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# GEORGI II. REGIS.

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## Cap. lxvi.

An Act to amend and continue an Act of the Thirty-sixth Year of His present Majesty, for improving certain Roads in and through the Forest of *Dean*, in the County of *Gloucester*, and several other Roads therein mentioned. [7th July 1817.]

**W**HEREAS an Act was passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled *An Act for amending, widening, improving, and keeping in Repair several Roads in and through His Majesty's Forest of Dean, and the Waste Lands thereto belonging, in the County of Gloucester, and for turning, altering, and changing the Course of the said Roads; and for making several New Roads in the said Forest, to lead to certain Places in and near the same; and also for amending, widening, and keeping in Repair certain Roads leading from the said Forest to and through several Parts of the Parish of Newland adjoining the said Forest, and also leading from the Bottom of a Place called The Viney Hill in the said Forest, to and through certain Parts of the Parishes of Lidney and Awre adjoining the said Forest, in the said County of Gloucester: And whereas the Trustees appointed by or in pursuance of the said Act have proceeded in the Execution thereof, and have for that Purpose borrowed a considerable Sum of Money on the Credit of the Tolls thereby empowered to be taken; which Money still remains due*

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and cannot be repaid, nor can the said Roads be effectually amended, widened, altered, improved, and kept in Repair, unless the Term of the said Act be further continued, some of the Powers and Provisions thereof varied, altered, and enlarged, and the Tolls increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Clauses, Powers, Authorities, Provisions, Regulations, Restrictions, Penalties, Forfeitures, Matters, and Things therein respectively contained, and in force at the Time of passing this Act, (except such Parts of the said recited Act as are varied, altered or repealed), shall be and continue in full Force and Effect, and are hereby declared to be and remain in full Force and Effect, and together with this Act shall be executed for and during the Term herein-after mentioned, as fully and effectually in all Respects and to all Intents and Purposes as if such Clauses, Powers, Authorities, Provisions, Regulations, Restrictions, Penalties, Forfeitures, Matters, and Things were expressly repeated and re-enacted in the Body of this Act, subject nevertheless to the Alterations and Amendments in this Act contained; and that the additional Term and Tolls hereby granted shall be and are hereby declared to be subject and liable to the Payment, in the same Manner as the old Tolls are now subject thereto, of all Money now due and owing upon the Credit of the said recited Act, and also of all such further Sum or Sums of Money as shall or may be hereafter borrowed or become due on the Credit of the said recited Act or of this Act, and of all Interest due and to grow due for the same respectively; but nevertheless the Sum of Ten thousand six hundred and forty-five Pounds in the said recited Act mentioned to have been advanced by His Majesty for the Purposes of the said Act, shall not nor shall any Part thereof be repaid or be payable until after the said Roads have been completely amended and repaired, and the Costs, Charges, and Expences of keeping the same in constant and effectual Repair, shall have been fully paid and defrayed, and all Sums of Money which may hereafter happen to be borrowed on Security of the Tolls payable under the said recited Act or of this Act, with the Interest of all such Sums of Money respectively, shall be fully paid and discharged and all Costs, Charges, and Expences whatsoever, incident or in any way relating to the Execution of the said recited Act or of this Act, and the several Powers and Authorities thereby or hereby given and granted, shall be fully paid and discharged, and the full Sum of Five hundred Pounds retained by the Trustees as a Fund to answer such Exigencies as may arise or happen in the Execution of the said recited Act and of this Act, or any Matter or Thing relating thereto; and then and in such Case only the Overplus of the Tolls directed to be taken by this Act, over and above what shall from Time to Time become necessary for the Purposes above mentioned, and over and above the said Sum of Five hundred Pounds to be constantly retained as such Fund aforesaid, shall from Time to Time be paid to such Person or Persons as shall be directed by the Lords Commissioners of His Majesty's Treasury to receive the same, towards repaying the Sum of Money advanced by His said Majesty, until the same shall be fully reimbursed.

II. And be it further enacted, That all the Advertisements, Notices, Matters, and Things which in and by the said recited Act are directed to be inserted in the *Gloucester Journal* or *Gloucester Gazette*, shall hereafter in lieu thereof be inserted in the *Gloucester Journal* or *Gloucester Herald*, or such other Newspaper usually circulating in the said County of *Gloucester* as the Trustees shall from Time to Time think proper and direct; and such Insertion shall satisfy all the Directions in the said recited Act for Insertion of Advertisements in the *Gloucester Journal* or *Gloucester Gazette*.

Notices, &c. to be inserted in such Newspaper circulated in the County of Gloucester as the Trustees shall direct.

III. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Same Person not to act as Clerk and Treasurer.

IV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be entered in a Book, to be kept by the Clerk to the said Trustees, true and regular Accounts of all Sums of Money received and expended by them in the Execution of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book shall at all seasonable Times be open to the Inspection of the said Trustees or any Creditor or Creditors on the Tolls hereby or by the said recited Act granted, without any Fee or Reward; and the said Trustees and Creditors shall and may take any Copies or Extracts from such Book without paying any Thing for the same; and in case such Clerk shall refuse to permit such Trustees or Creditors, or any of them, to inspect the same, or take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Ten Pounds.

Books of Account to be kept.

V. And be it further enacted, That so much of the said recited Act as enacts that no Order made by any Five or more of the said Trustees should be revoked or altered unless Nine Trustees at the least should be then present, and Six or more of them should concur therein, and unless Notice should be given by Five Trustees to the Clerk of their Desire to have a Meeting for the Purpose of taking into Consideration the said Order, with a View to revoke or alter the same, and in such Case Fourteen Days Notice at least of such Meeting and the Intent thereof should be given by the Clerk in the *Gloucester Journal* or *Gloucester Gazette*,

Repeal of so much of recited Act as enacts that no Order shall be revoked unless Nine Trustees are present and concur.

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and affixed in Writing upon all the Turnpikes erected by virtue of this Act, and the like Notice of such Meeting should also be given to such Trustees as were present when the Order was made of the Intention to revoke or alter any such Order, shall be repealed.

No Order to be revoked unless Seven Trustees are present and concur.

VI. Provided always, and be it further enacted, That no Order made by any Five or more of the said Trustees shall be revoked or altered, unless Seven Trustees at the least shall be then present, and Six or more of them shall concur therein, and unless such Notice shall be given by Five Trustees to the Clerk of their Desire to have a Meeting for the Purpose of taking into Consideration the said Order, with a View to revoke or alter the same; and in such Case Fourteen Days Notice at least of such Meeting and the Intent thereof shall be given by the Clerk in the *Gloucester Journal* or *Gloucester Herald*, or some other Newspaper usually circulated in the said County of *Gloucester*, and affixed in Writing upon all the Turnpikes erected by virtue of this Act; and the like Notice of such Meeting shall also be given to such Trustees as were present when the Order was made of the Intention to revoke or alter any such Order.

Power to raise the Tolls.

VII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall be and are hereby authorized and empowered from Time to Time, if they shall think proper, to raise the Tolls granted by the said recited Act to the Sums following, including the Tolls by the said recited Act granted; that is to say,

For every Horse or Mule drawing any Coach, Berlin, Landau, Chariot, Curricule, Calash, Chaise, Chair, or other such Carriage, any Sum not exceeding the Sum of Sixpence:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, or drawing any Carriage with the Fellies and Tire upon the Fellies of the Wheels thereof flat, and rolling the Breadth of Nine Inches on a flat Surface, any Sum not exceeding the Sum of Sixpence; and if drawn by Oxen, Two Oxen to be paid for as One Horse only:

For every Horse or Beast of Burthen, laden or unladen, and not drawing, any Sum not exceeding the Sum of Two-pence:

For every Drove of Oxen, Cows, or other Neat Cattle, any Sum not exceeding the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Hogs, Sheep, Lambs, or Swine, any Sum not exceeding the Sum of Ten-pence *per* Score, and so in proportion for any less Number:

And afterwards from Time to Time, with the Consent of Five-sixths in Value of Creditors who may advance any Sum or Sums of Money on the Credit of the said Tolls, to lessen or reduce all or any of the said Tolls to any Sum or Sums not being less than the respective Tolls granted by the said recited Act, and again from Time to Time to raise the same, so as not to exceed the respective Sums by this Act granted, and so *toties quoties*; but no Reduction of more than One-third of the said Tolls (or as near thereto as the same can be divided) shall at any Time be made without the Consent of the Lord High Treasurer or the Commissioners of

of His Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*; which increased Tolls shall be collected and recovered in the same Manner as the Tolls granted by the said recited Act are directed to be collected and recovered; and all Powers, Authorities, Clauses, and Provisions relating to the Tolls granted by the said recited Act, shall be in full Force and Effect in respect of the said increased Tolls, as fully as if such Powers, Authorities, Clauses, and Provisions were respectively re-enacted in the Body of this Act, subject nevertheless to the Alterations and Amendments in this Act contained; and that the increased Tolls hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Money now due and owing upon the Credit of the said recited Act, and also of all such further Sum or Sums of Money as shall or may be hereafter borrowed or become due on the Credit of the said recited Act or of this Act, and of all Interest due and to grow due for the same respectively.

VIII. And be it further enacted, That on every *Sunday* during the Continuance of this Act, to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night, there shall be demanded and taken at the several Gates and Toll Bars erected or to be erected upon the said Roads, before any Horse, Mule, Ass, or Carriage, or any other Beast or Drift of Cattle shall be permitted to pass through the same, an additional Toll of One Half of the respective Tolls hereinbefore mentioned. Sunday Tolls.

IX. And be it further enacted, That the Provisions of an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying Extra Weight in certain Cases*, shall be applicable to the said recited Act and this Act, and extend to the Roads by the said recited Act and by this Act directed to be repaired, and shall be acted upon and carried into Execution by the Trustees of this Act. For extending Act of 55G.3.c.119. to this Act,

X. And be it further enacted, That the Distance of Five Miles mentioned in the said recited Act, exempting Persons from paying Tolls more than Once a Day, shall be and be deemed Five Miles along the Course of the Road, and the Notes and Tickets to be given by the Collectors or Receivers of the said Tolls, which Notes and Tickets every such Collector and Receiver is hereby directed to deliver *gratis* to every Person paying the said Tolls, and which shall denote and specify the several Gates freed by such Payment. Tolls to be paid but once in a Day on going Five Miles along the Course of the Road.

XI. And be it further enacted, That from and after the passing of this Act, the Exemptions from Tolls granted by the said recited Act shall be and they are hereby repealed; and that no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of any public Road or Highway in the said Forest, or in Exemption from Tolls.

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any of the Towns, Parishes, Hamlets, or Places herein-after mentioned, adjoining the said Forest, as follow, *Abinghall, Awre, Saint Briavell's, English Bicknor, Flaxley, Hewel's Field, Little Dean, Lidney, Lea, Mitcheldean, Newland, Newnham, Ruardean, Staunton*, and such Parts of the Parish of *Weston-under-Penyard* as are situate in the County of *Gloucester*; or Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners for the Purpose of thrashing out such Corn, or of feeding out such Hay or Straw, nor for any Fruit or other Produce of Lands held and occupied by Inhabitants or Occupiers within such Towns, Parishes, or Places, or any Commons belonging thereto, and carried for their own proper Use and Consumption only, and not sold or disposed of, or going and intended to be sold and disposed of; or for any Horse, Cattle or Beast employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any Ploughs, Harrows, or Implements of Husbandry, Corn for seeding the Ground, or any Dung, Compost, or Manure employed in Husbandry for manuring or improving Lands, Chalk, Chalk Marle, and Lime not being for the proper Use and Consumption of the Inhabitants and Occupiers of Lands in the Towns, Parishes, or Places aforesaid (and not for Sale) excepted; nor for any Horses or Cattle going to or returning from Water, Common, or Pasture in the said Forest, such Horses or Cattle being the Property of a Person entitled to common or depasture thereon, and not exceeding the Number such Person shall be entitled to depasture thereon; nor for the Horses or Cattle of any Inhabitant or Occupier of Lands in any of the Towns, Parishes, or Places aforesaid, going to be shoed or farried, or returning therefrom, and not travelling out of such Town, Parish, or Place; nor from any Person going to or returning from his or her proper Parochial Church, Chapel, or other usual Place of Religious Worship on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person who shall die and be buried in any of the said Townships or Parishes; or from any Clergyman going to or returning from visiting any Sick Person, or going to or returning from his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Horse, Cattle, or Carriage, of whatever Description, employed or to be employed in conveying 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 in returning back from conveying the same; or for any Horse, Cattle, or Beast attending any Soldiers on their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; nor 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 Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Cart, Cattle, or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; nor for any Horse, Cattle, or Beast, carrying or conveying any Person or Persons going to or returning

turning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Gloucester*, on the Day or Days of such Election, or on the Day before or after such Election shall begin or be concluded; and that no Tolls shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for or on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps; and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit for every such Offence any Sum not exceeding Forty Shillings, One Half whereof shall go to the Informer, and the other Half shall be applied for the Purposes of this Act.

XII. 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 Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage 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.

Carriages conveying Military Stores not to be subject to Penalties for Overweight.

XIII. Provided always, and be it further enacted, That the Exemption in the said recited Act contained in Favour of Persons being Inhabitants within the Hundred of *Saint Briavell's*, or an Inhabitant within any of the Parishes aforesaid, or within such Parts of the Parish of *Weston-under-Penyard* as are situated in the said County of *Gloucester*, of One Half of the Tolls or Duties by the said Act granted in respect of Coal being only for Home or Private Consumption of an Inhabitant within the said Hundred or the Parishes and Places aforesaid, and not to be haled for Sale or Hire, shall remain in full Force and Effect: Provided always, that after the passing of this Act, it shall be and be construed to extend and be strictly confined to Coal for Domestic House Consumption only, and shall not extend to Coal used in the Way of any Trade, Manufacture, or Employment; any Thing in the said recited Act contained to the contrary thereof in any wise notwithstanding.

Exemptions in recited Act to Inhabitants of the Hundred of *Saint Briavell's*, to pay One Half Toll only for Coals, to be confined to Coal for domestic Consumption.

XIV. Provided also, and be it further enacted, That no Person being an Inhabitant of the Parish of *Saint Briavell's* in the said County shall be charged with any Toll by virtue of this Act, in going over the Road herein-before mentioned and described as leading from the Top of the

Exemption from Tolls as to the Inhabitants of *Saint Bri-*

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vell's, Ruardean, English Bicknor, Staunton, &c.

*Bearse* to the *Bearse Farm House*, and from a Place called the *Road's Lane End* to the said *Bearse Farm House*; nor shall any Person being an Inhabitant of the Parish of *Ruardean* in the said County, be charged with any Tolls in going through any Toll Gate, Turnpike, Bar, or Chain to be erected or set up at or near a Place called *Dyr Dean*, or a Place called *Labour in Vain*, on or near the Road leading from *Ruardean* towards *Ross*, with Horses or other Beasts of Burthen, Cattle or Carriages, such Horses or other Beasts of Burthen, Cattle or Carriages, not being laden with Coal, Mine, Stone, Tile, Timber, or Wood, dug, raised, or cut down in the said Forest, or any other Article, Commodity, or Thing, the Produce of the said Forest, or the Waste Lands thereto belonging, or with Coal, Mine, or Stone, the Produce of any other Lands whatsoever; nor shall any Person, being an Inhabitant of either of the Villages or Parishes of *English Bicknor* or *Staunton*, adjoining the said Forest, the Roads from which Places respectively open into the said Roads, leading through the said Town of *Colford* to *High Meadow* and the *Cherry Orchard* aforesaid, be charged or chargeable with the Payment of Toll at any Toll Gate, Turnpike, Bar, or Chain to be erected, set up, or placed at either of the said Places called *High Meadow* and the *Cherry Orchard*, or upon any Part of the said Road, or near the Sides thereof, with any Horse or other Beast of Burthen, Cattle or Carriages, going to or returning from the Town of *Monmouth* or *Colford* aforesaid, unless such Horses or other Beasts of Burthen, Cattle or Carriages, shall pass Two hundred Yards upon the said Road, or that such Horses or other Beasts of Burthen, Cattle or Carriages, shall be laden with Coal, Mine, Stone, or some other Article, Commodity, or Thing, the Produce of the said Forest, or the Waste Lands thereto belonging, or with Coal, Mine, or Stone, the Produce of any other Lands whatsoever; nor shall the Owner or Occupier of a certain Estate, Farm, and Lands, called *High Meadow*, lying near to the said Places called *High Meadow* and the *Cherry Orchard*, be charged or chargeable with the Payment of Toll for or in respect of any Horses or other Beasts of Burthen, Cattle or Carriages passing through any Toll Gate, Turnpike, Bar, or Chain, to be erected, set up, or placed at or near the said Places called *High Meadow* and the *Cherry Orchard*, in going to or returning from *Monmouth*, *Staunton*, or *English Bicknor* aforesaid, unless such Horses or other Beasts of Burthen, Cattle or Carriages, shall pass Two hundred Yards on the said Road, or that such Horses or other Beasts of Burthen, Cattle or Carriages, be laden with Coal, Mine, or Stone, or some other Article, Commodity, or Thing, the Produce of the said Forest, or with Coal, Mine, or Stone, the Produce of any other Lands whatsoever; and if any Person or Persons shall claim and take the Benefit of any of the last-mentioned Exemptions, not being entitled to the same, every such Person shall for every such Offence forfeit a Sum not exceeding Five Pounds, nor less than Forty Shillings; One Moiety of such Penalty to be paid to the Informer, and the other Moiety to be applied in such Manner as other Penalties are by this Act directed to be applied.

No Toll for crossing the Road only.

XV. And be it further enacted, That no Tolls shall be taken at any Toll Gate or Turnpike to be erected by virtue of this Act on the Side or Sides of any Part of the said Roads, for any Horse, Cattle, or Carriage which shall only cross the said Roads, and shall not pass above One



One hundred Yards thereon, unless such crossing shall be with Intent to avoid the Payment of Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Toll shall be thereby evaded.

XVI. And whereas it is by the said recited Act enacted, that no Waggon, Wain, Cart, or other Carriage, shall be used for the Purposes therein mentioned, unless the Fellies and Tire upon the Fellies of the Wheels of such Carriages shall be flat, and of the Breadth of Nine Inches: And whereas the said Provision hath not been found effectual for the Preservation of the said Roads; be it therefore further enacted, That the same shall be and is hereby repealed.

Provision in recited Act respecting Timber, Stone, &c. drawn on Carriages with Broad Wheels, repealed.

XVII. And be it further enacted, That from and after the Expiration of Two Calendar Months from the Commencement of this Act, if any Waggon, Wain, Cart, or other Carriage whatsoever, shall be used in the haling or carrying of any Tree or Trees, Timber, Iron, or Iron Ore, or Wood, Mill Stones, Grind Stones, Stone Troughs, or Paving Stone, or any other Stone whatsoever, on the said Roads, (Stone for the Use of the Highways only excepted) not having the Fellies and Tire upon the Fellies of the Wheels of such Carriages flat and rolling the Breadth of Nine Inches on a flat Surface, the same shall be subject and liable to double the Amount of the respective Tolls authorized by the said recited Act and this Act to be taken for every Horse, Mule, or other Beast employed in drawing any Waggon, Wain, Cart, or other Carriage as aforesaid; provided nevertheless, that it shall and may be lawful to and for the said Trustees, or any Five or more of them, at any Time hereafter, if they shall think it necessary, to admit and allow the haling or conveying of Timber, or any of the Articles aforesaid, upon Carriages having the Fellies of the Wheels of less Breadth than Nine Inches, but not less than Six Inches in Breadth, and whether rolling on a flat Surface or not.

Other Provisions for the Regulation of drawing Timber, etc.

XVIII. And be it further enacted, That the Power in the said recited Act given to the said Trustees to let the Tolls, shall or may be exercised by any Five or more of them.

Power of letting Tolls, may be exercised by Five Trustees.

XIX. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates or Toll Bars erected, or to be erected, upon the said Roads, shall at any Time or Times during the Continuance of this Act, be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear by the Space of Twenty-one Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for letting the same, then and in either of these Cases it shall be lawful for any Justice of the Peace for the County of Gloucester, by Warrant under his Hand and Seal, to order the Constables and other Peace Officers of the Parish or Place where such Toll Gates or Toll Bars shall be situated, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants, to enter into and take Possession of the Toll House or Toll Houses, with the Buildings, Gates,

Trustees may take Possession of Toll Houses when let to farm, in case of Non-payment of the Rent, etc.

Gardens and Appurtenances thereto belonging so let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall be lawful for the said Trustees, or any Three or more of them (if they shall think fit), to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers; and in that Case the same shall and is declared to be utterly void, to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees or any Three or more of them, in every such Case, to demise or let to farm the said Tolls again to any Person or Persons, or cause them to be taken or collected as if no former Contract or Agreement had been entered into relative thereto.

Settling Disputes concerning Tolls.

XX. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen), shall be ascertained by some Justice of the Peace for the County, Liberty, or Place where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witnesses or Witnessess, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Punishing Toll Collectors for Misbehaviour.

XXI. And be it further enacted, That all and every the Toll Collectors, being Lessee or Lessees of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Toll Gate or Toll Bar to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, on the Front, or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Toll or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in Black Letters on a White Ground or White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Tolls, or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of the said recited Act or of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt

exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any wise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Toll Gate or Toll Bar, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Act or this Act directed to be recovered and applied.

XXII. And whereas Drivers of Carts and Waggon's often use large Stones to block up or stop their Carts and Waggon's, and afterwards leave such Stones in or upon the said Turnpike Road, to the great Injury of Travellers; be it therefore enacted, That if any Person or Persons using Stones for the Purposes aforesaid, shall not immediately afterwards remove the same from off the said Road, he or they so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings to any Person who shall make Information thereof, upon Oath, before One or more Justice or Justices of the Peace for the said County of Gloucester; One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Act and this Act.

XXIII. And be it further enacted, That it shall not be lawful for the said Trustees, in turning, varying, or altering any Part of the said Roads, to deviate more than One hundred Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Estates, Lands, or Grounds which may be affected by any such Deviation respectively.

XXIV. And be it further enacted, That no Gate of any Park, Paddock, or Field, shall be made to open towards the said Roads, or shall be suffered to continue so to open, unless the Hanging Posts thereof shall be Thirty Feet at the least from the Centre of the Road; and the Occupier or Occupiers of every Park, Paddock, or Field, the Gate whereof shall be open towards the said Road, shall, within Fourteen Days after Notice from the Surveyor or Surveyors of the said Roads, cause such Gate to be altered in such a Manner as that no Part of the Gate, when open, shall project over any Part of the said Road; and in Default thereof the said Surveyor or Surveyors is and are hereby authorized to cause such Gate to be taken down and afterwards fixed up in the Manner herein-before directed, and the Person or Persons making Default shall, upon Complaint made to any Justice of the Peace for the said County of Gloucester, and on Conviction thereof on the Oath of One credible Witness, pay to such Surveyor

To prevent  
Misconduct  
of Waggon-  
ers.

Limiting the  
Power to de-  
viate from  
present Line  
of Roads.

Gates to  
open inside.

Surveyor or Surveyors such Sum as the said Justice shall direct for defraying the Expence of such Alteration, and shall also forfeit and pay any Sum not exceeding Forty Shillings for his or their Default therein.

Power for  
Justices to  
summon Wit-  
nesses to  
prove Of-  
fences, &c.

XXV. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace before whom any Information or Complaint shall be made by virtue of the said recited Act, or of this Act, and he and they is and are hereby authorized and empowered, from Time to Time to issue his or their Summons in Writing to any Person or Persons, whose Evidence such Justice or Justices shall deem necessary, to appear before him or them at such Time or Place as he or they shall direct or appoint, then and there to be by him or them examined as a Witness upon Oath touching or concerning the Matter of such Information or Complaint; and every Person, being served with such Summons or a Copy thereof Three clear Days before the Day appointed for such Appearance, and refusing, or in anywise neglecting to obey the same, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, and without reasonable Excuse, to be allowed by such Justice or Justices, shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Application  
of Money  
above 200l.

XXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased or to be purchased by virtue of the said Act or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other 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 the said Act and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or 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, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, 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, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or  
Three

Three Pounds *per Centum* Reduced Bank Annuities ; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

XXVII. 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 for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed ; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing the said Act and 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 Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where less than 200l. and not less than 20l.

XXVIII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased for the Purposes of the said Act and 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.

When under 20l.

XXIX. And be it further enacted, That in case the Person or Persons to whom any such Sum or Sums of Money shall be adjudged or awarded, by or for the Purchase of any Lands or Hereditaments to be purchased by virtue of the said Act and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees ; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found ;

Directions in case of not making out Titles.

[Local.]

or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees or any Five or more of them to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to the Credit of the Parties interested in the said Lands or Hereditaments [describing them], subject to the Order, Control, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective 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, is and are hereby required to give a Receipt or Receipts for the same, 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.

Respecting  
disputed  
Titles.

XXX. 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 High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest of any Lands or Hereditaments to be purchased in pursuance of the said Act and this Act, 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 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 or Hereditaments, according to such Possession, until the contrary shall be shewn 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 or Hereditaments, or to some Estate or Interest therein.

Court of  
Chancery  
may order  
Trustees to  
pay Ex-  
pences.

XXXI. Provided always, 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 the said Act and this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands,  
Tenements,

Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Act and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said Act and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXXII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to dig, gather, and carry away any Gravel, Furze, Heath, Sand, Flints, Stones, or other Materials, out of any Common, River, or Brook, or out of or from any Waste or Common, proper and convenient for repairing and amending the Roads aforesaid, without paying any Thing for the same, such Surveyor or Surveyors or other Persons levelling, or causing to be levelled all such Holes and Pits where any Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away, or making a safe and sufficient Fence round all such Holes or Pits; and where a sufficient Quantity of Materials cannot be had from such Rivers, Brooks, Waters, or Common, for repairing and amending the said Roads, it shall and may be lawful for such Surveyor or Surveyors, or other Persons as aforesaid, by Order of any Justice or Justices of the Peace for the said County, to be made upon the Application of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carry the same out of and from the Lands or Grounds of any Person or Persons, (not being the Ground whereon any House stands, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk, or Avenue to any House, or a Piece or Parcel of Ground set apart or used as a Nursery for Trees) where such Materials are or may be found; and from Time to Time to carry away the same, or so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the said Roads, paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Lands or Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as also for the Damage done to the Owners and Occupiers of any private Lands or Grounds over which such Materials gotten in any River, Brook, or Waste Ground shall be carried or conveyed; as the said Trustees or any Five or more of them shall adjudge reasonable; and in case of Difference concerning the same between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, then Two Justices of the Peace, acting in and for the said County of *Gloucester*, and in the District wherein such Materials shall have been taken or carried, shall and may adjudge, assess, and finally determine the same.

Surveyors  
may dig  
Ground, &c.

XXXIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or other Person or Persons acting under the Authority of this Act, to dig, cut, gather, get, take, or carry away any

Notice to be  
given before  
Materials  
taken.

any Materials proper for repairing such Road out of or from any inclosed Land or Ground, until Notice in Writing signed by the Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any One or more Justice or Justices of the Peace acting in and for the said County, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier or Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or Agent, such Justice or Justices may, upon Proof on Oath of the Service of such Notice, and which Oath they or any one of them are hereby empowered to administer, make such Order therein, as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

Statute  
Work.

XXXIV. And be it further enacted, That so much of the said recited Act as relates to the Performancé of Statute Labour on the said Roads shall be and the same is hereby repealed; and 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 said Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Gloucester*, 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 Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads 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 their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Fourteen 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 are or may be directed by any Law or Statute in Force or Effect for the Repairs of the Public 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 Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices



Justices shall think reasonable, and the same shall be done at such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads, 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 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 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 recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their 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 or Effect for the Repair of the Public 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 Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge 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 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 Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Highways; and if any Surveyor 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 and wilfully give in false or imperfect Lists, every such Offender so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXXV. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with Interest for the same from the Time of the same being incurred, shall be paid by the said Trustees or any Three or more of them out of the Money already collected or received, or out of the first Money to be collected or received by virtue of the said recited Act or of this Act, in preference to all other Payments whatsoever; and that after such Payments, the said Trustees shall from Time to Time apply the said Tolls and the Money to be borrowed on the Credit thereof, in defraying the Expences of erecting Turnpikes and Toll Houses, and making, repairing, widening, turning, and altering the Roads, and defraying all other necessary Costs, Charges, and Expences attending the same, and carrying the Purposes of the said recited Act and of this Act into Execution in such Manner as such Trustees respectively shall from Time to Time direct or appoint.

For Payment of the Expences of the Act, and Application of the Tolls.

1654

57° GEORGE III. Cap. lxxvi.

Public Act.

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

Continuance  
of Act.

XXXVII. And be it further enacted, That the Term granted by the said recited Act shall, on the passing of this Act, cease and determine, but without Prejudice to the Right to recover upon existing Leases of the said Tolls; and the said recited Act (subject to the Alterations, Variations, and Additions herein-before contained) and this Act shall from thenceforth commence, continue, and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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