ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

Cap. 76.

An Act for continuing the Term and altering and enlarging the Powers of an Act, passed in the Nineteenth Year of His present Majesty's Reign, 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 or near *Berkeley*, *Dursley*, *Wotton-under-edge*, *Stroud*, and *Sodbury*, and several other Roads in the Counties of *Gloucester* and *Wilts*, (except so far as the said Act relates to the Roads to and near *Sodbury* aforesaid). [20th *June* 1800.]

WHEREAS an Act was passed in the Nineteenth Year of the Reign of His 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* Berkeley, Dursley, Wotton-under-edge, Stroud, *and* Sodbury, *and several other Roads in the Counties of* Gloucester *and* Wilts: And whereas by virtue and in pursuance of the Powers contained in the said Act, the Trustees have proceeded in putting the same into Execution, and have borrowed and taken up at Interest several considerable Sums of Money upon the Credit of the Tolls arising within the respective Divisions

Preamble. 19 *Geo.* III, recited.

ſions of the ſame ſeveral Roads, and by the ſaid Act granted, and have applied the ſame, together with the ſaid Tolls, in and towards the repairing ſuch Roads; and the ſaid Debt ſo incurred cannot be paid off, nor can ſuch Roads be properly amended and kept in Repair, unleſs the Term of the ſaid Act, with reſpect to the Roads herein-after deſcribed, be continued, and the Powers therein contained, altered and enlarged: And whereas the Roads leading to and near *Sodbury*, Part of the Roads comprized in the ſaid Act, are, or are intended to be by an Act of the preſent Seſſion, made a ſeparate Truſt, diſtinct and unconnected with the ſaid other Roads: And whereas certain Lines of Road, which are not particularly deſcribed in the ſaid recited Act, have been deemed to be within the Proviſions of ſuch Act, and have been placed under the Care and Management of the Truſtees appointed or elected by virtue of the ſaid Act, under the following general Words therein mentioned, "and the ſeveral other Highways and Roads leading to and near *Berkeley*, *Durſley*, *Wotton-under-edge*, *Stroud*, and *Sodbury*, and the ſeveral Roads from the River *Severn* to the ſaid Great Road leading from the City of *Glouceſter* to *Stone* aforeſaid;" And whereas Doubts have ariſen whether the ſaid Lines of Road, not ſo particularly deſcribed in the ſaid recited Act, and whether the Roads through *Berkeley*, *Durſley*, *Wotton-under-edge*, *Stroud*, and *Sodbury*, as well as the ſeveral Roads leading to and from thoſe Places reſpectively, were meant or intended to be within the Proviſions of the ſaid Act, under the ſaid general Words; to obviate which Doubts it is deſirable that the ſeveral Lines of Road intended to be repaired under the Proviſions of the ſaid recited Act and this preſent Act be expreſsly and particularly deſcribed: 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 Act, and all and every the Authorities, Powers, Privileges, Exemptions, Proviſions, Regulations, Penalties, Forfeitures, Remedies, Directions, Articles, Clauſes, Matters, and Things therein contained, (except ſuch of them as are hereby varied, altered, or repealed, or are repugnant to any of the Proviſions contained in this Act, and as relate to Exemptions from Stamp Duties), ſo far as the ſame relate to the ſaid Great Road leading from *Glouceſter* to *Briſtol*, or ſo much thereof as extends from or oppoſite the Nine Mile Stone at or near *The Clay Pits* aforeſaid, to or oppoſite the Chapel at *Stone* aforeſaid, and alſo the Roads leading from *Framilode* and *Newnham Paſſages* over the River *Severn*, to meet and join the ſaid Great Road leading from *Glouceſter* to *Briſtol* aforeſaid, at or near the *Hand-and-Poſt* at or near *Perryway*, and the Road leading out of the ſaid Great Road at or near *The Clay Pits* aforeſaid, to or near the Place called *The Freeze*, where the *Hand-and-Poſt* ſtands at the Top of *Frocester Hill*, in the Pariſh of *Nymphsfield*, and alſo the Road branching out of the ſaid Great Road at or near the *Four Mile Elm* in the Pariſh of *Hardwick*, leading to *Stroud*, to join the Turnpike Road from *Glouceſter* to *Stroud*, at a Place called *Stratford's Brook*, and alſo the Road branching out of the afore-mentioned Road from *The Clay Pits*, to the Place called *The Freeze* at or near *Alkerton* in the Pariſh of *Eaſtington*, to join the aforeſaid Road leading from the *Four Mile Elm* to *Stroud*, at or near a Place called *Haywards Field* in the Pariſh of *Stonehouſe*, and alſo the Road from the Town of *Berkeley*, to and from the Town of *Durſley*, to the

Recited Act continued.

More particular Deſcription of the Roads directed to be repaired by the ſaid recited Act.

the Top of *Bowcot Hill* where a Gate formerly ſtood leading into a Down (lately incloſed) called *Symond's Hall Down*, and the Road branching out of the ſaid Great Road at or near *Cambridge* to *Durſley* aforeſaid, and the Road leading from *Pyrton Paſſage* over the River *Severn* to join the ſaid Great Road at or near *Breadſtone*, and the Road from the ſaid Town of *Durſley* through *Uley* to the Top of *Froceſter Hill*, and the Road branching out of the laſt-mentioned Road at *Uley* to *Owlpen Down*, and alſo the Road from the Town of *Wotton-under-edge* to join the Road from *Tetbury* to *Petty France* at the Toll Gate at or near *Dunkirk*, and the Road from the Town of *Wotton-under-edge* to the City of *Briſtol* near the Ten Mile Stone from the ſaid City, and the Road from the Town of *Wotton-under-edge* aforeſaid through *Bradley*, to join the laſt-mentioned Road at the Toll Gate near *Buſhford's Bridge*, and the Road from the Toll Gate near the Town of *Wotton-under-edge* to the Place where a Gate lately ſtood leading into *Symond's Hall Down* aforeſaid, (lately incloſed), towards *Tetbury*, and the Road from the Town of *Wotton-under-edge* through *Comb* to join the laſt mentioned Road at the Toll Gate at a Place called *Ruſhmire*, and the Road to *Wotton-under-edge* through *Stinchcombe* and *North Nibley* branching out of the ſaid Road at *Lower Cam*, leading from *Cambridge* aforeſaid to *Durſley* aforeſaid, and alſo the ſeveral Roads leading through *Durſley* and *Wotton-under-edge* aforeſaid, ſhall be and the ſame are hereby continued for and during the Term herein-after mentioned; and that from the Commencement of the ſaid Term, this Act, and alſo the ſeveral Powers and Proviſoes contained in the ſaid recited Act, (except ſo far as the ſame are hereby varied, altered, or repealed), ſhall be executed and put in Force for the Purpoſes of amending and keeping in Repair the ſeveral Roads herein-before deſcribed, (Part of the Roads included in and intended to be repaired by the ſaid recited Act), as fully and effectually to all Intents and Purpoſes as if the ſaid recited Act, and the ſeveral Authorities, Powers, Proviſoes, Regulations, Clauſes, and Privileges therein contained, were herein particularly inſerted, repeated, and re-enacted; but ſubject nevertheleſs to the Amendments, Variations, Alterations, and Additions herein contained; and this Act, and the additional Term hereby granted, ſhall be, and are hereby made ſubject to the Payment of all Monies now due and owing upon the Credit or on Account of the ſaid former Act, or that may hereafter be borrowed on the Credit of the ſaid former Act and this Act, with reſpect to the Roads herein-before particularly deſcribed, or any of them, and of all Intereſt due or to grow due thereon reſpectively.

II. And be it further enacted, That *George Adey*, *Stephen Adey*, *George Auſtin*, *Anthony Auſtin* the younger, *Southgate Edward Auſtin*, *Humphry Auſtin* the younger, *Edward Auſtin* the younger, the Right Honourable *William Fitzharding Berkeley* commonly called *Viſcount Durſley*, the Honourable *Maurice Frederick Fitzharding Berkeley*, *George Henry Berkeley*, *George Barnard*, *Edward Bevan*, *Thomas Beard*, *John Brown*, *Henry Croft Burgh*, the Reverend *George Cook* D. D., *James Cornock*, *William Cornock*, *John Cornock*, *Purnell Branſby Cooper*, *William Carter*, *Cockle*, *Thomas Chance*, *Stephen Cliffold*, *John Caruthers*, *John Cooke*, *William Capel*, *John Capel*, *Chriſtopher Capel*, the Reverend *Thomas Cook*, *John Cooper*, *Robert Stephens Davies*, *Edward Davies*, *John Dimery*, the Reverend *John Dymock*, *Nathaniel Dymock*, *Samuel Goodſon Dauncey*, *John Earle*, *Henry Eycott* the younger, *Richard Ecoles*, *William Fryer* of *Pegthorne*, Additional Truſtees.

Pegthorne, John Barnes Gregory, Thomas Grey, Joseph Grazebrook, Henry Howard, William Hopton Hadley, Thomas Hadley, George Harris, James Lloyd Harris, George Daniel Harris, Robert Josias Jackson Harris, Orlando Harris, Samuel Holbrow, William Holbrow the younger, *John Holbrow, John Holbrow* of *Stroud, John Holbrow* of *Painswick, John Phillimore Hicks, Henry Purnell Hicks, Richard Hawker, Arthur Machin Hockley, Robert Hale, Blagden Hale, John Blagden Hale* the younger, the Reverend *Jenkins*, the Reverend *George Charles Jenner, Edward Jackson, Josiah Jackson, John Jortin, Samuel King* the younger, the Reverend *Ralph Lockey, Daniel Lloyd, John Larton, Timothy Larton, William Lewis*, the Honourable *Thomas Moreton*, the Honourable *Augustus Moreton, Nicholas Morse, Thomas Morse, Frederick Mabbett, Richard Martin, William Miller*, the Reverend *Thomas Esbury Partridge, Richard Fowler Rickards, John Snowden, John Saunders, Edward Sheppard, Philip Sheppard, Edward Sheppard* of *Peckham, Thomas Harmar Sheppard* of the same Place, *James Tyers, John Taylor* of *Eastington, John Taylor* of *Wotton-under-edge, James Tattersall, George Tattersall*, the Reverend *Thomas Veel, George Vizard, William Underwood, Nathaniel Underwood, Robert Davies Underwood*, the Reverend *Walker, Edward Wallington* the younger, *Thomas Williams, Edward Weight, Thomas Watts, Edward Workman, Nicholas Workman, James Watts, Samuel Webb, Paul Wathen, Nathaniel Peach Wathen, Charles Wathen, Philip Wathen, Thomas White* the younger, *Henry Clifford Winchcombe*, and *Osborne Yeats*, shall be and they are hereby added to and joined with the Trustees appointed or elected in or by virtue of the said former Act, for putting the same and this Act into Execution; and the Trustees hereby nominated, together with those nominated and appointed or elected Trustees in or by virtue of the said former Act, and their Successors to be hereafter elected, being qualified according to the Directions herein contained, are hereby empowered to act in the Execution of the said former Act and this Act, with respect to the Roads herein-before particularly described, as fully and effectually to all Intents and Purposes as if they had been appointed Trustees by the said former Act.

III. And whereas by a Proviso or Clause in the said former Act, it was (amongst other Things) enacted, That no Person should be qualified or capable of acting as a Trustee in any Case in the Execution of the said Act, unless he should 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 of the Amount or Value of One thousand two hundred Pounds, or should 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 whereas the several Trusts and Powers contained in the said former Act and this Act may be better carried into Execution if the Qualifications of Trustees were to be increased; be it therefore enacted by the Authority aforesaid, That so much of the said Clause contained in the said former Act, respecting the Qualification required for Trustees as is above recited, shall, from the Commencement of the Term by this Act granted, be and the same is hereby repealed; and from and after the Commencement of the said Term, no Person shall be qualified or capable of

Qualification of Trustees.

of acting as a Truſtee in any Caſe in the Execution of this or the ſaid former Act, unleſs he ſhall be at the Time of acting, in his own Right or in Right of his Wife, ſeiſed or poſſeſſed of and be in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir apparent of a Perſon ſo ſeiſed or poſſeſſed of Meſſuages, Lands, Tenements, Tythes, or Hereditaments of the clear yearly Value of Three hundred Pounds above Reprizes, or ſhall be poſſeſſed of or entitled unto a clear Perſonal Eſtate of the Amount or Value of Three thouſand Pounds; and if any Perſon or Perſons ſhall preſume to act contrary to the true Intent and Meaning of this or the ſaid former Act, he or they ſhall be ſubject to the Penalties and Forfeitures in that Caſe impoſed by the ſaid former Act.

IV. Provided always, and be it further enacted, That every Truſtee appointed or to be elected and appointed by virtue of the ſaid former Act or this Act, ſhall, before he ſhall act as ſuch, (except in adminiſtering the Oath or Affirmation herein-after next mentioned), take and ſubſcribe an Oath, or being one of the People called *Quakers*, ſhall make and ſubſcribe an Affirmation, in the Preſence of Five or more Truſtees appointed or to be appointed in purſuance of this or the ſaid former Act, and who are hereby empowered and required to adminiſter and receive the ſame, in the Words or to the Effect following, as the Circumſtances of the Caſe ſhall require; (that is to ſay), Truſtees required to take an Oath.

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly, ſincerely, and truly declare and affirm], That I am in my own Right, [*or*, in Right of my Wife], truly and *bonâ fide* ſeiſed or poſſeſſed, and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, [*or*, in the Caſe of an Heir apparent, That I am Heir apparent of *C. D.* who to the beſt of my Knowledge and Belief, is truly and *bonâ fide* ſeiſed or poſſeſſed, and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Three hundred Pounds above Reprizes, [*or*, in caſe of Perſonal Eſtate, That I am truly and *bonâ fide* poſſeſſed of a clear Perſonal Eſtate of the Amount or Value of Three thouſand Pounds], and that I will truly and faithfully execute the Powers and Truſts repoſed in me by this Act, or by an Act, paſſed in the Nineteenth Year of the Reign of His Majeſty King *George* the Third, 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 or near* Berkeley, Durſley, Wotton-under-edge, Stroud, *and* Sodbury, *and ſeveral other Roads in the Counties of* Glouceſter *and* Wilts, according to the beſt of my Skill and Judgement, and without Favour or Affection to any Perſon or Perſons whomſoever. Oath.

'So help me GOD.'

V. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of *Robert Giles*, known by the Sign of the *Red Lion* at *Newport* in the Pariſh of *Berkeley* in the ſaid County of *Glouceſter*, upon the Twenty-firſt Day of *July* next, and Meetings appointed.

ſhall then and there proceed to carry this Act and the ſaid former Act into Execution, and then and there adjourn to meet at ſuch other Time and Place, or Times and Places, as they or any Four or more of them ſhall then and from Time to Time afterwards think proper and appoint; and that Two Truſtees at any Meeting ſhall be ſufficient for the Purpoſe of adjourning; and if it ſhall happen that there ſhall not appear at any Meeting to be holden under this or the ſaid former Act, a ſufficient Number of Truſtees to act or to adjourn to another Day, or in caſe at any Time aſſembled they ſhall omit or neglect to adjourn themſelves, the Clerk or Clerks to the ſaid Truſtees ſhall from Time to Time, as often as the Caſe ſhall happen, adjourn the Meeting to the Place where the laſt Meeting was appointed to have been holden to ſome future Day, as he or they ſhall think fit, within Three Calendar Months from the Day on which ſuch Adjournment ſhall be made, and ſhall cauſe Notice thereof to be given in Writing, and affixed on ſuch of the Turnpikes erected or to be erected on the Roads within the Diviſion wherein ſuch laſt Meeting was held, as he or they ſhall think neceſſary, or by Advertiſement or Advertiſements to be inſerted in the *Glouceſter Journal*, or ſome other Paper circulating in the County of *Glouceſter*, at leaſt Ten Days before the Day to which ſuch Meeting ſhall be ſo adjourned.

Special Meetings may be holden.

VI. 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 in Writing ſigned by Five or more of the acting Truſtees, although not aſſembled at a Meeting, mentioning the Time, Place, and Purport of ſuch intended Meeting, ſhall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees, (ſuch Time not being leſs than Fifteen Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at every ſuch Meeting ſhall be as valid and effectual as they would have been in caſe the ſame had been held in purſuance of Adjournment.

Side Gates may be erected under particular Reſtrictions or Exemptions as to the Tolls to be collected.

VII. And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, being a Majority of thoſe preſent, ſhall and may, from Time to Time, as they ſhall think proper, erect or cauſe to be erected, any Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of any of the ſaid Roads, or upon, in, or acroſs any Lane or Way, Lanes or Ways, leading into the ſame, with ſuitable Toll Houſes thereto, and cauſe the Tolls by this or the ſaid former Act granted, (or as the ſame ſhall be leſſened, varied, or altered, under the Power by the ſaid former Act reſerved), to be collected at all or any or either of ſuch Gates, erected on the Side of any ſuch Roads, or acroſs any Lane or Way leading into the ſame, in ſuch Manner, Parts, and Proportions, and with ſuch Reſtrictions or Exemptions, as they, or any Nine or more of them, being a Majority of thoſe preſent, ſhall think proper, and order and direct.

No Gates to be erected till Notice be given.

VIII. Provided always, and be it further enacted, That no Turnpike or Toll Gate ſhall hereafter be erected upon or acroſs any Part or Parts of the Roads by this Act directed to be repaired, or on the Side or Sides of any of the ſaid Roads, or upon or acroſs any Lane or Way, Lanes or Ways,

Ways, leading into the ſame, unleſs Notice in Writing be given for that Purpoſe, by affixing the ſame on all the Turnpikes erected within the Diviſion wherein ſuch Gate is intended to be erected, at leaſt Twenty-one Days before the Meeting for erecting ſuch Gate ſhall be holden, and by Advertiſement to be inſerted in the *Glouceſter Journal*, or ſome other Paper circulating in the County of *Glouceſter*, Twice previous to ſuch Meeting.

Repealing a particular Toll in the former Act directed to be collected.

IX. And whereas by a Clauſe in the ſaid recited Act it is (amongſt other Things) enacted, that it ſhould be lawful for the ſaid Truſtees, or any Five or more of them, if they ſhould 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, before any ſuch Waggon, Wain, Cart, or other Carriage ſhall paſs through any of the Turnpikes on the ſaid Roads, the Sum of Seven-pence Halfpenny; which Toll hath been found inſufficient for the Purpoſe for which it was intended: Be it therefore enacted, That, from and after the Commencement of this Act, ſo much of the ſaid Clauſe as is above recited, ſhall be and the ſame is hereby declared to be repealed; and in lieu and inſtead thereof it ſhall and may be lawful to and 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 Thirty-firſt Day of *October* 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 as aforeſaid, before the ſame ſhall be permitted to paſs through any or either of the Turnpikes erected or to be erected on the ſaid Roads, the Sum of Nine-pence.

Toll for Carriages laden with Coal at a particular Seaſon.

Double Toll to be paid on *Sundays*.

X. And be it further enacted, That on each and every *Sunday* after the Commencement of this Act, there ſhall be demanded and taken at all and every of the ſaid Turnpikes, before any Cattle or Carriage ſhall be permitted to paſs through the ſame on a *Sunday*, double the Tolls by this or the ſaid former Act directed to be paid or demanded and taken, or as the ſame ſhall be leſſened, varied, or altered under the Power reſerved by the ſaid former Act, for every Horſe or other Cattle, drawing or not drawing any Carriage, or other Things paſſing through any of the Turnpikes, on any other Day of the Week (ſave and except of Perſons going to and returning from Church, or other Place of publick Worſhip in the Pariſh in which they reſpectively reſide, and of Clergymen going to officiate at any Church or Chapel, or officiating Miniſter of any diſſenting Congregation going to his Place of publick Worſhip and returning from thence); which ſaid Tolls ſhall be collected, levied, recovered, and applied, in ſuch and the ſame Manner as the Tolls granted and made payable by the ſaid former Act, or any of them, are directed to be collected, levied, recovered, and applied.

No Toll for croſſing the Road and not paſſing 100 Yards thereon.

XI. And be it further enacted, That no Tolls ſhall be taken at any Toll Gate or Turnpike erected or to be erected by virtue of this or the ſaid recited Act, for any Horſe, Cattle, Carriage, or other Thing which ſhall only croſs the ſaid Roads, and ſhall not paſs One hundred Yards thereon, unleſs ſuch croſſing ſhall be with Intent to avoid the Payment of

Toll

Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Toll shall be thereby evaded.

Tolls may be lessened without the Consent of Mortgagees in certain Cases.

XII. Provided always, and be it further enacted, That the Consent of the several Persons who shall be entitled to Three Fifth Parts of the Money due on the Credit of the Tolls, to any Reduction, Variation, or Alteration of all or any Part or Parts of the Tolls by this or the said former Act granted, under the Power or Authority given to the said Trustees, or any Five or more of them, by the said former Act, shall be necessary only in case such Tolls shall be proposed to be reduced below what they were when the Money was by such Creditors respectively advanced; any Thing in this or the said former Act contained to the contrary notwithstanding.

Actions may be brought by or against the Trustees in the Name of their Clerk.

XIII. 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 or Names of their Clerk or Clerks 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 or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, nor by the Act of such Clerk or Clerks, without the Consent of the Trustees, or any Five or more of them; but that the Clerk or Clerks for the Time being to the said Trustees shall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, in every such Action or Suit.

Clerk to be reimbursed the Expences incurred.

XIV. Provided always, That all and every such Clerk or Clerks in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid out of the Money to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he or they shall pay, bear, sustain, expend, or be put unto or become chargeable with, by Reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants, as aforesaid.

Application of Compensation where exceeding 200 *l.*

XV. 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 Act 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 Act 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 Act 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 amount to 200*l.* nor leſs than 20*l.*

XVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20*l.*

XVII. 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 Act 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.

Regulations and Proviſions of Act 13th of His preſent Majeſty to extend to this Act.

XVIII. And be it further enacted, That the ſeveral Roads herein-before deſcribed, ſhall be deemed and taken to be Turnpike Roads, within the Intent and Meaning of an Act made in the Thirteenth Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*, and of the ſeveral Acts made for the Purpoſe of explaining, amending, or repealing the ſame or ſome Part or Parts thereof; and that all and every Clauſe and Proviſion contained in the ſaid Act of the Thirteenth Year of His preſent Majeſty, ſubject to the Proviſions of the ſaid other Acts, ſhall be in full Force with regard to the Roads by this Act directed to be amended during the Continuance of this Act, as fully and effectually to all Intents and Purpoſes as if the ſaid recited Act and this preſent Act had been made and paſſed previous to the ſaid Act of the Thirteenth Year of His preſent Majeſty's Reign.

Truſtees not to act till a certain Time.

XIX. Provided always, That no Truſtee hereby nominated, or nominated and appointed or elected under the ſaid former Act, ſhall, after the Expiration of the firſt Two Years from the Commencement of this Act, be capable of acting as a Truſtee in any Caſe until the Expiration of Six Months after he ſhall have qualified according to the Directions of this Act; nor ſhall any Perſon to be hereafter elected a Truſtee in the Room or Place of a Truſtee appointed under this or the ſaid former Act, dying or becoming incapable of acting, be capable of acting as a Truſtee in any Caſe until the Expiration of Six Months after ſuch Perſon ſhall be ſo elected.

Paying the Expences of this Act.

XX. And be it further enacted, That the Charges and Expences of obtaining and paſſing this Act ſhall be paid by the reſpective Diviſions out of any Monies already received by virtue of the ſaid former Act, or out of the firſt Monies to be received by virtue of the ſaid Act and this Act, in ſuch Proportions as the ſaid Truſtees, or any Five or more of them, ſhall at their Firſt Meeting under this Act order and direct; and that in caſe any Perſon or Perſons ſhall advance and pay any Money for or on Account of obtaining this Act, the Perſon or Perſons advancing and paying any ſuch Money ſhall be repaid the ſame out of any Monies already raiſed or received, or to be raiſed or received by virtue of the ſaid recited Act and this Act, together with Intereſt for the ſame after the Rate of Five Pounds *per Centum per Annum* from the Time of advancing the ſame, in Preference to all Payments whatever.

Publick Act.

XXI. And be it further enacted, That this Act ſhall be adjudged, deemed, and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Commencement and Continuance of the Act.

XXII. And be it further enacted, That the Term of the ſaid recited Act, ſo far as the ſame relates to the Roads herein-before particularly de-

ſcribed

ſcribed and intended to be repaired by this Act, ſhall, from and after the Firſt Meeting of the Truſtees hereinbefore appointed, ceaſe and determine; and that the ſaid Act (ſubject as aforeſaid) and this Act, ſhall from thenceforth continue and be in Force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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