained for that Purpose, the Trustees thereby appointed, divided themselves into Committees for the Care and Management of Divisions or Parts of the said Roads, one of which, comprehending certain Roads to or near Sodbury, and the new and old Passages in the County of Gloucester, has been usually called The Sodbury Division of Roads: And whereas several Acts mentioned in the said Two recited Acts, and which had been theretofore made for repairing and widening the said several Roads, were by the said recited Acts, so far as the same related to the respective Roads therein included, severally repealed, and the said Two recited Acts respectively took place instead thereof, and have since been acted under by the Commissioners appointed by the same Acts respectively: And whereas several Sums of Money have been from Time to Time respectively borrowed on the Credit of the said Roads called The Sodbury Hill District of Roads, Part of the Roads included in the said first-recited Act, and also of the said Roads called The Sodbury Division of Roads, Part of the Roads included in the said second recited Act, and on Security of different Parts of the said last-mentioned Division of Roads, by virtue of the Powers for that Purpose contained in the said recited Acts, and also in the several former Acts which were thereby repealed as aforesaid; and the said Sums of Money, or the greater Part of them, are now due and owing on the Credit or Security of such of the same Roads in respect whereof the same Sums were originally borrowed: And whereas it would be more convenient to the Trustees having the Care and Management of the said Roads, and the same might be better managed, improved, and maintained, if so much of the said recited Acts as relates thereto were repealed, and the said several Roads made One joint Trust, under the Care and Management of One Set of Trustees, and the several Powers and Provisions requisite for that Purpose included in One Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, the said recited Acts passed in the Eighteenth and Nineteenth Years of the Reign of His present Majesty shall, as soon as a sufficient Number of Trustees appointed by this Act are assembled at the First Meeting, pursuant to the Directions herein-after contained, and shall have proceeded to put this Act in Execution, be and the same are hereby declared to be then repealed, so far as the same respectively relate to the several Roads herein-after particularly mentioned; and that instead thereof this Act shall commence and take Effect, and be put in Execution, for and during the Term herein-after mentioned, for repairing, widening, and improving, the Roads from The Stone Pillar or Cross Hand, in the Tything of Allington, and Parish of Chippenbam, in the County of Wilts, to the Cross Road on the West Side of the Salutation Inn*

or



or *Foss House*, in the Parish of *Castlecombe*; and also the Road from a certain Watercourse at the West End of *Burton Street*, to a Gate called *Nettleton Little Marsh Gate*, at the Extremity of the Parish of *Nettleton*, in the said County of *Wilts*; and from the said last-mentioned Gate to the Parish of *Aiton Turville*, in the County of *Gloucester*; and from the South Corner of the Garden now occupied by *John Cambridge* in the Parish of *Aiton Turville* aforesaid, to *Great Badminton*, by and near to a Farm House in the Occupation of *William Shipp Osborne*, and from thence along the publick or Parish Road which leads from *Great Badminton* aforesaid through the Parish of *Old Sodbury*, to join what is at present called *The Sodbury Hill Turnpike Road*, at a Place near to a certain Watercourse which divides the Parishes of *Old Sodbury* and *Tormarton*; and also from the Entrance into *Aiton Turville* aforesaid, from *Nettleton Little Marsh Gate* aforesaid, to or near the House called *The Cross Hands*, in the Parish of *Old Sodbury*, in the County of *Gloucester*; and from thence to and through the Town of *Chipping Sodbury*, to the Parish of *Yate*, and through the Villages of *Nibley* and *Mayshill*, in the Parish of *Westerleigh*, to a Bridge called *Knox Bridge*, in the same Parish; and also the Road from the Direction Post on *Yate Common* to the East End of the Street of *Iron Aiton*; and from the same Street, by the Dwelling House of *Thomas Richardson* there, through the Village of *Latteridge*, in the Parish of *Iron Aiton*, by *Alvestone Church* to the Turnpike Road leading from *Bristol* to *Gloucester*; and from the said Turnpike Road, along a Lane called *Washing Pool Lane*, to *Tockington*; and from thence by the Church at *Olvestone*, through *Aust*, to the Old Passage House; and also the Road from *Latteridge*, to a Place called *Shellard's Lane*; and along that Lane, and through Part of the Village of *Alvestone*, to the aforesaid Turnpike Road leading from *Bristol* to *Gloucester*; and also the Road from the *Ship Inn*, on the same Turnpike Road, over *Alvestone Down*, and *Old Down*, and by *Haw Farm* to *Alvestone* aforesaid; and also the Road from *Yate Elm Side Gate*, into the Road from *Chipping Sodbury* to *Wickwar*; and also the Road from the North Side of the Street of *Chipping Sodbury* aforesaid, between the Houses of *Richard Tovey Skinner*, and *Francis Green Sadler*, and through the said Parishes of *Old Sodbury* and *Yate*, and to and through the Town of *Wickwar*, and Part of the Parish of *Charfield*, to a Place where the same Branch of Road will join the Turnpike Road from *Wotton-under-Edge* to *Bristol*, which shall from thenceforth be One Trust only; and that this Act, and all the Tolls which shall be collected on the said Roads, shall be, and are hereby made subject and liable to the Payment of all Sums of Money now respectively due and owing upon the Credit or on Account of the said several Roads, and of the said recited Acts hereby repealed, so far as the same relate to the said Roads as aforesaid, and to the Payment of all Money which shall or may hereafter be borrowed and become due on the Credit of this Act, and of all Interest due and to grow due for the same respectively.

II. And be it further enacted, That the Most Honourable *Henry Charles Somerset* commonly called *Marquis of Worcester*, the Right Honourable *Charles Henry Somerset* commonly called *Lord Charles Henry Somerset*, the Right Honourable *Robert Edward Henry Somerset* commonly called *Lord Robert Edward Henry Somerset*, the Right Honourable *Arthur John Henry Somerset* commonly called *Lord Arthur John Henry Somerset*, the Right Honourable *William George Henry Somerset* commonly called *Lord William George Henry Somerset*, the Right Honourable *John Thomas Henry Somerset*, commonly

Trustees



commonly called *Lord John Thomas Henry Somerset*, the Right Honourable *Fitzroy James Henry Somerset* commonly called *Lord Fitzroy James Henry Somerset*, the Right Honourable *Henry Somerset* commonly called *Earl of Glamorgan*, the Right Honourable *Robert Banks Jenkinson* commonly called *Lord Hawksbury*, the Honourable *Thomas Moreton*, the Honourable *Augustus Moreton*, *Sir James Tilney Long* Baronet, *Sir Henry Cam Lippincott* Baronet, the Knights of the Shires for the Counties of *Wilt* and *Gloucester* for the Time being, the Members serving in Parliament for the Borough of *Chippenham* for the Time being, *Matthew Adeane*, *Daniel Adey*, *Alexander Akehurst* Clerk, *Thomas Almond*, *Charles Bragge*, *Henry Francis Brooke*, *Thomas Brooke*, *Fitzherbert Brooke*, *Thomas Brooke* the younger, *Richard Brooke*, *William Blathwayt*, *George William Blathwayt* Clerk, *Philip Blis* Clerk, *Philip Blis* the younger, *William Battersby*, *Thomas Bryan*, *Christopher Codrington*, *John Codrington*, *John Chester* Clerk, *Edmund Chapp*, *George Cook* Doctor in Divinity, *Cobb* Doctor in Divinity, *Thomas Cook* Clerk, *Beckford Cater*, *Richard Coxe* Clerk, *Thomas Camplin* Doctor in Divinity, *William Cullimore*, *Robert Claxton*, *Robert John Charleton* Clerk, *John Cullimore* of *Moreton*, *James Cullimore*, *William Cullimore* of *The Parks*, *Henry Davies*, *George Daubenny*, *Richard Eccles*, *Thomas Estcourt*, *Charles Frederick*, *John Fewster*, *Thomas Fewster*, *William Stephen Goodenough* Clerk, *John Gordon*, *John Goldney* of *Clifton*, *Kingsmill Grove*, *James Hardwicke* Doctor of Laws, *John Blagden Hale*, *Robert Hale Blagden Hale*, *Thomas Hicke* Clerk, *Richard John Hay* Clerk, *William Hobbs*, *William Hobbs* the younger, *Arthur Machin Hockley*, *Charles Hockley*, *Edward Hockley*, *Richard Haynes*, *Thomas Higgs*, *Daniel Higgs*, *William Higgs*, *Richard Higgs*, *David Hartley*, *Winchcombe Henry Howard Hartley*, *Joseph Hiatt*, *Thomas Hetling*, *William Hetling*, *Daniel Hewitt*, *Isaac Hobbouse*, *John Samuel Harford* of *Henbury*, *Mordecai Hignell*, *Henry Howard*, *Richard Jones* Clerk, *Richard Prankard Jones*, *William Charles Jones*, *Thomas Jones* Clerk, *Thomas Le Querme Jones*, *John Wade Jones*, *Bluett Jones*, *Jones* of *South Cerney*, *Thomas Johnson* of *Elberton*, *Joseph James*, *Samuel King*, *Thomas King*, *Walter King*, *Henry King*, *Richard King* Clerk, *Daniel Ludlow* Doctor of Physick, *Ebenezer Ludlow*, *Long*, *John Lambert*, *James Lackington*, *Richard Llewelin*, *Llewelin* of *Thornbury* Clerk, *Thomas Llewelin* of *Westbury-upon-Trim*, *Thomas Master*, *Joseph Daniel Matthews*, *Joseph Matthews*, *Thomas Morris*, *William Morris*, *John Marsh*, *Charles Neve* Clerk, *William Osborne*, *Robert Penny* Doctor in Divinity, *Thomas Pollock* Doctor of Laws, *John De la Field Phelps*, *Newdigate Poyntz* Clerk, *Nathaniel Poyntz*, *James Pidding* Clerk, *Charles Page* Clerk, *Samuel Peach* *Peach*, *Joseph Parslow*, *George Rolph*, *Thomas Rolph* Surgeon, *Thomas Richardson*, *Robert Carpenter Ray* Clerk, *William Robertson*, *Hugh Smyth* of *Stapleton*, *John Smyth*, *William Skey* Clerk, *Thomas Sbute*, *Henry Sbute* Clerk, *Scrope*, *John Salmon*, *John Salmon* the younger, *John Sampson*, *Edward Sampson*, *Richard Slade* Clerk, *David Taylor*, *Arthur Tanner*, *John Tyler*, *William Turton*, *Joseph Turton*, *Joseph Wallis*, *William Raymond Wickham*, *Thomas Webb*, *Daniel Henry Woodward*, *Walton*, *Joseph Williams* Clerk, *Edward Watkins*, *William Wait* Clerk, *Samuel Worrall* the younger, *Henry Willis*, *William Ward*, *John Ward*, *Joseph Yates*, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

III. And

III. And be it further enacted, That when any Trustee herein-before named, or to be elected as herein-after mentioned, shall die, or by Writing under his Hand, delivered to the Clerk of the said Trustees, shall refuse to act, or being disqualified shall be rendered incapable of acting as herein-after mentioned, or shall, if not a Minor, neglect to act for the Space of Two Years, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect and appoint One other Person to be a Trustee in the Room of the Trustee so dying, neglecting, or refusing to act, or being rendered incapable of acting as aforesaid; and all and every Person and Persons who shall be so elected and appointed, shall be vested with the same Powers and Authorities for putting this Act in Execution, as if he or they had been a Trustee or Trustees named in this Act.

Appointment  
of new Trust-  
tees:

IV. Provided always, and be it further enacted, That no Person shall be qualified to act, or capable of acting as a Trustee in any Case in the Execution of this Act, whilst he holds any Place of Profit under the same, nor in any Case wherein he shall be personally interested, otherwise than as a Creditor, nor unless he shall at the Time of acting be seised or possessed in his own Right, or in the Right of his Wife, and be in the actual Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds above Reprizes, or be possessed of or entitled unto a Personal Estate to the Amount or Value of One thousand two hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Three hundred Pounds, and if any Person not being so qualified shall presume to act in the Trust aforesaid, or being rendered incapable of acting shall nevertheless presume to act, contrary to the true Intent and Meaning hereof, 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 recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed, and the Person so prosecuted shall prove that he is qualified, or not rendered incapable as aforesaid (as the Case may be) or otherwise shall pay the said Penalty upon Proof being given of his having acted as a Trustee in the Execution of this Act; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof shall be applied to the Repair of the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall order and appoint.

Qualification  
of Trustees:

V. Provided also, and it is further enacted and declared, That every Trustee before he acts as such (not being such Heir Apparent as aforesaid) shall take and subscribe an Oath or Affirmation before any Five or more of the Trustees appointed or to be appointed in pursuance of this Act, and who are hereby empowered and required to administer the same, in the Words or to the Effect following, as the Circumstances of the Case shall require; (that is to say),

Trustees to  
take an Oath.

‘ I *A. B.* do swear, [*or, being a Quaker, do solemnly affirm*], That I  
‘ am truly and *bonâ fide* in my own Right [*or, in the Right of my*  
‘ Wife] in the actual Possession and Enjoyment or Receipt of the Rents  
‘ [*Loc. & Per.*] 10 P and

Oath.



and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds above Reprizes [or, am possessed of or entitled to a Personal Estate of the Value of One thousand two hundred Pounds] and that I will faithfully execute the Trust reposed in me by virtue of an Act passed in the Fortieth Year of the Reign of King George the Third, intituled, *An Act* [insert the Title of the Act], according to the best of my Skill and Judgement, and without Favour or Affection to any Person or Persons whomsoever. So help me GOD.

Trustees First Meeting.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of *Richard Workman*, known by the Sign of the *Bell Inn*, in the Town of *Chipping Sodbury*, on the Twenty-seventh Day of *June* One thousand eight hundred, or as soon after as conveniently may be, and proceed to the Execution of this Act, and shall then and there adjourn, and divide themselves into Committees, to meet at such other Time and Place, or Times and Places, as they, or any Five or more of them, shall then and from Time to Time afterwards think proper and appoint, for the better managing of the several Turnpikes to be continued or erected by virtue of this Act, and executing all other the Powers and Purposes herein contained; and that Two Trustees present at any Meeting shall be sufficient for the Purpose of adjourning; and if there shall not appear at any Meeting a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees at any Time assembled shall not adjourn themselves, the Clerk or Clerks to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held, at such Time as he or they shall think fit, not exceeding the Space of Twenty-one Days from the Time of the last Default, and shall give Notice thereof in Writing, affixed on each of the Turnpike Gates then erected or to be erected on the said Roads, within the Division wherein such last Meeting was held; and in case no such Adjournment, Notice, or Appointment for Meeting shall be made or given by such Clerk or Clerks, then it shall be lawful for any Five or more of the Trustees to cause Notice in Writing to be affixed upon such of the Turnpike Gates erected or to be erected on the said Roads as they shall think proper, appointing the Trustees to meet at such Time and Place, near the said Roads, as they the said Five or more Trustees shall think proper, not exceeding Twenty-one Days nor being less than Ten Days from the Time of affixing such Notice; and the Trustees shall at all and every their Meetings defray their own Charges and Expences; and all Orders and Determinations of the Trustees, in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein-after is mentioned); and that no Order or Determination shall be made, unless the major Part of the Trustees present shall concur and agree therein; and that all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; and in all Cases where the Trustees are authorized to examine any Person or Persons on Oath or Affirmation, it shall be lawful for such Trustees to administer such Oath or Affirmation.

For repealing Orders.

VII. And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, at their respective Meetings, in,  
for;



for, or concerning the Execution of the Trusts or Authorities of this Act, shall be revoked, repealed, altered, or set aside by any subsequent Order of the said Trustees, unless Nine Trustees shall be present, and concur therein, at a Meeting to be held for that Purpose, of which intended Alteration Notice shall be given at a previous Meeting of the said Trustees, and entered in their Book or Books of Proceedings.

VIII. Provided always, and be it further enacted, That in case the Clerk or Clerks to the said Trustees, shall refuse or neglect to give Notice, or shall be by any Means prevented from giving Notice as aforesaid, it shall and may be lawful for any Five or more of the said Trustees, at any Time or Times (the Space of Seven Days after such Refusal, Neglect, or Prevention of the Clerk or Clerks having first intervened) to appoint the Trustees to meet at some House in or near the said Roads, on that Day Three Weeks mentioned in such Notice, which said Notice shall be in Writing, and shall be fixed on the Turnpikes erected by virtue of this Act on the said Roads, or advertised in some Newspaper as aforesaid, either of which Methods shall be deemed and taken as a sufficient Notice for such Meeting.

For calling Meetings where no Adjournment has been made, and the Clerk neglects or refuses.

IX. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees, upon an Order signed by any Five or more of the acting Trustees (although not assembled at a Meeting) mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof, by Writing fixed upon all the Turnpike Gates then erected upon the said Roads, and of the Time and Place which shall be mentioned in the Orders of the said Trustees (such Time not being less than Ten nor more than Twenty-one Days after such Notice) and such earlier Meeting shall and may be held accordingly, and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

Meetings to be called on Emergencies.

X. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk without the Consent of the Trustees, or any Five or more of them, but that the Treasurer or Clerk for the Time being of the said Trustees shall be deemed Plaintiff or Defendant (as the Case may be) in such Action or Suit.

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

XI. Provided always, That every such Treasurer or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise in pursuance of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto, or become chargeable

Treasurer or Clerk to be reimbursed Expences.



able with, by reason of his being so made Plaintiff or Defendant as  
aforesaid.

Trustees may  
continue and  
erect Turn-  
pike Gate or  
Gates.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, may continue the Turnpike Gates already erected upon any of the said Roads, and may and shall cause to be erected any other Turnpike Gate or Turnpike Gates, in, upon, or across any Part or Parts of the said Roads, and also upon the Side or Sides of any of the said Roads, and across any Street, Lane, or Way, leading into or out of the same respectively; and also cause to be erected or provided a Toll House or Toll Houses, with suitable Out-buildings, at or near each Turnpike Gate, and also take in and inclose, from any Common or Waste near the said Roads, a Garden Spot to each Toll House, suitable and convenient thereto, so as such Garden Spot does not exceed Six Poles square; and may and shall also provide and maintain a Lamp or Lamps, with proper Furniture, at or near each Turnpike Gate; and from Time to Time to remove such Turnpike Gate or Turnpike Gates, and Toll Houses, or to alter the same, or any Part or Parts thereof respectively, as they the said Trustees, or any Nine or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said Trustees, or any Nine or more of them, shall from Time to Time appoint for that Purpose, or as shall be appointed by any Person or Persons to whom the same may be let, before any Horse or other Beast, or any Cattle or Carriage shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, Mare, Gelding, or other Beast, drawing any Carriage, the Sum of Sixpence; and that with respect to the Tolls, Two Oxen shall be deemed and considered as One Horse:

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of Two-pence:

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

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

And that it shall and may be lawful for the said Trustees, or any Five or more of them if they shall think proper, from Time to Time in any Year, from the Thirtieth Day of *September* to the First Day of *April* following, to demand and take, or cause to be demanded and taken, for every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other Carriage, laden with or carrying Coal, the Sum of Seven-pence Halfpenny.

Tolls vested  
in Trustees.

Which said respective Sums shall be demanded and taken in the Name of or as a Toll, and shall be, and are hereby vested in the said Trustees, to be applied as are herein-after directed; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, (and which Assistance all Persons are hereby required to give if called upon), to seize and distrain any Horse or Horses, or  
other



other Cattle or Beasts, or any Carriage upon which such Tolls are by this Act imposed, together with the Bridles, Saddles, Harness, Gears, Accoutrements, or Lading respectively, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or other Thing so seized or distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be) and what shall remain unsold of the Things distrained, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

XIII. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of the Tolls due, or the Charges of taking, keeping, or selling any Distress, it shall be lawful for the Collector or Person, distraining, to retain the same, or the Money arising from the Sale thereof, as the Case may be, till the Quantity of the Tolls due, and the Charges of seizing, distraining, keeping, and selling (as the Case shall happen) be ascertained by some Justice of the Peace for the respective County, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties, or other Witness or Witnesses, and shall determine the Quantity of the Toll due, and also assess the Charges of such seizing, distraining, keeping, and selling, and also the necessary Attendance of the Collector, and Person or Persons assisting him, upon the said Justice, all which Sums so determined or assessed, shall be paid to the said Collector before he shall be obliged to return the said Distress, or the Overplus, after the Sale thereof, or of any Part thereof.

Disputes concerning Tolls to be settled by a Justice.

XIV. And be it further enacted, That if any Dispute or Disputes shall happen or arise between the Collector or Collectors of the said Tolls, his or their Servants, Agents, or Assistants, with any Trustee, Treasurer, Clerk, Surveyor, or other Officer employed on the said Roads, or with any Passenger or Passengers travelling on the same, by such Collector or Collectors, or any Person or Persons by him or them employed, offering any such Trustee, Treasurer, Clerk, Surveyor, or other Officer, or Passenger or Passengers, any bad or base Coin, or any counterfeit Coin, not being the current Coin of this Kingdom, or by unnecessarily delaying or detaining any such Trustee, Treasurer, Clerk, or Surveyor, or other Officer, Passenger or Passengers, or by such Collector or Collectors, or his or their Servants, Agents, or Assistants, or other Person or Persons by them employed, making use of any indecent, scurrilous, or blasphemous Language, then and in either of the said Cases it shall and may be lawful for any of His Majesty's Justices of the Peace for the County, residing near the Place where any such Offence or Offences shall be so committed, upon Complaint of the Person or Persons so detained, delayed, or aggrieved, to cause such Collector or Collectors, his or their Servants, Agents, or Assistants, or any Person or Persons by him or them employed, and all other Persons concerned, to appear and be brought before such Justice of the Peace by Warrant under his Hand and Seal, and to make Enquiry of and concerning such Offence or Offences in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony

Disputes between Gate Keepers and others to be settled by a Justice in a summary Way.



timony of the Person or Persons aggrieved, upon Oath (which Oath such Justice is hereby empowered and required to administer); and if such Collector or Collectors, his or their Servants or Agents, or Assistants, or any other Person or Persons by him or them employed, or any of them, shall be convicted by such Justice of any such Offence or Offences, such Person or Persons so convicted shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice of the Peace before whom he, she or they shall be so convicted, together with all reasonable Costs, Charges, and Expences attending such Conviction.

Toll Collectors to be competent Witnesses.

XV. Provided always, and be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, or in case of any Proceeding or Prosecution for the obtaining any of the Penalties imposed by this Act, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be, and they are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Tolls to be paid but Once a Day.

XVI. And be it further enacted, That if any Person or Persons shall have paid the Tolls by this Act granted for the passing of any Cattle, Beast, or Carriage through any Turnpike Gate continued or erected by virtue of this Act, the same Person or Persons, upon producing a Note or Ticket of the Day, denoting such Payments, shall be permitted to pass and re-pass through the same Gate or Turnpike, with the same Cattle or Beast, and Carriage, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night, which said Note or Ticket the Collectors or Receivers of the said Tolls are hereby required to give gratis (if demanded) on Payment of such Toll; but in the Case of Carriages travelling for Hire, the Traveller or Passenger, Travellers or Passengers, conveyed therein, shall be considered as the Person or Persons paying the Toll, and such Payment shall not exempt such Carriages repassing with a different Traveller or Passenger, but that the Traveller or Passenger last mentioned shall be liable to pay, as if the Carriage had not before passed that Day.

Loaded Waggon or Carts returning with a different Lading, to be liable to pay Toll again.

XVII. Provided always, and be it further enacted, That if any Waggon or Cart shall have passed laden through any Turnpike Gate continued or erected by virtue of this Act, and shall return the same Day, to be computed as aforesaid, through such Turnpike Gate with another Lading, then and in such Case every such Waggon or Cart, and the Horses or Cattle drawing the same, shall again be liable to the Payment of Toll, in such and the same Manner as if such Waggon or Cart had not before passed through any such Gate or Turnpike; any Thing herein contained to the contrary notwithstanding.

Fencing of Commons.

XVIII. And whereas some Parts of the said Roads lead over or by the Sides of Open Fields, Commons, or Waste Grounds, whereby the Tolls may be avoided; be it therefore enacted, That the said Trustees, or any Five or more them, may cause Fences and Ditches to be erected and made over such Parts of such Fields, Commons, or Waste Grounds, as they



they shall think necessary, in order to prevent the Payment of Tolls being avoided; and if any Person or Persons shall pull down, or in anywise displace or carry away any such Fence, or any Part thereof, or shall in anywise fill in or spoil any such Ditch, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, over and above the Expence of replacing the same.

XIX. Provided always, and be it further enacted, That no Toll shall be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners, or from any Person or Persons going to or returning from their own Parish Church, or other Place of Divine Worship, upon *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying any Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; nor for the Horses of any Soldiers upon their March or upon Duty, or for any Carriage attending them laden with their Arms or Baggage; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes; and if any Person shall 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 nor less than Forty Shillings.

Exemptions.

XX. And be it further enacted, That in case any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, for which a Toll is hereby made payable, pass through or over any Land, Ground, Passage, or Private Way, or through or over any Common or Waste Ground adjoining to or lying by the Side of, or near to any Part of the said Roads (the same not being a publick Highway); or if any Person or Persons owning or occupying any such Land, Ground, Passage, or Private Way, shall knowingly permit or suffer any Person or Persons to pass with any such Horse, Cattle, Beast, or Carriage through or over the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided, or shall be guilty of any other Fraud or Imposition touching the Tolls, or shall do any other Act in order or with Intent to avoid or lessen the Payment of the said Tolls, or any Part thereof, every such Person so offending shall for each Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, over and besides such Damages and Punishments as they shall respectively be otherwise liable to by Law; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

Penalty on Persons evading Tolls.

XXI. And be it further enacted, That all the Right and Property of all the Turnpike Gates, Weighing Engines, Barrs, Rails, and Fences, Toll Houses and Buildings, which shall be continued or erected by virtue of this Act, with their Appurtenances, and the Right and Property of all the working Tools and Materials for making and repairing Buildings, or for making, altering, completing, and repairing the said Roads, and all

Toll Houses and Materials vested in Trustees.

other



other Materials, Matters, and Things provided or collected, or to be provided or collected for any of the Purposes of this Act, shall be, and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby authorized and empowered to dispose thereof as they shall think proper, and to bring or cause to be brought any Action or Actions, in the Name or Names of any One or more of them, or in the Name of their Treasurer or Clerk, or to prefer or cause to be preferred any Bill or Bills of Indictment against any Person or Persons who shall steal, take, or carry away, break, injure, or spoil the same or any of them, or disturb the said Trustees, their Agents or Servants, in the Possession thereof.

Trustees may  
mortgage  
Tolls.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest, upon the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they, or any Five or more of them, shall think fit; and may and are hereby empowered to assign over, demise, or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes or Toll Houses for collecting the same, with the Appurtenances thereunto respectively belonging (the Costs and Charges of such Mortgages to be paid out of the Tolls) as a Security to any Person or Persons; his, her, or their Executors, Administrators, and Assigns, or to his, her, or their Trustee or Trustees, who shall advance such Sum or Sums of Money, to secure the Re-payment thereof, with such legal Interest as the said Trustees shall think proper, which Money so borrowed shall be applied and disposed of in such Manner, and for such Purposes as herein-after are mentioned; and that such Mortgage or Mortgages, Assignment or Assignments may be in the Form following, or such other Form as the Trustees making the same shall think proper; (*videlicet*),

Form of  
Mortgage.

‘ BY virtue and in pursuance of an Act, made in the Fortieth Year of the  
 ‘ Reign of His Majesty King George the Third, intituled, [*here set forth*  
 ‘ *the Title of this Act*] we, Five or more of the Trustees of the said Act,  
 ‘ whose Names are hereunto subscribed, and Seals affixed, in Considera-  
 ‘ tion of the Sum of \_\_\_\_\_ to A. B. the Treasurer of  
 ‘ the Turnpike Roads in the said Act mentioned, in Hand paid by C. D. of  
 ‘ \_\_\_\_\_ do grant, bargain, sell, demise, and transfer  
 ‘ unto the said C. D. his Executors, Administrators, and Assigns, such  
 ‘ Proportion of the Tolls arising upon the said Roads, and of the Turn-  
 ‘ pikes and Toll Houses for collecting the same, as the Sum of  
 ‘ \_\_\_\_\_ doth or shall bear to the whole Sum due and owing  
 ‘ on the Credit thereof, or charged upon the Term of the said Act, to be  
 ‘ had and holden by the said C. D. his Executors, Administrators, and  
 ‘ Assigns, from the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ in the Year of our Lord \_\_\_\_\_ for and  
 ‘ during the Continuance of the said Act, unless the said Sum of \_\_\_\_\_  
 ‘ \_\_\_\_\_ with Interest, after the Rate of \_\_\_\_\_  
 ‘ *per Centum per Annum*; shall be sooner paid and satisfied unto the said  
 ‘ C. D. his Executors, Administrators, or Assigns. In Witness whereof  
 ‘ we have hereunto set our Hands and Seals the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and every Person to whom any Mortgage shall be made as aforesaid, and



also every Person to whom any Mortgage or Assignment shall have been made or continued under or by virtue of the said former Acts, or either of them, or who shall be entitled to the Money thereby respectively secured, is hereby empowered from Time to Time, by Assignment under his or her Hand, to be indorsed on the Back of his or her Security, or by any other Writing or Writings under his or her Hand, before Two credible Witnesses, to assign over and transfer his or her Right and Title to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever, in the following Words, or Words to the like Effect:

‘ I Do hereby transfer and assign over this Mortgage, [*or, a certain Mortgage, &c. as the Case may be*], with all my Right and Title to the Principal Money thereby secured, and all Interest now due on the same, unto his Executors, Administrators, and Assigns. In Witness whereof I have hereunto set my Hand the Day of Witness C. D. A. B. E. F.’

Form of Transfer.

All which Transfers or Assignments shall be produced and notified to the Clerk or Treasurer to the said Trustees within Twenty-one Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Numbers; Dates, Names of the Parties, and the Sums of Money therein mentioned to be transferred, in the Book or Books to be kept for entering the said original Mortgages and Assignments, for which the said Clerk or Treasurer shall be paid the Sum of Three Shillings and Sixpence, and no more, out of the Monies to arise by virtue of this Act; which said Book or Books shall at all seasonable Times be perused and inspected by the Trustees and Creditors without Fee or Reward; and after such Entry made, but not till then, such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*; but no Money shall be borrowed upon the Credit of the said Tolls after the First Meeting of the said Trustees, unless Notice in Writing be for that Purpose fixed upon all the Turnpike Gates then erected on the said Roads at least Twenty-one Days before the borrowing thereof.

XXIII. And be it further enacted, That out of any Monies already received by virtue of the said Acts with respect to the said Roads, or out of the first Monies which shall be raised or received by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place pay and discharge all the Costs and Expences relative to procuring and passing this Act, and the Remainder of the Money so raised or received shall from Time to Time be applied in putting this Act in Execution, and in repaying the Principal Money by this Act charged, or by virtue hereof to be borrowed on the said Roads and on this Act, and the Interest due and to grow due thereon respectively.

Application of the Money.

XXIV. And be it further enacted, That the said Trustees, or any Five or more of them, present at their First or any subsequent Meeting, by any Writing under their Hands, shall and may continue, to nominate and appoint,

Appointing Officers.

[*Loc. & Per.*] 10 R point,



Officers to  
account.

point, One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Five or more of them, shall think proper, and from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint others in the Room of such of them as shall be so removed, or as shall die, or become incapable of performing their Duty, and may, and are hereby authorized and empowered, out of the Monies to arise by virtue of this Act, to allow and pay to the several Clerks, Treasurers, Surveyors, Collectors, and other Officers, and to all Persons who shall assist them, or any of them, in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Service, as to the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, a true and perfect Account, in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, and received, and how, and to whom, and for what Purposes the same, and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath any One of the said Trustees is hereby empowered to administer), and also such Officers and Persons shall, and are hereby respectively required, to pay all such Monies, as upon Balance of such Account or Accounts, shall appear to be in their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if the said Officers or Persons shall refuse or neglect to render and give such Account as aforesaid; or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands, when thereunto required, in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, within Twenty-one Days after being thereunto required by the said Trustees, or any Five or more of them, or by such other Person or Persons, all Books, Papers, or Writings in 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 any Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside) such Justice may, and is hereby authorized and required, by Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their 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 or Accounts (if produced) in such Manner as the said Trustees, or any Five or more of them, might have done; and if, upon the Confession of the  
Officer



Officer or Officers, Person or Persons against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, it shall appear to such Justice that any of the Monies, which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants 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 Officers, Person or Persons respectively, and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place appointed for that Purpose (unless for some reasonable Excuse) or, if appearing, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to verify the Truth of such Accounts; and of the Articles thereof, on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or to deliver up all such Books, Papers, or Writings as aforesaid; then and in either of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County where he or they shall live or reside, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made, or until he or they have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition Money the said Trustees, or any Five or more of them, are hereby empowered to make), or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, That no Person who shall be committed for Want of sufficient Distress, shall be detained in Prison for any longer Time than Six Calendar Months.

XXV. Provided always, and be it further enacted, That all Persons who shall have been employed, or who shall have received any Tolls or other Money on Account of the said Roads, by virtue or on Account of the said Acts herein-before recited, or either of them, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the Roads included in the said Acts, which are now included in this Act, shall account for the same and every Part thereof to the Trustees of this Act, in like Manner, and under the like Penalties as the several other Officers and Persons are herein-before directed to account.

Persons who have received Tolls, &c. by virtue of former Acts, to account with Trustees in like Manner.

XXVI. And



Trustees may  
appoint tem-  
porary Col-  
lectors.

XXVI. And be it further enacted, That when and as often as any Collector of the Tolls shall die, or become incapable of performing his Duty, or shall abscond or absent himself, or be guilty of any Fraud or Neglect in his Office, any Two or more of the said Trustees, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver so being incapable of performing his Duty, or absconding or absenting himself, or guilty of Fraud or Neglect; and in such Case, and also in case any such Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be a Collector of the said Tolls, to continue until the then next Meeting of the Trustees, in the Stead of such Collector or Receiver as shall die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person who shall so die or be discharged would have had, or would have been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or 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 House or Building, continued or erected by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Two or more of the said Trustees, although not assembled at a Meeting, or by their Clerk or Treasurer for the Time being, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the County or Place, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, 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 or more of them, or such new-appointed Collector, into the Possession thereof, and also to assess a reasonable Satisfaction for the Costs and Charges necessarily incurred by Means of such Application, and otherwise relating thereto, to be paid by such Collector or other Person or Persons offending in the Premises, and on Non-payment thereof to commit such Collector, or other Person or Persons so offending, to the Common Gaol, or to any House of Correction in or for the respective County, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unless such Costs and Charges shall be sooner paid.

Treasurer to  
give Security.

XXV. And be it further enacted, That the said Trustees, or any Five or more of them, shall take such Security from the Treasurer or Treasurers, Clerk or Clerks, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as they the said Trustees, or any Five or more of them, shall think proper.

Victuallers  
not to hold  
Places of  
Profit.

XXVI. And be it further enacted, That no Victualler or Retailer of Ale, Beer, Cyder, or Spirituous Liquors, shall be capable of holding any Place of Profit under this Act.



XXVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and all such Persons as he or they shall appoint, to search for, cut, dig, get, gather, take, and carry away any Furze, Heath, Gravel, Stones, Sand, Flint, Chalk, and other Materials, for repairing and improving the said Roads, out of or from any Common or Waste, River or Brook, in any Parish, Township, Hamlet, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Hamlet, Township, or Place, without paying any Thing for the same, such Surveyor or Surveyors, or other Persons, filling up the Pits or Quarries, levelling the Ground, or sloping the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, search for, dig, get, gather, and take away any such Materials in and out of the private Lands, Fields, or Grounds, of any Person or Persons where the same may be found or had, such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, or Paddock, Walk or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, making or tendering such Rate for such Materials to the Owner or Owners of such Ground or Grounds, and also such Satisfaction for the Damages done by getting and carrying away such Materials, to the Owners or Occupiers of the Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same, or any other Materials for repairing or improving the said Roads shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers or any of them, concerning such Payments or Damages, the Justices of the Peace at their next Quarter Sessions, or the ensuing Quarter Sessions after, at the farthest, to be holden for the County where the Cause of Complaint shall arise, on Ten Days Notice thereof being given in Writing by either Party to the other, or left at their respective last or usual Places of Abode, shall hear, settle, and determine, the Matter of such Payments and Damages; and the Judgement or Order of such Justices therein shall be final and conclusive to all Parties, and the Money so adjudged shall be paid on Demand, by the said Trustees, or their Treasurer or Treasurers, Surveyor or Surveyors.

Surveyors may get Materials for amending the Roads;

making Satisfaction to the Owners of Lands.

XXVIII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to dig, gather, get, take, or carry away, any Materials for repairing or improving the said Roads, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Land Owner, or his 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 Occupier, to appear before the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace acting for the County or Place wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Land Owner, Agent, or Occupier, shall attend pursuant to such Notice,

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

[Loc. & Per.]

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the said Trustees, or such Justice or Justices, shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, take, and carry away, such Materials, at such Time or Times as to such Trustees, or to such Justice or Justices, shall seem proper; and if such Land Owner or Occupier shall neglect or refuse to appear by himself or herself, or Agent (except for some reasonable Excuse) the said Trustees, or such Justice or Justices, shall and may 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; and the Order of such Trustees or Justices as aforesaid shall be final and conclusive to all Parties.

Penalty on  
taking away  
Materials.

XXIX. And be it further enacted, That if any Person shall take away any Materials which shall have been dug, got, or gathered, in any Lands, Fields, Wastes or Commons, River or Brook, for the Purposes of this Act, or shall dig, get, or take away, out of any Pit or Quarry which shall have been made for the Purpose of procuring Materials for the said Roads, before the Surveyors or their Workmen shall have discontinued working therein for the Space of One Calendar Month, (except the Owner, or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds nor less than Forty Shillings.

Roads to be  
measured, and  
Mile Stones  
erected.

XXX. And be it further enacted, That the said Trustees, or any Five or more of them, may, if they think fit, cause the said Roads to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon, denoting the Number of Miles and Distance of Places as they shall think proper, and also cause to be set up such and so many Direction Posts as they shall think necessary, and also Three Lamp Posts and Lamps to be provided and set up in the Town of *Chipping Sodbury*, and such Lamps to be lighted at such Times and in such Manner as they shall think proper; and if any Person or Persons shall wilfully pull up, damage, or break any of the Stones or Posts so to be erected as aforesaid, or shall obliterate or deface any of the Letters, or Marks or Figures thereon, or shall break or damage any such Lamp Posts or Lamps, or any of the Appurtenances thereto, or shall extinguish the Light in any such Lamps, and be convicted thereof before any Justice of the Peace for the County wherein the Offence may be committed, by the Confession of the Party, or by the Oath of One credible Witness, every such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every such Offence, One Moiety whereof shall be paid to the Informer, and the other Moiety to the said Trustees, or their Treasurer or Clerk, to be applied for the Purposes of this Act; and in case the same shall not be paid within the Space of Ten Days after such Conviction, then the said Justice shall and may commit such Offender to the Common Gaol or House of Correction for the said County of *Gloucester*, for any Time not exceeding Six Calendar Months.

Keepers of  
Inns, &c.  
whereat

XXXI. And be it further enacted, That every Keeper of an Inn or Publick House in the Town of *Chipping Sodbury* aforesaid, whereat  
Waggons



Waggons do or are accustomed to stop or stay in the Night, shall, and he and she is hereby required to provide and set up, and cause to be lighted in the Front of such Inn or Publick House, a proper and sufficient Lamp or Lamps, to light during the Nights in the Winter Months, at such Hours as the other Lamps are usually lighted on the Part of the said Roads where any such Waggon shall be or remain; and if any such Person shall omit or neglect to provide, erect, and light, such Lamp or Lamps as aforesaid, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings nor less than Five Shillings; and if any Person shall break or damage any such last mentioned Lamps or any of the Appurtenances thereto, or shall extinguish the Light in any such Lamps, and be convicted thereof before any Justice of the Peace for the County of Gloucester, by Confession of the Party, or by the Oath of One credible Witness, every such Person so offending shall pay the like Penalty, or suffer the same Punishment by Imprisonment, as is hereinbefore inflicted on Persons breaking or damaging the Lamps to be provided and set up by the said Trustees.

Waggons stop in *Sodbury*, to light the Road before their Houses in the Night.

XXXII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted or hindered, any Collector of the Tolls, or any Turnpike Surveyor or Surveyors, or any other Person or Persons by them, or any of them, or by the said Trustees employed in the Execution of this Act, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on obstructing any Person in the Execution of this Act.

XXXIII. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution, be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they or any of them shall call to their or any of their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County, and near to the Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty Session to be holden within and for the County or Division in which such Offence or Offences shall have been committed, to answer the said Complaint; and the Justices present at such Petty Session, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way; and upon the Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be taken, or by the Justices at such Petty Session as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them to the Common Gaol or House of Correction of the same County or Division, for any Time not exceeding Two Calendar Months, or until he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Colts and Charges attending the Conviction and Commitment.

For securing transient Offenders.

XXXIV. And



Application of  
Compensa-  
tion where  
exceeding  
200 l.

XXXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity as in the said recited Acts particularly mentioned, such Money shall, in case the same shall amount to 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 *ex parte* the Trustees for executing the said Acts and 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, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application  
where the  
Compensation  
does not ex-  
ceed 200 l.  
nor less than  
20 l.

XXXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds; then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified by Writing under their respective Hands, to be paid into the Bank, in the Name and with the Privity of the  
said



said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

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

Application where the Money is less than 20<sup>l</sup>.

XXXVII. Provided always, and be it further enacted; That if any Person or Persons shall think himself or herself aggrieved by any Thing done in pursuance of this Act; and for which no particular Method of Relief hath been already appointed and provided, such Person may appeal to the Justices of the Peace at a General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Six Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Ten Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded by the said Justices at such Quarter 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 Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Persons aggrieved may appeal to the Quarter Sessions.

XXXVIII. 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 or Convictions of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and

Proceedings not to be quashed for Want of Form.

[*Loc. & Per.*]

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that



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 to be 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 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 be) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any 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.

Proceedings  
to be entered  
in Books.

XXXIX. And be it further enacted, That all Orders and Proceedings of the said Trustees at their several Meetings, shall be entered in a Book or Books to be kept for that Purpose; and such Orders or Proceedings, so entered and signed by a competent Number of the Trustees as the Case shall require, or by their Clerk by their Order, shall be deemed to be Originals; and which said Book or Books, and also the Book or Books to be kept for registering the aforesaid Mortgages, shall be admitted as Evidence in all Courts whatsoever.

Limitation  
of Actions.

XL. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act until Twenty Days Notice thereof shall be given to the Clerk or Treasurer of the said Trustees, nor after a sufficient Satisfaction, or 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, brought, and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may, at his or 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 Twenty Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought after the Time limited for bringing the same as aforesaid, or in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be non-suited, 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 recover Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Limiting the  
Term of the  
Act, and de-

XLI. And be it further enacted, That this Act shall commence upon the Day on which the First Meeting of the said Trustees shall be held as aforesaid,



aforesaid, and shall continue and be in Force from that Time for Twenty-  
one Years, and from thence to the End of the then next Session of Par-  
liament; and this Act shall be deemed, adjudged, and taken to be a  
Publick Act, and be judicially taken Notice of as such, by all Judges,  
Justices, and other Persons whomsoever, without specially pleading the  
same.

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