



ANNO QUINQUAGESIMO

GEORGI III. REGIS.

Cap. 174.

An Act for making and maintaining a Turnpike Road from *Cirencester* in the County of *Gloucester* to *Wootton Bassett* in the County of *Wilts*, and a Branch of Road from the *Malmesbury* and *Cirencester* Turnpike Road near *Crudwell* Church to communicate with the Turnpike Road leading from *Cricklade* to *Malmesbury* at or near *Minety* Common.

[9th June 1810.]

WHEREAS the making and maintaining of a Turnpike Road from *Cirencester* in the County of *Gloucester* to *Wootton Bassett* in the County of *Wilts*, to extend from the Turnpike Road leading from *Cirencester* aforesaid to *Cricklade* in the said County of *Wilts*, at or near a Place called *Watermoor*, to the Turnpike Road now making from *Malmesbury* in the said County of *Wilts* to *Wootton Bassett* aforesaid, at or near *Banners Ash*, and to pass into or through the Parish of *Cirencester*, the consolidated Parishes of *Siddington Saint Peter*, and *Siddington Saint Mary*, and the Parish of *South Cerney*, all in the said County of *Gloucester*, and the several Parishes of *Sbarncote*, *Ashton*, *Keynes*, *Leigh*, *Cricklade Saint Sampson*, *Cricklade Saint Mary*, *Purton*, *Lediard Millicent*, *Lediard Tregooze*, and *Wootton Bassett*, and through part of the Forest of *Braydon*, all in the said County of *Wilts*, with a Branch of Road from the *Malmesbury* and *Cirencester* Turnpike Road near *Crudwell* Church, along the present Road, through the Parishes of *Crudwell* and *Minety*, until it com-

[Loc. & Per.]

44 H

municates

Trustees.

municates with the Turnpike Road leading from *Cricklade* to *Malmesbury* at or near *Minety* Common, would be of great Benefit and Advantage to the Inhabitants of the adjacent Country, and would open a shorter and better Communication between the Towns of *Cirencester* and *Wootton Bassett* afore said and the Parts adjacent, and between various other Parts of the Country, and would also be of great publick Utility; But the same cannot be effected without the Aid of Parliament: May it therefore please your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Apsey Bathurst*, commonly called Lord *Apsey*, the Right Honourable *Thomas Howard*, commonly called Lord Viscount *Andover*, *John Austin* Clerk, *William Adams*, the Honourable *John Bathurst*, the Honourable *William Bathurst*, the Honourable *Charles Seymour Bathurst*, *Michael Hicks Beach*, *Michael Beach Hicks Beach*, *William Hicks Beach*, *Maurice Maskelyne Bennett*, *George Bevir*, *John Bedwell*, *John Browne*, *Thomas Brown*, *Thomas Boys* Clerk, *Thomas Byrch*, *William Lloyd Baker* Clerk, *William Lea Briscoe* Doctor of Laws, *Devereux Bowley*, *Samuel Bowley* the Younger, *Christopher Bowly*, *John Buckland*, *Joseph Cripps*, *Joseph Cripps* the Younger, *Edward Cripps*, *Henry Cripps*, *Charles Cripps*, *Robert Croome*, *Robert Bennett Croome*, *John Croome* Clerk, *Edward Croome*, *William Chapperlin*, *James Fielder Croome*, *William Croome*, *Richard Denison Cumberland* Clerk, *Edward Andrew Daubeny* Clerk, *James Grooby* Clerk, *John Glead*, *William Hinton*, *Edward Haines*, *Robert Wright Hall*, *Thomas Jones*, *William Kimber*, *Richard Kinneir*, *Charles Large*, *Samuel Barnfield Lediard*, *William Lawrence*, *Thomas Master*, *John Masters*, *Thomas Masters*, *Thomas Maule*, *Robert Maskelyne*, *William Maskelyne*, *David Miles*, *Paul Cob Methuen*, *Robert Nicholas*, *Robert Nicholas* the Younger, *John Nicholas* Doctor of Laws, the Right Honourable *Henry George Herbert*, commonly called Lord *Porchester*, *Joseph Pitt*, *Cornelius Pitt*, *Joseph Pitt* the Younger, *William Gregson Pitt*, *Charles Pitt*, *George Hicks Pitt*, *John Paul Paul*, *William Parker* Clerk, *William Parker*, *Henry Anthony Pye*, *Richard Selfe*, *William Smith*, *Timothy Stevens*, *Timothy Stevens* the Younger, *William Stevens*, *Robert Sutton*, *Robert Timbrell*, the Right Honourable *John Thynne*, commonly called Lord *John Thynne*, *Thomas Vaisey*, *Edward Wilbrakam*, *John White*, *John Wilkins*, *Stephen Wilkins*, *Edmund Wood*, and their Successors to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for making, amending, widening, improving and keeping in Repair the said Road and Branch of Road, and for otherwise putting this Act in Execution.

On the Death of Trustees others to be chosen.

II. And be it further enacted. That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect one other Person to be a Trustee in the Room of such Trustee so deceased or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing such Notice in Writing upon all the Turnpike Gates then erected upon the said Road, and also by inserting the same in some publick Newspaper printed or circulated in the Parishes through which the said Road passes, at least Ten Days before every such Meeting, and all Persons who shall be so elected shall have the same Powers and Authorities

authorities for putting this Act in Execution as if they had been respectively named Trustees in and by this Act.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall, in his own Right, or in the Right of his Wife, be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds above all Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in such Lands, Tenements or Hereditaments as aforesaid, of the clear yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of or entitled to a Personal Estate of Two thousand Pounds, nor (except in administering the Oath hereinafter mentioned) until he shall have taken and subscribed, before any One or more of the said Trustees, an Oath in the Words or to the Effect following; (that is to say)

Qualification
of Trustees.

I *A. B.* do swear, That I am truly and *bona fide* in my own Right
[or, in Right of my Wife] in the actual Possession and Enjoyment
[or, Receipt] of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes [or, am Heir Apparent of a Person seised of such an Estate of the clear yearly Value of Two hundred Pounds, [or possessed of a Personal Estate of the Amount of Two thousand Pounds], and that I will truly, faithfully and impartially execute the Trusts reposed in me as a Trustee, by virtue of an Act, passed in the Fiftieth Year of the Reign of King *George* the Third, intituled, *An Act* [here insert the Title of this Act] according to the best of my Skill and Judgment, and without Favour or Affection, Prejudice or Malice to any Person or Persons whomsoever. So help me GOD.

Oath.

And if any Person not being so qualified shall presume to act as such Trustee, contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection or Wager of Law, or more than One Imparlance shall be allowed, and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution, than that such Person hath acted as a Trustee in the Execution of this Act; and that no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; nor shall any Victualler or Retailer of Ale, Beer or Spirituous Liquors; or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act.

Penalty on
Persons act-
ing not being
qualified.

No Trustee
holding any
Place of Pro-
fit to act.

IV. Provided always, and be it further enacted, That no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed disqualified

Mortgagee
may act.

or

or rendered incapable of acting as a Trustee in the Execution of this Act; provided also, that all such Trustees as are Justices of the Peace for the said Counties of *Gloucester* and *Wilts*, may act as Justices of the Peace in the Execution of this Act, notwithstanding they are Trustees, except in Matters in which they shall be personally interested.

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

Clerks reimbursed their Expences.

Time and Place of Meeting.

Clerks to call Meetings in case a sufficient Number of Trustees do not attend, or omit to adjourn.

If Clerks omit to give Notice Trustees may.

V. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing which shall have been 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 which shall 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, or by the Act of such Clerk or Clerks, without the Consent of the said 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 Plaintiff or Plaintiffs, Defendant or Defendants (as the Case may be) in every such Action: 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 which shall be collected 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, 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.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House now or late known by the Sign of the *Fleece* at *Cirencester*, on the Second *Monday* next after the Day on which this Act shall receive the Royal Assent, or as soon after as conveniently may be, at Eleven of the Clock in the Forenoon, and proceed to put this Act in Execution, and shall then adjourn themselves, and from Time to Time afterwards meet at and again adjourn to such Place near to the said Road as they the said Trustees, or any Five or more of them, shall think proper; and if at any such Meeting there shall not appear a sufficient Number of Trustees to act or adjourn to another Day (Two Trustees being hereby declared and deemed sufficient for the Purpose of Adjournment only) or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time in either of such Cases, by Notice in Writing to be affixed and inserted in Manner aforesaid, at least Seven Days before the next Meeting, appoint the Trustees to meet at the Place at which the last Meeting was held or was appointed to have been held, on such Days as shall be specified in such Notice; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Ten Days after such Refusal, Neglect or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at some House near the said Road upon that Day Fortnight next after the Date

of

of such last-mentioned Notice; but no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act, before the Hour of Eleven in the Forenoon, and no Adjournment shall be made at any Meeting appointed to be held at any Time later than Three of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences; and all Orders and Determinations of the said 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 particularly mentioned), and no Order or Determination shall be made unless a Majority of the Trustees present at a Meeting shall concur therein, nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present, or unless the Person or Persons applying to revoke or alter any such Order, shall give Notice thereof in Writing to the Clerk or Clerks to the said Trustees, and for want of such Clerk or Clerks to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him or them affixed and inserted in Manner hereinbefore mentioned, at least Ten Days previous to any Meeting.

Hours of Meeting.

Trustees to pay their own Expences, and make Orders, &c. Orders not to be revoked unless Trustees present, or Notice given.

VII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees it shall 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 Three or more of the acting Trustees, mentioning the Time, Place and Purpose of such 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 Seven 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 Meeting had been held in pursuance of Adjournment.

Meetings on Emergencies.

VIII. And be it further enacted, That the said Trustees or any Five or more of them shall and may at their First or any subsequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think fit, and shall also elect and appoint a Surveyor or Surveyors, and such other Officers as the said Trustees, or any Five or more of them, shall think proper, and also may from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees, or any Five or more of them, shall see Occasion, and appoint others in the Room of such of them as shall be so removed, or as shall die, resign or become incapable of performing their Duty; and the said Trustees, or any Five or more of them, shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries or make such Allowances to the Clerks, Treasurers, Receivers, Collectors, Surveyors or other Officers so appointed, for and in consideration of

Trustees to appoint Officers.

Officers to
account.

Proceedings
against Offi-
cers refusing
to account
or to deliver
their Ac-
counts.

Trustees em-
powered to
compound
with Officers.

Trustees may
appoint tem-

the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Five or more of them shall seem proper; and all such Officers and other Persons shall upon their respective Oaths, if thereupon required by the said Trustees, or any Five or more of them, (which Oaths any One of the said Trustees is hereby empowered to administer) from Time to Time, and as often as such Officers and other Persons shall be called upon for that Purpose, produce and give up to the said Trustees, full, true and perfect Accounts in Writing under their respective Hands, of all Monies which shall have been by them respectively had, received or collected, and how, to whom and for what Purposes such Monies, and every Part thereof shall have been paid, disposed of or applied, together with proper Receipts and Vouchers for such Payments, and shall and are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or for such Uses and Purposes as they shall direct and appoint; and if such Officer or other Person (being required so to do) shall refuse or neglect to render and give up, or to verify upon Oath such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money, which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after having been thereunto required by any Five or more of the said Trustees, all the Books, Papers and Writings in his or their Custody or Power, relating to the Execution of this Act, then and in any of the said Cases, any One or more of the Justices of the Peace for the County, City, Town or Place, wherein such Officer or Person shall be and reside, shall (upon Complaint of any Five or more of the said Trustees) make Inquiry concerning such Default, either by Confession of the Party or by the Testimony of One or more credible Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward; and if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justice or Justices shall and may commit such Officer or other Person so convicted, to the Common Gaol for such County, Borough, City, Town or Place, there to remain, without Bail or Mainprize, until such Officer or other Person shall give and make a true and perfect Account, and verify the same as aforesaid, and make such Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them, for the same, and shall have paid such Composition Money to the said Trustees, or to their Treasurer or Treasurers, (which Composition the said Trustees, or any Five or more of them, are hereby empowered to make) or until such Officer or other Person 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; but no Officer or other Person who shall be committed for any of the Offences aforesaid, shall be detained in Prison any greater Length of Time than Six Calendar Months.

IX. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall die, neglect or be incapable of performing

performing his Duty, or shall abscond or absent himself, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees, to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die 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 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 of any Collector or Receiver who shall die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Building to be erected or set up 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 Three or more of the said Trustees, (although not assembled at any Meeting) or by their Clerk or Clerks, Treasurer or Treasurers, then and in any or either of the said Cases, it shall be lawful for any Justice or Justices of the Peace for either of the Counties of *Gloucester* and *Wilts*, by Warrant under his Hand and Seal or their Hands and Seals, to order any Constable or other Peace Officer for either of the same Counties, 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 Five or more of them, or such new appointed Collector or Receiver into the Possession thereof.

porary Col-
lectors.

X. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time cause to be erected and set up, such and so many Turnpikes or Toll Gates in, upon, across or on the Side or Sides of any Part or Parts of the said Road and Branch of Road, and across any Lane or Way leading into, from or out of the same, and also a Toll House to each Gate or Turnpike, with suitable Out-buildings thereto, and also may for that Purpose inclose from the said Road and Branch of Road, or from the adjoining Grounds, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or planted with ornamental Trees, sufficient Ground, not exceeding in the whole Two Perches, and may cause any such Turnpikes, Toll Gates, Toll Houses or other Buildings from Time to Time to be taken down, removed or altered, as they or any Five or more of them shall judge proper.

Trustees may
erect Toll
Houses, &c.

XL. And be it further enacted, That the Tolls following shall and may be demanded and taken before any Horse, Cattle or Carriage shall be permitted to pass through any such Turnpikes or Toll Gates respectively; (that is to say)

And take
Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Ox, Bullock or other Beast of Draught, drawing in any Carriage, the Sum of Sixpence:

Tolls.

For

- For every Horse, Mare, Gelding, Mule or Ass, not drawing, the Sum of Two Pence:
- For every Drove of Oxen, Cows or neat Cattle, the Sum of One Shilling per Score, and so in proportion for any greater or less Number:
- For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Sixpence per Score, and so in proportion for any greater or less Number:
- For every four-wheeled Carriage in any Manner fixed to any Waggon, Wain, Cart or other Carriage drawing, the Sum of One Shilling: And,
- For every two-wheeled Carriage having any Person therein, or being laden, in any Manner fixed to any Waggon, Wain, Cart or other Carriage drawing, the Sum of One Shilling, and unladen or empty, the Sum of Sixpence:

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and if any Person or Persons subject to the Payment of any of the said Tolls shall after Demand thereof made, whether immediately on the same becoming due, or at any Time after, 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 they or he shall think necessary, to seize and distrain any Coach, Chaise, or other such like Carriage, or Hearse, Waggon, Wain, Cart or other such like Carriage, and the Horses drawing the same, and any Horse, Beast or other Cattle not drawing, upon which any Toll is by this Act imposed respectively, together with their Saddles, Bridles, Gears, Harness or Accoutrements, or any other of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay such Tolls: and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Coach, Chaise or other such like Carriage, or Hearse, Waggon, Wain, Cart or other such like Carriage, and the Horses, Beast, or other Cattle so seized and distrained, or any of them, or any Part of such Saddles, Bridles, Gears, Harness or Accoutrements, returning the Overplus (if any) and what shall remain unfold upon Demand to the Owner thereof, after such Tolls and all reasonable Charges shall have been deducted and paid; and that all the Tolls to be collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied and may be assigned in such Manner as hereinafter mentioned.

Tolls vested
in Trustees.

Tolls to be
paid only
once in One
Day.

XII. Provided also, and it is hereby further enacted and declared, That no Person or Persons shall be subject to the Payment of Toll more than once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), for the Passage of the same Carriage, Horse or Horses, Cattle or Beasts, through all or any of the Turnpikes or Toll Gates to be erected by virtue of this Act, such Person or Persons producing a Ticket that the Toll has been paid the same Day at some Turnpike or Turnpikes upon some Part of the said Road, and which Ticket the Collectors are hereby required to deliver *gratis* on the Receipt of such Tolls.

For settling
Disputes.

XIII. And be it further enacted, That if any Dispute shall arise respecting the Tolls due or the Charges of keeping any Distress, it shall be lawful

Lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), till the amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen) be ascertained by some Justice of the Peace for either of the said Counties of *Gloucester* and *Wilts*, who upon Application made to him for that Purpose shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and also assess the Charges of such Distress and Sale, and of the Collector's Attendance for the Purposes aforesaid upon the said Justice, all which Sums so determined or assessed, shall be paid to the said Collector before he shall be required to return the said Distress, or the Overplus after the Sale thereof, or any Part thereof.

XIV. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise touching or in any wise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit or Litigation by reason of his, her or their being so appointed to collect the said Tolls, or acting under the Authority of the said Trustees.

Toll-bar
Keepers
competent
Witnesses.

XV. And be it further enacted, That the Right and Property of all the Roads, Gates, and Toll-houses, Bridges, Culverts and other Buildings to be made, erected and provided by virtue of this Act, and of the Stones and Materials for building or repairing the same, and also of all Stones and Materials got or collected for repairing the said Road, shall be and are hereby vested in the said Trustees, and they or any Five or more of them are hereby empowered to bring or cause to be brought any Action or Actions in the Name of their Clerk or Clerks for the Time being, or to prefer or order the preferring of any Indictment or Indictments against any Person or Persons who shall injure the same or disturb them in the Possession thereof.

Toll-houses
vested in
Trustees.

XVI. And be it further enacted, That the said Trustees or any Five or more of them may and they are hereby authorized and empowered, if they shall see Occasion, to make or cause to be made such Hedges, Ditches, Mounds, Walls and Fences by the Sides of the said Road and Branch of Road, or upon over or across any Waste Lands, Commons or uncultivated Grounds, not exceeding in any One Length the Distance of Half a Mile, in such Manner and Direction, as they shall find necessary to prevent the said Tolls from being evaded, and if any Person or Persons shall pull down or in any Manner damage, displace or carry away any such Fence, or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may
make Fences
on Commons
to prevent
Toll being
evaded.

XVII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast or Carriage pass through any Lands, Grounds or Hereditaments lying near any Turnpike or Toll-gate which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Lands, Grounds or Hereditaments shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast or Carriage whatsoever to pass through the same, or if any Person or Persons shall give to or receive from any Person or Persons, or

Penalty on
permitting
private Pas-
sages or evad-
ing Tolls.

forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be evaded, or if any Person or Persons shall forcibly pass through any such Turnpike or Toll-gate with any Carriage, Waggon, Horse, Beast or other Cattle, without Payment of the Toll due, or shall take off or cause to be taken off any Horse, Beast or other Cattle from any Carriage, or having passed through any Turnpike or Toll-gate to be erected by virtue of this Act, shall afterwards add or put an additional Horse or Beast to such Carriage, with an Intent to evade the Payment of any of the said Tolls or any Part thereof, or shall with such an Intent unload any Goods from or out of any Carriage, or in any other Manner whatsoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Tolls may be varied.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, with such Consent and upon such Notice as hereafter mentioned, to lessen or reduce all or any of the Tolls hereby granted and for such Time or Times as they the said Trustees or any Nine or more of them shall think proper, and may afterwards from Time to Time advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Tolls hereinbefore granted, and to order and direct such Tolls so lessened or reduced or advanced to be collected, received, taken, laid out and applied for the Purposes of this Act, in such Manner as the said respective Tolls are hereinbefore directed to be collected, levied, and applied, but no such Reduction shall be made unless the Person or Persons who shall be entitled to Five-sixths Parts of the Money which shall be then owing upon the Credit of the Tolls intended to be reduced, shall be consenting thereto, nor shall any such Reduction be made unless Twenty Days' Notice, at least, of the Meeting to be held for the Purpose of making such Reduction, shall be given in Writing, to be affixed upon all the Turnpikes or Toll-gates, which shall be then erected by virtue of this Act, and unless such Notice be inserted in some public New-paper circulating in the Parishes through which the said Road is intended to pass, Twenty Days before such Meeting is holden.

Trustees empowered to compound for the Tolls.

XIX. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered, from Time to Time, as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any one Time, with any Person or Persons for the Passage of any Horses, Cattle, Beasts, or Carriages through any of the said Turnpikes or Toll-gates; and all such Composition Money shall be paid One Year in Advance, otherwise such Composition shall be void.

Trustees may lease the Tolls.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time by Writing under their respective Hands, or under the Hand or Hands of their Clerk or Clerks, Treasurer or Treasurers, for the Time being, by their Order, to be made for that Purpose, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons, for any Time not exceeding Three Years at one Time, upon publick Bidding to the highest Bidder, for the best Rent that can or may be got for the same, payable

at

at such Times, and under such Covenants, and unto such Person or Persons, as the said Trustees or any Five or more of them shall direct or appoint; and the said Trustees are hereby required, before the said Tolls are let or leased, to give Fourteen Days' Notice at least in Writing, to be affixed on all the Turnpikes or Toll-gates which shall be then erected by virtue of this Act upon the said Road, and by inserting such Notice in some publick Newspaper circulating in the Parishes through which the said Road or Branch of Road shall pass, that they are desirous to let or lease the said Tolls, and the Monies arising thereby shall be applied in the same Manner as the Tolls so leased are hereby directed to be applied.

XXI. And be it further enacted, That no Toll shall be demanded or taken for the Passage of any Horse, Cattle, Beast or Carriage which shall be going unladen or empty for or that shall be used only in conveying, or that shall be returning unladen or empty after having been used only in conveying Stones, Bricks, Lime, Gravel, or other Materials for repairing the said Road or Branch of Road, or any Buildings, Bridges or Culverts belonging to the said Road, or for repairing any publick Road or Highway within any of the Townships, Hamlets or Places wherein any Part of the said Road or Branch of Road lies; or for Dung, Lime, Marl, Soil, Mould, Compost or other Manure of what Nature or Kind soever to be used in manuring and cultivating of Lands; or for Hay, Grass, Sainfoin or other Fodder, Corn in Straw, or Straw to be laid up in the Buildings or Premises of the Owners or Proprietors thereof, (other than and except Lime or Manure, and Hay, Corn or Straw sold or for sale), nor shall any Toll be demanded or taken for or in respect of any Ploughs, Harrows or other Implements of Husbandry, or returning empty after having been so employed; or for any Horses or Cattle going to or returning from Stable, Water or Pasture, or for any Cattle which shall be going to be, or returning after having been shod or farried; or for any Horses or Carriages of whatsoever Description employed or to be employed in carrying the 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 returning back therefrom; or for the Horses of any Officers or Soldiers upon their March, or upon Duty, or for any Carriages attending them laden with their Arms or Baggage, or returning empty after having been so employed, or carrying any sick, wounded or disabled Officers or Soldiers, or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat or other publick Stores of or belonging to His Majesty, for the Use of His Majesty's Forces; or for any Horse, Mare or Gelding furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by him in going to or in returning from any Place of Exercise, Inspection or Review, provided such Person is in the Uniform of his Corps, and has his Arms, Furniture and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; or for Horses or Carriages travelling with Vagrants sent by legal Passes, or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Curricule or Chair; or Horse used by any Person going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for either

Exemptions
from Tolls.

of

of the Counties of *Gloucester* or *Wilts*, on the Day or Days of any such Election, or on the Day before or Day after such Election shall begin or be concluded; nor shall any Toll 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 on a *Sunday*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, or going to visit or returning from visiting his sick Parishioners; or from any Person or Persons residing in any of the said Parishes, Townships, Hamlets or Places, for passing through any of the said Turnpikes or Toll-gates to or from their respective Church, Chapel or other Place of Religious Worship on *Sundays*, or on other Days on which Divine Worship is ordered by Authority to be celebrated; or for any Cattle or Carriage conveying the Corpse or going to or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road or Branch of Road lies; or for any Cattle or Carriage going to or returning from any Corn Mill or Malt Kiln situate in any of the said Parishes, Townships or Places with or for any Corn, Grain, Malt, Meal or Flour, to be ground or made, or when so done for the Owner's own Use and Consumption, and not for Sale; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, (not being legally entitled to the same) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners or Drivers of Waggon conveying military Stores not subject to Penalties for overweight.

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

No Toll for crossing the Road only.

XXIII. And be it further enacted, That no Tolls shall be demanded or taken at any Toll-gate or Turnpike to be erected by virtue of this Act on the Side or Sides of the said Road for any Horse, Cattle or Carriage which shall only cross the said Road or Branch of Road, and shall not pass above One hundred Yards thereon, unless such crossing shall be with Intent to evade the Payment of Toll at any of the said Turnpikes or Toll-gates.

Trustees may borrow Money.

XXIV. And be it further enacted, That the said Trustees or any Five or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days' Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers, to be affixed on all the Turnpikes or Toll-gates then erected and set up by virtue of this Act, and inserted in some publick Newspaper circulating in the Parishes through which the said Road and Branch of Road are intended to pass, may and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or

or any of the Tolls to be collected and to arise by virtue of this Act, and also the Toll-houses, Turnpike-gates and Appurtenances thereunto belonging, (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees upon the Credit of such Tolls to such Person or Persons, his, her or their Executors, Administrators or Assigns, or his, her or their Trustee or Trustees as shall advance or lend the same, to secure the Re-payment thereof, with such legal Interest as the said Trustees or any Five or more of them shall think proper, which said Money so to be borrowed shall be applied and disposed of in such Manner as the Tolls to arise or be collected at the said Turnpikes or Toll-gates are hereby directed to be applied and disposed of, and to no other Use or Purpose whatsoever; 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; (that is to say)

BY virtue and in pursuance of an Act, passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled [here *Form of Transfer.* *insert the Title of this Act*]

in consideration of the Sum of _____
to _____ the Treasurer
appointed by the Trustees for putting the said Act in Execution, this
Day paid by _____ of _____
we whose Names are hereunto subscribed and Seals affixed, being
_____ of the said Trustees, do grant and assign unto the said
Executors, Administrators and Assigns, such Proportion
of the Tolls arising upon the Road and Branch of Road in the said Act
mentioned, and of the Turnpikes and Toll-houses erected for collect-
ing the same Tolls, as the said Sum of _____ doth or shall bear
to the whole Sum due and owing on the Credit of the same Tolls, or
charged thereupon for the Term of this Act, to have, hold, receive
and take such Proportion of the said Tolls, Turnpikes, Tollhouses
and Premises, with the Appurtenances, unto the said _____ his
Executors, Administrators and Assigns, for the Residue and Remainder
now to come of the Term of Twenty-one Years, for which the said
Tolls are granted by the said Act, subject to the Proviso following:
(that is to say) Provided always, that if the said Sum of _____
shall be repaid to the said _____ Executors, Administrators
or Assigns, together with Interest for the same, after the Rate of
_____ *per Centum per Annum*, without any Deduction what-
soever, on or before the _____ Day of _____ now next
ensuing, then this Assignment shall be void, or else shall remain in full
force: In Witness whereof we have hereunto set our Hands and Seals
this _____ Day of _____ One thousand eight hundred
and _____

Of all which Mortgages, or Assignments, Copies shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, or the Money thereby secured, is and are hereby empowered from Time to Time, by Assignment under his, her or their Hand and Seal or Hands and Seals, to be indorsed upon his, her or their Security, or by any other Writing

or Writings under his, her or their Hand and Seal or Hands and Seals, before Two credible Witnesses, to assign over or transfer his, her or their Right to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever, in the following Words, or Words to the like Effect; (that is to say)

‘ I Do hereby transfer and assign this Mortgage [*or, a certain Mortgage, as the Case may be*] with all my Right and Interest to the Principal Money thereby secured, and all Interest now due on the same unto Executors, Administrators and Assigns: In Witness whereof I have hereunto put my Hand and Seal the Day of in the Year of our Lord One thousand eight hundred and

All which Assignments and Transfers shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, within Sixty Days after the making thereof, who shall cause an Entry to be made of such Assignments or Transfers, containing the Dates, Names and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for each of which Entries the Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Ten Shillings and no more, and which said Book or Books shall and may at all seasonable Times be perused or inspected without any Fee or Reward; and after such Entry made, and not before, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her or their Executors, Administrators and Assigns, to such Mortgage or Assignment, and to the Monies thereby secured, and so assigned and transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, and his, her or their Executors or Administrators, shall and may in like Manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer to make void, release or discharge the same or any Monies thereon due.

No Priority
of Mort-
gages.

XXV. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons who may advance any Sum or Sums of Money upon the Credit of the said Tolls in respect of the Priority of advancing any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.

Application
of the Tolls
and Money
borrowed.

XXVI. And be it further enacted, That out of the first Money to arise by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place pay all the Costs, Charges and Expences of obtaining and passing this Act or in anywise relating thereto, and the Remainder of such Monies shall from Time to Time be applied in erecting Turnpikes and Toll-houses, and making, repairing, widening, diverting and amending the Road and Branch of Road to be made under this Act, and in paying the Principal and Interest of the Monies to be borrowed on the Credit of the Tolls hereby granted, and in defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

XXVII. And

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the said Road and Branch of Road hereby authorized to be made are intended to pass, and to stake out and make the same respectively of such Width, not exceeding Sixty Feet, and in such Manner as the said Trustees or any Five or more of them shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damage which shall be done to the Lands or Ground on the Side of the said Road whilst the same shall be making; and if any Person shall wilfully pull up, remove or destroy any of the Stakes or other Marks used in laying out or making any such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Power to enter Lands and make the Road.

XXVIII. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees or any Five or more of them, is and are hereby empowered to cut, dig, gather, take and carry away any Coping-stone, Wall-stone or other Stone, and also any Furze, Heath, Gravel, Sand or other Materials proper for making and repairing of the said Road and Branch of Road, and the Bridges, Culverts, Walls and Fences in or upon the same, in, upon, out of or from any Waste Grounds, Commons or uncultivated Lands, Rivers or Brooks, in any Parish, Township or Place in which any Part of the said Road and Branch of Road lies, or in any adjacent Parish, Township or Place to be used in making and repairing the said Road and Branch of Road, without paying any Thing for the same, and to cart or carry away the same over the Lands and Grounds of any Person or Persons, making Satisfaction as hereinafter mentioned, such Surveyor or Surveyors, or other Person or Persons filling up the Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Coping-stone, Wall-stone, or other Stone, or Furze, Heath, Gravel, Sand or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons or uncultivated Lands, Rivers or Brooks contiguous to that Part of the said Road or Branch of Road therewith to be made and repaired, then and in such Case 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, cut, dig and make Pits, and get, gather, take and carry away any such Stone and Materials as aforesaid, in, upon or out of, from and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees or planted with ornamental Trees) paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds sufficient Compensation for such Damages and Loss which may arise in consequence of the cutting, digging, gathering, taking and carrying away the

Surveyor to get Gravel.

Justices to
determine
Differences.

the said Copping-stone, Wall-stone or other Stone, Furze, Heath, Gravel, Sand and Materials, and for carrying the same, or the Materials gotten in any Waste Grounds, Commons, or uncultivated Lands, Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees or any Five or more of them shall think reasonable; and in Case of any difference between the said Trustees or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace for the County or Place wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County or Place next after such Difference shall arise, and on Six clear Days' Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her or their respective Places of Abode, shall hear, settle and determine the Matter of the said Damage, and the Costs attending the hearing and determining of the same, and the Judgment and Order of the said Justices therein shall be final and conclusive upon all Parties.

Notice to be
given to Oc-
cupiers of
Lands before
Materials are
taken for
repairing
Roads.

XXIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons under the Authority of this Act, to dig, gather, take and carry away Stone or other Materials for making or repairing the said Road and Branch of Road, Bridges, Culverts, Walls and Fences, out of or from any inclosed Lands or Grounds until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her usual Place of Residence, to appear by himself or herself, or his or her Agent, before the said Trustees or any Five or more of them at a Meeting to be called for that Purpose, or any Two or more Justices of the Peace acting for the Division of the County in which such Lands are situate, to show Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier or his or her Agent shall attend pursuant to such Notice, the said Trustees or any Five or more of them, or such Justices shall, if they think proper, authorize such Surveyor, or any Person or Persons to dig, gather, take and carry away such Stone and Materials at such Time or Times as such Trustees or any Five or more of them, or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, before the said Trustees or such Justices as aforesaid, then and in such Case the said Trustees or any Five or more of them, or such 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 Occupier or his or her Agent had attended.

Surveyors
may make
Causeways,
Bridges, &c.

XXX. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them) to make Causeways in and upon the said Road and Branch of Road, and also to make any Ditches or Drains, in, under or upon the same, and in, upon, under and through any Grounds lying contiguous thereto, in order to conduct the Water from and off the said Road and Branch of Road (not being the Ground

whereon

whereon any House or Outbuilding stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or planted with ornamental Trees) and also by an Order of any Five or more of the said Trustees to build, erect or repair, and keep in Repair any Bridge or Bridges, Arch or Arches upon any Part or Parts of the said Road and Branch of Road, and across any Canal, Stream, River, Brook, Water, Ditch or Drain therein or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages which they shall or may thereby sustain as shall be adjudged reasonable by the said Trustees or any Five or more of them; and in case of any Difference concerning such Damages, the Justices of the Peace for either of the said Counties of *Gloucester* and *Wilts*, assembled at the General Quarter Sessions of the Peace next after such Difference shall have arisen, and such Notice as before directed having been given, shall hear, settle and determine the Matter of the said Damages, and the Costs attending the hearing and determining of the same; and the Judgment and Order of the said Justices therein shall be final and conclusive to all Parties: Provided always, that no Satisfaction shall be made for doing and performing any of the Works aforesaid upon or through any Waste Ground, Common or uncultivated Land.

XXXI. And be it further enacted, That if any Person or Persons shall take or carry away any Stone or other Materials which shall have been dug, gotten and gathered for the Purpose of completing, altering or amending the said Road or Branch of Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the same, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made or opened, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only and not for Sale,) every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalty on taking away Materials got by Surveyors.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Road and Branch of Road by Timber, Stone, Carriages, Sawpits or other Pits, Buildings, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or by any other Thing or Means whatsoever, and to turn any Watercourses, Sinks or Drains running along, into or out of the said Road or Branch of Road to the Prejudice thereof, and to open, scour, cleanse, widen or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and large as he or they shall think necessary, and to cut down, lop or top at proper Seasons of the Year any Trees, Shrubs or Bushes growing or to grow on the said Road and Branch of Road, or in the Hedges or Banks adjacent thereto respectively; such Watercourses, Sinks, Drains, Ditches, Trees, Shrubs and Bushes not being or growing within any Garden, Orchard, Plantation, Walk or

Surveyors may remove Annoyances.

Avenue to a House planted with Ornamental Trees, or take and carry away the same Trees, Shrubs or Bushes in case the Owners or Occupiers of the Premises shall for the Space of Ten Days next after Notice in Writing shall have been given for that Purpose by such Surveyor or Surveyors, neglect to top, lop or cut down or remove such Trees, Shrubs or Bushes, or to open, scour, cleanse, widen or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees or any Five or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof shall be settled by the said Trustees or any Five or more of them, and shall be re-imbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered and applied; and if after Removal of any of the said Annoyances any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty for
obstructing
Collectors or
Surveyors.

XXXIII. And be it further enacted, That if any Person or Persons shall assault, interrupt or hinder, or cause to be assaulted, interrupted or hindered, any Collector of the Tolls, or any Turnpike Surveyor, or any other Person or Persons by them or any of them, or by the said Trustees or any Five or more of them employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may
make and
divert the
Road.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and they are hereby fully authorized and empowered, to make and repair the said new Turnpike Road and Branch, and from Time to Time to widen, divert, shorten, vary, turn, and alter the Course or Path of any Part or Parts of the said Road and Branch of Road, within the Distance hereinafter mentioned, and for that Purpose to take any Waste Grounds, Commons or uncultivated Lands, without making Satisfaction for the same, and also any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damages they may sustain thereby; and it shall be lawful for the said Trustees or any Five or more of them to treat, contract and agree with the Owners of or any Person interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning or altering the Course or Path of any Part or Parts of the said Road and Branch of Road through such Lands and Hereditaments; and it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbonds, Guardians, Trustees or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants or Issue unborn, Lunatics, Idiots or other Person or Persons, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons who are or shall be possessed of and interested in any such Lands or Hereditaments, to contract with the said Trustees or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them or any Five or more of them all or any of such
Lands

Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid, and all Contracts, Sales and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage or Custom to the contrary in anywise notwithstanding; and all such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

XXXV. And be it further enacted, That if any Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her or them given or left in Writing at the Dwelling-house or Dwelling houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in possession of the Lands and Hereditaments through which any Part of the said Road and Branch of Road is intended to be made as aforesaid, or may be widened, diverted, turned or altered, shall for the Space of Thirty Days next after such Notice shall have been given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees or any Five or more of them shall cause such Damage, Value or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County in which such Lands and Hereditaments shall lie, and in order thereto the said Trustees or any Five or more of them are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before such Jury and examine upon Oath all and every Person or Persons whom they shall think necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises, and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and the Judgment, Order and Determination thereon, shall be final, binding and conclusive to all Intents and Purposes upon all Persons and Parties, and upon all Bodies Politick, Corporate and Collegiate, claiming or to claim any Estate in Possession, Reversion, or otherwise; and for summoning and returning such Juries the said Trustees or any Five or more of them are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County in which the said Lands and Hereditaments shall lie, commanding him to empanel, summon and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries to appear before such Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and hereby required to empanel, summon and return such Number of Persons accordingly,

Where Persons interested neglect or refuse to treat.

The Damages and Recompence to be settled by a Jury.

Verdict of the Jury to be final.

Trustees to issue Warrants to the Sheriffs to empanel a Jury.

ingly, and out of the Persons so empannelled, summoned and returned, or out of such of them as shall appear upon such Summons, the said Trustees or any Five or more of them shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees or any Five or more of them acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no one Fine be more than Five Pounds on any one Person for one Offence.

How the
Expences of
the Jury and
Witnesses are
to be borne.

XXXVI. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage to be by him, her or them sustained, than what shall have been agreed to and offered by the said Trustees or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act, but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees or any Five or more of them, before the summoning or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest or Property in any such Lands or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County wherein such Lands and Hereditaments shall lie, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such
Monies

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

XXXVII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, either to the Party or Parties respectively entitled thereto, or into the Bank of *England*, in Manner directed by this Act, and upon Payment thereof as aforesaid, and Five Days' Notice of such Payment having been given to such Parties or Persons or their Agents, or left at the respective usual Places of Abode, or with the Tenant or Tenants in possession of such Lands or Hereditaments, then such Lands or Hereditaments shall be laid into and made Part of the said Road or Branch of Road, in such Manner as the said Trustees or any Five or more of them shall direct, and shall be by them, or by such Person or Persons as they or any Five or more of them shall appoint, sufficiently drained, ditched, fenced and set out for that Purpose, and shall to all Intents and purposes become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Road or Branch of Road for ever thereafter, and shall be repaired and kept in Repair in such Manner and by the same Ways and Means as the Road and Branch of Road hereby authorized to be made and repaired are hereby directed to be made and repaired, and from thenceforth all Parties and Persons shall be divested of all Right and Title to such Lands and Hereditaments, and the Lands constituting any former Roads in lieu whereof some new Roads shall be made by virtue of this Act, unless leading over some Moor, Common, uncultivated Land or Waste Ground, or to some Village, Town or Place to which such new Road doth not lead, shall be vested in and shall and may be sold and conveyed by the said Trustees or any Five or more of them, in the Manner hereinafter mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances, being executed by the said Trustees or any Five or more of them, and enrolled in the Office of the Clerk of the Peace for the County wherein such Lands and Hereditaments shall lie, shall be good and effectual in the Law to all Intents and Purposes.

Money allowed for Lands how to be charged and tendered.

XXXVIII. Provided always, and be it further enacted, That the Power and Authority by this Act given to the said Trustees, shall not extend to enable the said Trustees to take, use, injure or damage any Dwelling-house or other Building, or to take any Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, or Plantation or Nursery of Trees, for any of the Purposes of this Act, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein first had and obtained.

Trustees not to take down Houses without Consent of Owners.

[Loc. & Per.]

XXXIX. And

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

XXXIX. And whereas by means of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by diverting of some Part or Parts of the said Road or Branch of Road, they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of any Piece or Pieces of Land or Ground, or Piece or Pieces of old Road or Roads, either together or in Parcels as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same.

Persons whose Lands adjoin to have the Preference.

XL. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, before they shall sell and dispose of any Piece or Pieces of old Road or Roads, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto, and that the said Trustees, before they shall sell or dispose of any Piece or Pieces of Ground so to be purchased by them as aforesaid, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or re-purchase the same respectively, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County wherein such Piece or Pieces of old Road or Roads or Ground shall lie, by some Person or Persons not interested therein, stating that such Offer was made by or on the Behalf of the said Trustees, or any Five or more of them, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she or they, and the said Trustees, or any Five or more of them, shall differ or not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner hereinbefore directed, with respect to disputed Value of Premises to be purchased by the said Trustees, or any Five or more of them, in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed, with respect to such Purchase made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees, or any Five or more of them, of such Piece or Parcel of old Road or Roads, or Grounds as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Restraining the Trustees from deviating beyond a certain Distance from the Line de-

XLI. And whereas Maps or Plans describing the Lines of the said new Turnpike Road and Branch, and the Lands through which the same are respectively to be carried, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the respective Offices of the Clerks of the Peace for the said Counties of *Gloucester* and *Wilts*; be it therefore enacted

That

That the said Maps or Plans, and Books of Reference, shall remain in the Custody of the respective Clerks of the Peace for the said Counties of *Gloucester* and *Wilts*, to the end that all Persons may at all reasonable Times have Liberty to peruse and inspect the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans, and Books of Reference; and that the said Trustees, in making the said new Turnpike Road and Branch, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politick, Corporate or Collegiate, through or over whose Lands or Grounds such Deviation shall be made.

scribed in the Map or Plan.

XLII. Provided also, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said new Turnpike Road and Branch into, through, across or over the several Lands or Grounds of any Person or Persons who is, are or may be Owner or Owners of Lands over which the same is set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the County wherein such Lands or Grounds lie, and be certified by Writing under their Hands that such Error or Omission proceeded from Mistake.

Trustees may make the Road through Lands although the Names are not in the Books of Reference.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent, hinder or restrain the said Trustees from widening, diverting, turning, shortening, varying or altering the Course or Path of any Part or Parts of the said Road or Branch of Road beyond the Distance of One hundred Yards through the Lands or Grounds of any Person or Persons whomsoever, in case such Person or Persons shall be consenting thereto, and shall signify his, her or their Consent in Writing to such Diversion or Alteration being made.

Trustees not restrained from diverting the Road beyond 100 Yards if Parties consent.

XLIV. 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 this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter Thirty-second, and the general Orders of the said Court, without Fee or Reward, 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,

Application of Compensation Money if amounting to 200l.

Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments, standing settled therewith, to the same or the like Uses, Trusts, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements or Hereditaments which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making the 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 said 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 Lands, Tenements or Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less than 200l. and exceeding 20l.

XLV. 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 any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, with the Privity and in the Name 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 the Manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application when less than 20l.

XLVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last beforementioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied

applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used for the Purposes of 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.

XLVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments [*describing them*], subject to the Order, Controul and Disposition of the said Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises, as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

XLVIII. Provided always, and be it further enacted, That where any Question shall arise, touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments according to such Possession, until the contrary shall be shown.

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

to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

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

XLIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute Labour.

L. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Road and Branch of Road by this Act directed to be made, widened and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the County wherein such Road or Branch of Road shall lie, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road and Branch of Road, by the Inhabitants of the respective Parishes or Places in which the same respectively do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place, to bring in Lists before such Justices, (at some Place to be expressed in such Summons) within Seven Days after the serving of such Summons, of the Names of the several Persons, who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are or may be directed by any Law or Statute in force and effect for the Repair of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work

Work as aforesaid, to do such Number of Days' Statute Work in every Year upon the said Road or Branch of Road, as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay Time or Harvest) and in such Parts of the said Road and Branch of Road, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any such Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Pains, Penalties and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road or Branch of Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road or Branch of Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending of the said Road and Branch of Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise, with the Possessors, Occupiers, Grantors, Feoffees and Committees of Lands, Tenements or Hereditaments which are or shall be liable to or chargeable with the Repair of any Part of the said new Turnpike Road and Branch of Road, or of any Bridge, Arch or Sewer, or with any Person or Persons for the Performance of his, her or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets or Places, by and with the Consent and Approbation of a Majority of the Inhabitants of such Parishes, Townships, Hamlets or Places first obtained, present at any Vestry or other publick Meeting of such

Trustees may compound for Statute Work.

such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Stature Work to be performed by such Inhabitants upon any Part or Parts of the said new Turnpike Road and Branch of Road, all which Composition Money shall be from Time to Time paid in advance, and shall be applied in the Repair of the said new Turnpike Road and Branch of Road; and all such Surveyors shall be reimbursed the Money so by them paid in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may contract for Repairs.

Contracts to be binding.

LII. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, are hereby empowered to contract with any Person or Persons for making, altering, turning, widening or repairing the said new Turnpike Road and Branch of Road, or any Part thereof; and for erecting Mile and Direction Stones or Posts thereon respectively, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her and their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees, or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively; and Damages and Costs recovered against the Party or Person, Parties or Persons failing in the Performance of such Contracts or Agreements respectively.

Persons who may be Prosecutors, and Persons prosecuted on account of Trustees, indemnified.

LIII. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, or any Five or more of them, in every such Case the said Trustees, or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bonâ fide* out of Pocket for or by reason of such Action or Prosecution, or any Judgment or Determination therein; and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them for or by reason of any Thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees, or any Five or more of them.

Mile Stones to be set up.

LIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said new Turnpike Road and Branch of Road respectively to be measured, and Stones or Posts to be set up in
or

or near the Sides of such Road and Branch respectively, at the Distance of One Mile from each other, denoting the Distance of every such Stone and Post from any Town or Place; and also such and so many Direction-posts as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person shall wilfully pull up or damage any of such Stones or Posts, or shall obliterate or deface any of the Letters, Figures or Marks which shall be inscribed thereon; or if any Person shall ride upon any Causeway or Footway adjoining to such Road or Branch, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage thereon, or shall cause any Damage to be done to such Causeway or Footway; or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of such Road or Branch, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon Wheel Carriages, to drag upon any Part of such Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon such Road or Branch shall suffer them to root up and damage the same, or any Part thereof, or the Fences, Hedges or Backings on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart or other Carriage upon such Road or Branch, and meeting another Coach, Chaise, Waggon, Cart or other Carriage shall not keep his Carriage on the Left or Near Side of such Road or Branch; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon such Road or Branch, or the Coach, Chaise, Waggon, Cart or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent or other Firework on any Part or Parts of such Road or Branch; or if any Person shall leave any Waggon, Wain, Cart or other Carriage in, upon or on the Side of any Part of such Road or Branch longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish or other Matter or Thing whatsoever, or any Part of such Road or Branch, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Persons travelling thereon, every such Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

LV. And be it further enacted, That all Penalties, Forfeitures and Fines by this Act inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, shall upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offence shall have been committed, or any One Justice of the Peace for the County or Place wherein the Offender shall reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witnesses or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale shall have been paid and deducted, shall be

Penalties how
to be levied
and applied.

[Loc. & Per.]

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returned

returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures and Fines, when paid or recovered, shall, if not otherwise directed by this Act, from Time to Time be paid, Half to the Informer and Half to any Five or more of the said Trustees, or to their Clerk or Clerks, Treasurer or Treasurers, and be applied in the Repair of the said new Turnpike Road and Branch of Road; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace within his Jurisdiction as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County or Place wherein the Offence shall have been committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Form of Conviction.

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

‘ **BE** it remembered, that on the _____ Day of _____
 ‘ in the Year of our Lord _____
 ‘ is convicted before me _____ of His Majesty’s Justices of _____
 ‘ the Peace for the County of _____ [or, where the Conviction
 ‘ may be made, specifying the Offence, and the Time and Place when and
 ‘ where the same was committed, as the Case shall be]. Given under my
 ‘ Hand and Seal [or, under our Hands and Seals] the Day and Year
 ‘ first above written.’

Proceedings not to be quashed for Want of Form.

LVII. And be it further enacted, That no Proceedings of the said Trustees or of any Justice or Justices of the Peace, or any of them respectively, touching or concerning, or in the Execution of any Power or Authority vested in such Trustees or Justice or Justices respectively by this Act, shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster* or any other Court of Record, any Law or Statute to the contrary notwithstanding.

Distress not to be deemed unlawful for Want of Form, nor the Party distraining deemed a Trespasser *ab initio*.

LVIII. Provided always, and be it further enacted, That when any Distress shall be made for any Sum or Sums of Money by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress or other Proceedings relating thereto, nor 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 Satisfaction for the special Damage in any Action upon the Case.

LIX. And

LIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty eight Days' Notice thereof in Writing shall have been given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction or a Tender thereof shall have been made to the Party or Parties aggrieved, or after the Expiration of Three Calendar Months next after the Fact committed, and every such Action shall be laid in the County where the Cause of Action shall arise, and not elsewhere, and the Defendant or Defendants in every such Action or Suit shall and may plead at his, her or their Election 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 have been so done, or if such Action or Suit shall have been brought before Twenty-eight Days' Notice shall have been thereof given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in the County where the Cause of Action shall arise, then the Jury shall find a Verdict for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinued his, her or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants have, or hath in other Cases by Law.

Limitation of Actions.

General Issue.

LX. And be it further enacted, That all Orders and Proceedings of the said Trustees, or any Five or more of them, shall be made and entered in a Book or Books to be kept for that Purpose, and signed by a competent Number of the Trustees, or by their Clerk or Clerks, which said Book or Books, and all other Book and Books directed to be kept for registering the said Mortgages, Assignments and Transfers as aforesaid, shall and may be produced and read in Evidence in all Courts whatsoever.

Orders and Proceedings of Trustees to be entered in a Book.

LXI. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors or other Officers appointed to carry this Act into Execution; be it therefore further enacted, That it shall be lawful for any One or more of the said Trustees, or their Clerk or Clerks, or the Collectors, Surveyors or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to 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 for the County wherein the Offence shall have been committed, who is hereby authorized and required to determine the Matter of such Complaint.

The securing transient Offenders.

LXII. Provided always, and be it further enacted, That if any Person 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 prescribed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County wherein the same shall be done, within Six Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing

Persons aggrieved may appeal to the Quarter Sessions.

causing to be given Twenty-one Days' Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, and to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions, and the said Justices at such Sessions, upon due Proof of such Notice having been given as aforesaid, and of such Recognizance having been entered into, shall hear and finally determine the Cause and Matter 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; and the said Justices at such Sessions may also by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to obey the same, and for want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction, of or for the same County wherein such Quarter Sessions shall be held, (as the Case may be) for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

For compelling Subscribers to pay their Subscriptions.

LXIII. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the making of the said new Turnpike Road and Branch of Road respectively, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within or at such Time or Times, and in such Parts and Proportions as the said Trustees or any Five or more of them shall from Time to Time order and direct; and the same shall be paid to such Person or Persons as the said Trustees or any Five or more of them shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees or any Five or more of them to sue for and recover the same in the Name of the said Trustees, or any Five or more of them, or in the Name of their Clerk or Clerks, Treasurer or Treasurers, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection or Wager of Law, or more than one Imparlanche shall be allowed.

Publick Act.

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

Commencement and Continuance of this Act.

LXV. And be it further enacted, That this Act shall commence upon and have Continuance from the Day on which the same shall receive the Royal Assent, and shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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