



ANNO QUINQUAGESIMO OCTAVO.

GEORGI II. REGIS.

Cap. i.

An Act for making and maintaining a Road from the
Town of *Stroud*, in the County of *Gloucester*,
through *Pitchcomb*, into the City of *Gloucester*.

[17th March 1818.]

WHEREAS the Two present Communications between the Town of *Stroud* in the County of *Gloucester*, and the City of *Gloucester*, are extremely inconvenient, the one being very circuitous and liable occasionally to Floods, the other through a Country so extremely hilly as not to be passable with Carriages without the greatest Difficulty: And whereas the making and maintaining a new Turnpike Road from the said Town of *Stroud*, through *Pitchcomb* into the City of *Gloucester*, will be extremely beneficial, as well to the Public as to the Owners of Estates in the several Parishes contiguous to the Line of the said Road, and will afford very great Accommodation, not only to the City of *Gloucester* and the Town of *Stroud* aforesaid, but also to the Inhabitants of *Chalford* and *Minchinhampton*, and the large and populous manufacturing District extending from *Stroud* towards *Cirencester* in the said County of *Gloucester*: And whereas it will materially increase the Utility of the said Road if Powers are granted for improving and widening the Entrances into the said Town of *Stroud* and the City of *Gloucester* aforesaid, and for opening convenient Communications with other Roads leading to, or which may be formed into the said Town and City respectively; but such Road and

[Local.]

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Improvements

Trustees.

Improvements cannot be made and completed without the Aid and Authority 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 Mayor, Aldermen, and Common Council of the City of Gloucester, the Dean and Chapter of the Cathedral Church of Gloucester, John Adams, Sir Paul Baghott Knight, Samuel Paul Baghott, Thomas Baghott, Thomas Brooke Doctor of Laws, Henry Burgh, Henry Croft Burgh, John Biddle, John Baker of Brimscomb, Charles Ballinger, the Honourable Henry George Bathurst, commonly called Lord Apsley, the Honourable John Bathurst, the Honourable William Lenox Bathurst, William Bayles, John Pierce Brisley, Benjamin Hayward Browne, Thomas Packer Butt, Thomas Byrch, William Capel, Christopher Capel, William Capel, John Capel, Edward Palling Carruthers, William Clutterbuck Chambers, Christopher Chambers, Henry Campbell Clerk, John Chadborn, Stephen Chiffold, William Chislett, Daniel Gardiner Chance, John Clerk, Samuel Clutterbuck, James Clutterbuck, Edmund Clutterbuck, William Cochlin Clerk, Richard Cooke, Henry Cooke, John Cooke, Joseph Cooper, Daniel Cox, Joseph Cripps, Edward Cripps, Thomas Croome, Robert Stephens Davies, Edward Davies, William Weale Darke, John James Dallaway, Richard Hart Davis, George Davis, Thomas Davis, John Denyer, John Disney, Jeremiah Vick Day, Nathaniel Dyer, William Drew, William Gabb Drew, John Dimock, Peter Drew, John Bidmead Driver, Nathan Driver, Nathan Driver the younger, Henry Eycott, Henry Eycott the younger, John Fletcher, Stephen Welch Fletcher, William Fletcher, Charles Fletcher, Benjamin Fisher, William Gardiner, John George, James George, William George Clerk, John Gordon, Robert Gordon, Joseph Grazelrook, Benjamin Grazelrook, William Griffith, Sir Berkeley William Guise Baronet, Henry Hicks, John Phillimore Hicks, Henry Parnell Hicks, William Hicks, William Halliday, Peter Hawker Clerk, Peter Hawker the younger, George Hawker, George Hawker the younger, Charles Hawker, Samuel Hawker, John Hawker, Richard Hawker, George Harman, Richard Harris, James Harrison, William Harries, Joseph Hort, Jasper Selwyn Hawkins, Thomas Haycock, William John Haycock, Henry Haycraft, Sir William Hicks Baronet, George Hayward Clerk, George Hayward the younger, Thomas Andrew Holland, Charles Hardwick, Edward Hogg, Thomas Holbrow, John Holbrow, Solomon Hopson, William Hopson, Thomas Howell, Robert Hughes, Edward Humpage, William Hussey, William Herbert, Thomas Jenkins, Joseph Iles, Thomas Iles, Charles Innell, Nathaniel Jones, Joseph Jones Clerk, William James Clerk, Edward Jones, John Kembery, John King, Charles Kendrick the younger, Edwin Kendrick, John Little, William Lee, John Lewis, William Lewis, George Lewis, John Martin, Alexander Maitland, William Mutlow, William Wilton Mutlow Clerk, Edward Mansfield Clerk, Edward Mason, Thomas Mason, Thomas Miles, Thomas Mills of Peghouse, John Mills, Thomas Mills of Stroud, Richard Miller, Charles Mason, Henry Howard Molyneaux, commonly called Lord Henry Howard Molyneux Howard, William Moore Doctor in Divinity, the Honourable Henry John Francis Moreton, the Honourable Augustus Keppel Moreton, Thomas Moreton, John Morgan, Charles Newman, Henry Neale, John Neale, John Palling, Thomas Park, John Delafield Phelps, Samuel Peach, Nathaniel Partridge, John Partridge, Sir George Onesiphorus Paul Baronet, Samuel Rowles Patterson, Stephen

Stephen Price, John Paris, John Perren, Thomas Phillips, John Philpotts, Joseph Pitt, Cornelius Pitt, Joseph Pitt the younger, William Playne, Peter Playne, George Playne, David Ricardo, Osman Ricardo, Arthur Robinson, Thomas Rudge Clerk, Richard Raikes Clerk, John Rudge, Henry Rudge, Richard Sandys, Rowles Scudamore, Daniel Webb Smith, Christopher Smith, John Lord Smith, Charles Brent Smith, Edwin Smith, Job Smith, Thomas Smith the younger, Thomas Smith of Ashton, James E. Smith, Samuel Smith, Peter Smith of Brockthorp, Peter Smith of Walbridge, Richard Smith, Gustavus Adolphus Smith, William Seville, Samuel Seville, Thomas Sheppard, John Sims, Richard Sims, Samuel Snowden Doctor in Medicine, John Snowden, the Honourable Robert Edward Henry Somerset, commonly called Lord Robert Edward Henry Somerset, the Honourable Arthur John Henry Somerset, commonly called Lord Arthur John Henry Somerset, the Honourable Charles Henry Somerset, commonly called Lord Charles Henry Somerset, Stephen Staley, William Stanton, William Stanton the younger, Charles Page Sweeting, Samuel Tanner, William Tayloo, Nathaniel Thornbury, William Toghill, Robert Lawrence Townsend Doctor in Divinity, Alexander Townsend, Edmund Wick Viner, Sir Samuel Wathen Knight, Joseph Sheppard Wathen, William Henry Wathen, Jonathan Wathen, Nathaniel Wathen, Joseph Wathen, Obadiah Paul Wathen, George Wathen, Philip Wathen, John Hayward Wathen, John Williams Clerk, Samuel Weddell, John Winn, Thomas Wall, Thomas Wilks, Joseph Watts, Peter Watts, Richard Watts, William Sandilands Wilson, James Withey, Edward Wood, Joseph Wood, Thomas Wood, Benjamin Wood, John Aubrey Whitcomb, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, and repairing the said Road as herein-after described, and for otherwise executing the Powers granted by this Act.

II. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at a Meeting to be held for that Purpose (of which Meeting, and of the Purpose thereof, Fourteen Days Notice shall be given, as is herein-after directed respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Ten, to be Trustees for the Purposes of this Act, in Addition to the Trustees hereby nominated and appointed.

Power to appoint additional Trustees.

III. And be it further enacted, That when and so often as any of the Trustees hereby appointed, or to be elected and appointed in Manner herein mentioned, shall die, or by Writing under their Hands refuse to act in the Execution of this Act, it shall be lawful for the surviving or continuing Trustees from Time to Time to elect and appoint One or more fit and proper Person or Persons to be a Trustee or Trustees in the Room of every Trustee or Trustees dying or refusing to act as aforesaid; provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election be given by the Clerk to be appointed by the said Trustees, as herein-after is mentioned, by affixing the same in Writing upon all the Toll Gates then erected upon the said Road, and by inserting such Notice in One or more of the Newspapers published within the City or County of Gloucester, Fourteen Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee or Trustees pursuant to the Directions of this Act, shall and may

Power to elect other Trustees.

[Local.]

B

act

act with the surviving and continuing Trustees in the Execution of this Act to all Intents and Purposes, as if he or they had been named and appointed Trustees in and by this Act.

Qualification
of Trustees.

IV. 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 be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, Tithes, or Hereditaments, of the clear yearly Value of Seventy-five Pounds above Reprizes, or shall be Heir Apparent of a Person so seised of Messuages, Lands, Tenements, Tithes, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate of the Amount or Value of Two thousand Pounds; and if any Person not being so qualified shall presume to act as a Trustee in the Execution 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 in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees to
take an Oath.

V. And be it further enacted, That every Trustee appointed, or to be elected and appointed by virtue of this Act, before he shall act as such, (except in administering the Oath next herein-after mentioned), shall take and subscribe an Oath before Five or more of the said Trustees (who are hereby empowered to administer the same) in the Form or to the Effect following; that is to say,

‘ I *A. B.* do swear, That I am in my own Right [*or, in the Right of my*
‘ Wife] truly and bona fide seised or possessed of and in the actual
‘ Possession or Receipt of the Rents and Profits of Messuages, Lands, Te-
‘ nements, or Hereditaments, of the clear yearly Value of
‘ above Reprizes; [*and in case of an Heir Apparent*] I *A. B.* do swear,
‘ that I am Heir Apparent of *C. D.* who, to the best of my Knowledge
‘ and Belief, is truly and bona fide seised or possessed of, and in the
‘ actual Possession or Receipt of the Rents and Profits of Messuages,
‘ Lands, Tenements, or Hereditaments, of the clear yearly Value of
‘ above Reprizes; [*and in the case of Personal Estate*]
‘ I *A. B.* do swear, that I am truly and bona fide possessed of a clear
‘ Personal Estate of the Amount or Value of
‘ and that I will truly and faithfully execute the Powers and Trusts
‘ reposed in me by an Act of Parliament passed in the Fifty-eighth Year
‘ of the Reign of His Majesty King George the Third, intituled [*here set*
‘ forth the Title of this Act]. So help me GOD.

Trusteeshold-
ing Places of
Profit not to
act.

VI. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he

he shall hold any Place of Profit, or be interested or concerned in any Contract or Contracts, under this Act; and that all such Trustees as are Justices of the Peace may act as Justices of the Peace within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees (except only in Cases where they shall be personally interested); nor shall any Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, be on that Account deemed unqualified to act as a Trustee in the Execution of this Act.

Justices may
act in both
Characters.

VII. Provided always, and be it enacted, That no Person or Persons who shall keep any Victualling House or other House of public Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victualling House, Alehouse, or other Place of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

Victuallers
not to be
Officers, or
act as Trust-
tees.

VIII. And be it further enacted, That the said Trustees shall meet at the *George Inn at Stroud*, in the County of *Gloucester*, on the Second *Thursday* next after the passing of this Act, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and that the said Trustees shall then, and from Time to Time afterwards, adjourn themselves, and meet at the same Place, or at such other Place, and at such Times, as the said Trustees shall from Time to Time order and direct, provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if, at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk to the said Trustees shall from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed on all the Toll Gates then erected in, upon, across, or on the Sides of the said Road, and to be inserted in One or more of the Newspapers published within the City or County of *Gloucester*, at least Fourteen Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held, on that Day Three Weeks next after the Day on which such last Meeting was appointed: Provided always, that no Business shall be done or proceeded upon by the said Trustees at any Meeting to be holden under this Act, before the Hour of Eleven in the Forenoon, nor shall any Adjournment be made, or any Meeting appointed to be held, at any later Hour than Three in the Afternoon of the Day on which such Meeting is appointed to be held.

General
Meetings of
Trustees.

IX. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment,

Meetings on
Emergencies.

How Orders
of Trustees
are to be made
and revoked.

Trustees to
pay their own
Expences at
Meetings.

Chairman to
have a casting
Vote.

All Acts may
be done by
Five Trust-
tees, unless
otherwise
directed.

Orders, &c.
to be entered.

Appointing
Officers Sa-
laries, &c.

jourment, in that Case the Clerk to the said Trustees, upon an Order in Writing, signed by Five or more of the said 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 Meeting not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments; and the said Trustees, or the Majority of them, at all Meetings held in pursuance of this Act, are hereby empowered to make all necessary Orders, Determinations, and Agreements in the Execution of this Act; and no such Order, Agreement, or Determination shall be made, unless the Majority of the Trustees present at such Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order, Agreement, or Determination; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Twenty-one Days before, in some public Newspaper usually circulated within the said County, of the Intention to apply to revoke or alter the same, nor unless a greater Number of Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of any such Order, Agreement, or Determination; and the said Trustees at all their Meetings shall defray their own Expences; and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

X. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid, except only in Cases herein particularly directed to be done and executed by any greater or less Number of them.

XI. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by the Chairman of the Meeting; which Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever.

XII. And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their respective Hands, to appoint one or more Collector or Collectors of the said Tolls, and a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees shall think necessary; and from Time to Time to remove such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors,

Surveyors, or other Officers, to appoint others in their stead; and that it shall and may be lawful for the said Trustees, out of any of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the said Trustees shall deem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Account in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, or Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any One or more Justices of the Peace for the County of *Gloucester*, upon Complaint made to them by any Five or more of the said Trustees, and such Justices are hereby required, by Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, to be brought before them, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary way, and to settle the said Account or Accounts, if produced; and if, upon Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath such Justices are hereby empowered and required to administer without Fee or Reward), or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Money which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, on Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or if such Officer or Officers, or other Person or Persons, shall not appear before the said Justices at the Time and Place by them appointed for that Purpose, unless for some sufficient Reason, or if appearing, shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings

[*Local.*] in

in his, her, or their Custody or Power, relating to the Execution of this Act, or to the said Road; then, and in either of the Cases aforesaid, such Justices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the same County, there to remain without Bail or Mainprize, until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint (which Composition the said Trustees are hereby empowered to make), or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided, that no Person who shall be so committed for want of sufficient Distress, shall be detained in Prison by virtue of this Act for a longer Space of Time than Three Calendar Months.

Treasurer, &c.
to give Security.

XIII. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices; and that no such Treasurer, Receiver, Collector, or other Officer, shall be permitted to enter upon such their Offices respectively until they shall have given such Security.

Trustees may
appoint temporary
Collectors, &c. in
certain Cases.

XIV. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Five or more of the said Trustees, though not assembled at any General Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may 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, become incapable, abscond, or absent himself; which 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 die, become incapable, abscond, or absent himself, would have had or been subject to; and if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person having the Possession of any Toll House or Buildings to be erected or set up by virtue of this Act, shall neglect or refuse to deliver up such Possession for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the said County of Gloucester, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, 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

put the said Trustees or any Five or more of them, or any of their Officers, in the Possession thereof.

XV. Provided always, and be it enacted, That after the First Nomination and Appointment of any Officers in pursuance of this Act, no Trustee shall be capable of voting or acting in any future Nomination or Appointment of any such Officers respectively, upon Death or any other Vacancy or Vacancies, unless such Trustee shall have acted as a Trustee in the Execution of this Act, at least once within the Space of One Year next preceding the Time of such last-mentioned Nomination or Appointment.

No Trustee shall vote for Officers who has not acted in the preceding Year.

XVI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of any such Clerk or Treasurer, without the Consent of the said Trustees; but that the Clerk or Treasurer for the Time being to the said Trustees, shall be deemed to be Plaintiff, or Defendant, as the Case may be, in every such Action: Provided always, that every such Clerk and Treasurer in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding, he shall pay, bear, expend, or be put unto, or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

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

How Expences to be paid.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or 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 continue or appoint the Person who has been or 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 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.

Clerk restrained from acting as Treasurer, and vice versa.

XVIII. And whereas a Map or Plan, describing the Line of the said intended Road, and the Lands through which the same is to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, hath been deposited with the Clerk of the Peace for the County of *Gloucester*, and for the County of the

Road to be made according to Plan.

City

City of *Gloucester*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerks of the Peace for the said County and City respectively, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying to such Clerks of the Peace respectively the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Road shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

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

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners of Land or Premises over which the same or any Part thereof is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Gloucester*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Trustees may widen or alter Road;

XX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, and at any Time or Times during the Continuance of this Act, to make, widen, divert, turn, or alter any Part or Parts of the said Road (within the Limits herein-before mentioned, or beyond such Limits, with the Consent of the Owners or Proprietors of the Lands through which the same shall be carried), in, upon, through, or over any private Lands, Grounds, Tenements, or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Road hereby authorized to be made, or any Alteration thereof, is intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Road, and to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands or Grounds, to be made use of as a public Highway whilst the narrow or ruinous Parts of the said Road are being widened or altered, and until the said Road shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees 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

Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as the Value of Lands to be purchased or used by virtue of this Act is herein-after directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds: Provided always, that it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, to deviate more than One hundred Yards from the present Line or Course of the said Road, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration: Provided always, that the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such as are marked or described in the said Map or Plan and Book of Reference, any Thing in this Act contained to the contrary in anywise notwithstanding.

but not to deviate more than 100 Yards from the present Line without Consent.

Trustees restrained from pulling down Dwelling Houses without Consent of the Owners.

XXI. And be it further enacted, That in all Cases where the said Trustees shall, by virtue of this Act, make any Part of the said Road over and through any private Grounds, or shall take away any Fence for widening, diverting, or turning any Road already made, the said Trustees shall make, or cause to be made, proper Fences or Stone Walls on both Sides of such new made Road, or on the Side upon which any such Fence shall be so removed as aforesaid, so as effectually to guard and fence off the Lands adjoining to such Road, and also proper Gates, Bridges, and Arches, where necessary, out of the said Road into the Lands adjoining; and shall keep such Fences so to be made in good Order and Repair for and during the Term of One Year, from the Time that such Fences shall have been made or set up.

Trustees to fence the new Road.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees at any Time or Times hereafter, when they shall see it convenient, to open, amend, and widen any Ways or Avenues, and to take down any Buildings within the City of *Gloucester*, and the Town of *Stroud* aforesaid, and the Suburbs thereof, with the Consent of the Owners and Occupiers of such Buildings, in order to improve the Entrances to the Road hereby authorized to be made, and for rendering the Communication with other Turnpike Roads more convenient to the Public.

Trustees, with Consent, may take down Buildings to widen Road.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of, and Persons interested in any private Lands or Grounds through which the said Road shall be set out, for the Purchase of so much of such Lands or Grounds as shall be required for the making of such Road or

Trustees may purchase Lands.

[*Local.*]

D

Alteration,

Corporations,
&c. empow-
ered to sell.

Alteration, or for the Loss or Damage which such Owners or Persons interested, or any of them, shall or may sustain by such making, forming, widening, turning, or diverting any Part or Parts of the said Road by this Act authorized to be made; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femmes Covert, *Cestuique* Trusts, and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands or Grounds, either for their own Use or Benefit or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees, and to sell and convey to them all such Lands and Grounds as shall be required for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or Trustees, or any other Person or Persons interested in any such Lands or Grounds, upon Notice to him, her, or them given in Writing, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so intended to be taken or used for the Purposes of this Act, shall by the Space of Forty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be hindered from treating, then and in every such Case the said Trustees shall cause it to be inquired into and ascertained by and on the Oath of a Jury of Twelve indifferent Men of the County of *Gloucester*, (which Oath any Two or more of the said Trustees are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors, or Occupiers, or other Person or Persons interested, for, upon, or on account of the taking or using of such Lands or Grounds for the Purposes of this Act; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as occasion shall require, to summon and call before the said Jury, and examine upon Oath all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, (which Oath any Two or more of the said Trustees are hereby empowered to administer), and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, the said Trustees shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands or Grounds, according to such Verdict or Inquisition of the said Jury, which said Verdict or Inquisition and Judgment, Order or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming in Possession, in Fee, or in Tail, General or Special, Reversion or Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femmes Covert,

Covert; and Persons under any Disability whatsoever, Bodies Politic, Corporate; or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever; and for the summoning or returning of such Jury or Juries the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Gloucester*, thereby commanding and requiring him to empanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed; and the said Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear on such Summons, the said Trustees shall swear or cause to be sworn Twelve, who shall be the 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 be speedily 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, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, without sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting 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 touching the Premises, shall refuse or neglect to appear, without sufficient Excuse, or appearing shall refuse to be sworn and give Evidence, and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied, so that such Fines shall not exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid for any one Offence.

Sheriff, &c.
to be fined on
Neglect of
Duty.

XXIV. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or of any Loss or Damage to be by him, her, or them sustained, than what shall have been offered by the said Trustees before the summoning or returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in every such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees out of any Money then raised or to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been offered by the said Trustees before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall

How Ex-
pences of
Jury, &c. are
to be paid.

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 of *Gloucester*, 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 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 on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided, that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees, touching the Matters aforesaid, the Whole of such Fees and Expences shall in all such Cases be paid by the said Trustees.

Upon Payment of the Purchase Money, the Land to be taken for the Road.

XXV. And be it further enacted, That every Sum of Money or Reconipence to be agreed for and assessed as aforesaid shall be paid by the said Trustees, or any Five or more of them, out of the Money to be borrowed upon the Credit of or to be collected as Tolls by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof, or in case of Refusal to accept the same, or the Parties not being to be met with, upon Payment thereof into the Bank of *England*, under the Direction of the Court of Chancery, in manner by this Act directed; and after Ten Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so to be agreed for or purchased as aforesaid, such Lands or Hereditaments shall and may be taken and used for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out as Part of the said Road, and shall to all Intents and Purposes become and be deemed a common Highway, and shall from thenceforth for ever be deemed as Part of the Road by this Act directed to be maintained, improved, and kept in Repair, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

First Offer of Land to be sold to whom to be made.

XXVI. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, or any old Road to be stopped up or discontinued by virtue of this Act, they shall first offer the same for Sale to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before any of His Majesty's Justices of the Peace for the said County (who are hereby respectively empowered to take such Affidavit) by some Person or Persons not interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said

saïd Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to 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 such Piece or Pieces of Ground, and he, she, or they and the saïd Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner by this Act directed with respect to the disputed Value of Premises to be purchased by the saïd Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in the Manner by this Act directed with respect to such Purchases made by the saïd Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the saïd Trustees of such Piece or Pieces of Road or Ground 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 Mis-application or Non-application of such Money.

XXVII. 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, 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 the Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the saïd 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 saïd 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 saïd 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 saïd 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 saïd Money shall by Order of the saïd High Court of Chancery, upon Application thereto, be invested by the saïd 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 meantime and until the saïd Bank

Application
of Money
awarded
above 200l.

[*Local.*]

E

Annuities

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 were made.

Where less
than 200l.
and above
20l.

XXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the 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 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 not
more than
20l.

XXIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall not exceed 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, 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.

In case of
not making
out a good
Title, &c.

XXX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for 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 in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed 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 Privy of the Accountant General of the High 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 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying 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.

XXXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High 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 of 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, Tenements, and 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 be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High 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.

In case of a
disputed
Title.

XXXII. 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 High Court of Chancery, 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 High Court of Chancery 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 said Court shall deem reasonable, to be paid by

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

by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting
Materials for
repairing the
Roads, &c.

XXXIII. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to dig, take, and carry away any Furze, Heath, Stone, Flints, Sand, Gravel, and other Materials proper and convenient for repairing the said Road, out of any Waste or Common, River or Brook, not being within the Distance of One hundred Yards of any Bridge, Dam, Weir, or Jetty, in any Parish, Town, Village, or Hamlet, within which the said Road is intended to be made; and for want of sufficient Quantities of such Furze, Heath, Stone, Sand, Gravel, or other Materials in the Places last described, then to dig, take, and carry away the like Materials out of any Waste or Common, River or Brook, not being within the like Distance from any Bridge, Dam, Weir, and Jetty, in any adjoining Parish, Town, Village, or Hamlet, without making any Recompence for the same; the said Surveyor or Surveyors filling up, fencing, and levelling all such Pits and Holes, as shall be made or occasioned by the digging for or taking away such Materials, and making such Allowance or Satisfaction to the Person or Persons through whose Lands or Private Ways such Materials shall be led and carried, for the Damages done and occasioned thereby, as the said Trustees shall judge fit and reasonable; and in case sufficient Materials cannot be gotten in such Wastes, Commons, Rivers, and Brooks as aforesaid, it shall be lawful for such Surveyor and Surveyors, by Order of the said Trustees, to dig for and take away the like Materials out of the Private Grounds of any Person or Persons, (not being a Garden, Yard, Paddock, Park, Planted Walk, or Avenue to any House or inclosed Ground, planted, set apart, or used as a Plantation or Nursery for Trees), where such Materials are or may be found in any such Parish or Place, and from Time to Time to carry away such and so much of the said Materials respectively, as the said Surveyor or Surveyors shall judge necessary for making, repairing and amending the said Road, paying such Recompence for the Damage done to the Owners and Occupiers of the respective Grounds, where, through, and whence the same shall be dug and carried away, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners and Occupiers, or any of them, and the said Trustees, touching the Damages aforesaid, then the Amount thereof shall be settled by any One or more Justices of the Peace for the said County of *Gloucester*, but subject to such Appeal to the General Quarter Sessions of the Peace to be holden in and for the said County as is herein-after directed.

Notice to be
given to the
Occupiers of
inclosed
Lands before
Materials, &c.
are taken.

XXXIV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any such Materials for repairing such Road, out of or from any inclosed Land or Ground, until Fourteen Days Notice in Writing, signed by such Surveyor, 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 usual Place of Abode, to appear before the said Trustees or One or more Justices of the Peace for the County of *Gloucester*, to shew cause why such Materials ought not be had from such Lands or Grounds; and
in

in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Trustees or such Justices by their Order to authorize such Surveyor or other Person or Persons to dig, get, gather, and carry away such Materials at such Time or Times as to the said Trustees or such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, pursuant to such Notice, the said Trustees or such Justices may make such Order therein as they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

XXXV. Provided also, and be it further enacted, That such Surveyor or Surveyors, or other Person or Persons as aforesaid, shall make or tender Satisfaction for the Materials so taken away, and for the Damages done thereby to the Owners and Occupiers of such Lands, Fields, or Grounds, where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Lands, Fields, or Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning such Damage, it shall be lawful for any Two or more Justices of the Peace for the County, City, or Place where or from whence such Materials shall be so cut, dug, gathered, taken, and carried away, on Application made to them for that Purpose, and Fourteen Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages.

Satisfaction
for Materials
and Damages.

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

Penalty on
taking away
Materials got
by Surveyor.

XXXVII. And, for the Purpose of collecting and receiving the Tolls herein granted and made payable, be it enacted, That the said Trustees, or such other Person or Persons as they shall direct and appoint, shall and may erect, or cause to be erected, such and so many Toll Gates or Toll Bars in, upon, or across such Parts, and in such Places of the said Road, and also such and so many Toll Gates or Toll Bars on the Sides of the said Road, and in, upon, or across any Street, Lane, or Bye-way that does or shall lead into or out of the same respectively, as they the said Trustees shall think proper and expedient (subject nevertheless to such Restrictions and Directions as are herein-after mentioned concerning the same); and also shall or may erect or provide a Toll House,

Power to
erect Toll
Gates, &c.

[*Local.*]

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with

with suitable Buildings, a Garden, and other Conveniencies, not exceeding Twenty Perches of Land, at or near each of the said Toll Gates or Toll Bars: Provided always, that no Toll Gate or Toll Bar for the Collection of Tolls shall be erected within the Distance of Three hundred Yards of the City of *Gloucester*.

Toll Houses,
&c. vested in
Trustees.

XXXVIII. And be it further enacted, That the Right and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences which shall be erected and provided in pursuance of this Act, with the several Conveniencies and Appurtenances thereunto respectively belonging, and the Materials of which the same shall consist, and all Materials which shall be provided for repairing the said Road, shall be vested in the said Trustees for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit; and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforesaid, stating the Property therein to be in their Clerk or Treasurer.

Power to re-
move Toll
Gates.

XXXIX. Provided always, 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 empowered from Time to Time, when and so often as they shall think proper, to cause any of the Toll Gates or Tolls Bars which shall be erected in, upon, or across, or on the Side or Sides of the said Road, by virtue of this Act, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Road as the said Trustees or any Five or more of them shall from Time to Time order and direct; provided that none of the said Toll Gates or Toll Bars shall be removed as aforesaid, unless Fourteen Days previous Notice of the Intention to remove the same shall have been given in One or more of the Newspapers published within the City or County of *Gloucester* aforesaid, and also affixed in Writing upon all the Toll Gates then standing upon the said Road.

Power to
take Tolls.

XL. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take at some or one of the Toll Gates or Toll Bars which shall be erected in, upon, across, or on the Side or Sides of the said Road by this Act directed to be made, or in, upon, or on the Side of any Street, Lane, or Way leading into or out of any Part of the said Road, once on every Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night,) the several Tolls and Duties following; (that is to say,)

Tolls.

For every Horse, Mare, Mule, Ass, Ox, or other Beast or Cattle drawing any Carriage, the Sum of Eight-pence:

For every Horfe, Mare, Mule, or Afs, not drawing, the Sum of Two-pence:

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

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

Which said Tolls may be wholly received at any one Toll Gate or Toll Bar, or partly at one Gate or Bar and partly at another, as the said Trustees shall from Time to Time direct; and the Tolls so authorized to be received shall be demanded and taken before any Horfe or Horses or other Beast or Cattle be permitted to pass through any such Toll Gate or Toll Bar; and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by the Person or Persons authorized to receive the same, neglect or refuse the Payment thereof, or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize and distrain any Horfe or Cattle, Beast or Carriage, upon which any Toll is by this Act imposed, or any of the Loading, Harness, or Accoutrements thereof respectively, (save and except the Bridle or Bridles thereof,) or any of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress and keeping the same, shall not be paid within the Space of Three Days after the Day of making such Distress, the Person or Persons so distraining shall and may, at any Time or Times thereafter, sell the Horfe, Cattle, Beast, Carriage, Goods, and Chattels so distrained, or a sufficient Part of such Goods and Chattels, and out of the Money which shall arise by such Sale, pay such Tolls and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any) upon Demand to the Owner or Owners thereof.

Tolls vested in the Trustees.

XLI. 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 shall happen), shall be ascertained by some Justice of the Peace for the County 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 Witness or Witnesses, 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.

For settling Disputes concerning Tolls.

XLII. Pro-

Number of
Tolls limited.

XLII. Provided always, That it shall not be lawful for the said Trustees, at all the Toll Gates and Toll Bars to be by them erected, to take more than the full Amount of the Tolls hereby granted; and that all and every Person and Persons, having once paid the full Toll imposed by this Act, at any one or more of such Toll Gates, producing a Note or Ticket denoting the Payment thereof, (which Note or Ticket provided by the said Trustees the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of such Toll) shall pass and re-pass during the same Day any Number of Times with the same Horses and Cattle, Toll-free, through the same and all other the Toll Gates and Toll Bars to be erected by virtue of this Act; and there shall be printed and specified on all such Tickets the Names of the several and respective Gates freed by such Payment.

Power to
make Agree-
ment with
the Trustees
of the old
Road from
Gloucester to
Stroud.

XLIII. And whereas the said intended Road will pass along and across a small Part of the Road repaired by the Trustees acting in the Execution of a certain Act passed in the Eighteenth Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the Road from the City of Gloucester to the Town of Stroud, in the County of Gloucester*; and of another Act passed in the Fortieth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of an Act made in the Eighteenth Year of the Reign of His present Majesty, for repairing and widening the Road from the City of Gloucester to the Town of Stroud, in the County of Gloucester*; by reason whereof, Travellers passing along such Part of the said last-mentioned Road would be liable to the Payment of Tolls under the said last-mentioned Acts: Be it therefore enacted, That it shall be lawful for the Trustees acting in the Execution of this Act, and they are hereby authorized and empowered, to enter into an Agreement with the Trustees acting under the said Acts of the Eighteenth and Fortieth Years of His present Majesty's Reign, by way of Composition in lieu of the Tolls which would be payable to such last-mentioned Trustees, and respecting the future Repairs of that Part of the Road repaired by such last-mentioned Trustees, over which the said intended Road will pass; and such Agreement, when entered into, shall be acted upon, and be good, valid, and effectual to all Intents and Purposes whatsoever.

Collectors
declared to
be competent
Witnesses.

XLIV. 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 under the Authority of the said Trustees, shall not be incompetent, on account of his being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

To prevent
Evasion of
Tolls.

XLV. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, or Beast, drawing or not drawing, in order to avoid Payment of the said Tolls or any of them, pass through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar to be erected by virtue of this Act, (except the Owner or Owners, Occupier or Occupiers of such Land or Ground), the same not being a common Road; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, or Beast, to pass through the same, with Intent to evade the
the

the Payment of any of the said Tolls or any Part or Parts thereof, or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Tolls, or forge, a Counterfeit of any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, or Beast liable to the Payment of Toll, or shall at any Time or Times take off or cause to be taken off any Horse, Ox, or any other Cattle or Beast from any Carriage with Intent to evade the Payment of any of the said Tolls or any Part or Parts of the said Tolls, or shall leave or cause to be left upon or near to any Part of the said Road any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

XLVI. And be it further enacted, That no Toll shall be demanded or taken for any Horse or Cattle which shall not pass more than One hundred Yards on the said Road; nor for any Horse or Cattle drawing any Carriage passing through any of the Toll Gates or Toll Bars to be erected upon or on the Sides of the said Road, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be used on or about the said Road, or for repairing any of the Highways in the Parishes, Districts, or Places which are liable to perform Statute Duty upon any Part of the said Road, in their Way to or on their Return after having been so employed; nor for any Horse or Cattle drawing any Carriage employed in carrying or conveying Hay, not having been stacked, Straw or Corn in the Straw only going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, or drawing, carrying, or conveying any Plough, Harrow, or other Implement of Husbandry to be used in the Cultivation of Lands, carried from one Part to another of Lands occupied by the same Person or Persons, or in carrying or conveying Mould, Dung, Ashes, Soil, or Compost for the manuring of Lands, or on their Way to or on their Return after having been so employed; nor from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting any of his sick Parishioners; nor of or from any other Person or Persons for passing through any of the said Toll Gates or Toll Bars to or from his or their Parish Church, Chapel, or other Place of religious Worship on *Sundays* or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Districts, or Places; nor for any Horse, Mare, Gelding, Mule, Ass, or Cattle kept within such Parishes, Districts, or Places, going to or returning from work in cultivating Lands therein; nor for any Horse or Cattle going to or returning from Water or Pasture, or going to or returning from being shod or farried; nor for any Horse or Carriages, of whatsoever 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 the same, or in returning back from conveying the same; nor for the Horses of Officers and Soldiers on their March or on Duty; nor for Carriages, or Horses,

[*Local.*]

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or

or other Beasts employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying any wounded or disabled Officers or Soldiers; nor for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him, in going to or returning from the Place appointed for and on the Days of Exercise, provided that all such Persons are 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, and not otherwise; 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 or Barrack, or other Public or Commissariat Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed; nor for any Horse or Carriage going to or returning from any Election of a Knight of the Shire, or Citizen to serve in Parliament for the said County or City of *Gloucester*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid (not being entitled thereto), every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Carriages employed in His Majesty's Service not to be subject to Regulations for Overweight.

XLVII. 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 Waggon, Wain, Cart, or other Carriage, while so employed, 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 Cattle, 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 of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Tolls may be reduced.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen or reduce any of the Tolls hereby granted or made payable at all or any of the Toll Gates to be erected by virtue of this Act, and to cause the same to be collected in such Manner, Parts, and Proportions as they shall think fit, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five Sixth Parts of the Money then due on the Security of the Tolls; but no such Reduction shall be made unless Twenty-one Days previous Notice thereof shall be affixed in Writing upon all the Toll Gates then erected across the said Road, and also inserted in

in One or more of the Newspapers published or generally circulated in the County of Gloucester.

XLIX. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding Three Years at any one Time, with all or any of the Inhabitants of the several Parishes, Hamlets, or Places to or through which the said intended Road may lead or pass, for the passing of all or any Description of their Horses, Cattle, or Carriages through all or any of the Toll Gates to be erected on the said Road, or on the Sides thereof; which Composition shall be paid yearly in Advance, and in Default thereof the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

Trustees may compound for Tolls.

L. And be it further enacted, That it shall and may be lawful for the said Trustees, in such Manner and Form as is mentioned and directed in that Behalf in and by a certain Act of Parliament passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and reduce into one Act of Parliament the General Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, from Time to Time to lease and demise the Tolls granted by this Act, and arising upon the said Road intended to be made, repaired, and amended by virtue of this Act, or any Part or Parts thereof, for any Time or Term of Years not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Time and under such Covenants as the said Trustees shall think fit, they the said Trustees taking a Counterpart of all such Lease and Leases, and taking such sufficient Security from the Person and Persons to whom such Tolls shall be leased and demised, for Payment of the Rents and Performance of the Covenants to be reserved and comprised in such Lease or Leases, as the said Trustees shall think fit.

Power to lease the Tolls.

LI. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof; or such other Person or Persons as he, she, or they shall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, and to use all such Means and Methods for the Recovery thereof in case of Non-payment or Evasion, as any Collector of the said Tolls appointed under or by virtue of this Act is by this Act authorized and empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking the said Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Lessees of Tolls may appoint Persons to receive the same.

LII. And be it further enacted, That no Lessee or Lessees, or Farmer or Farmers of the Tolls at any Toll Gate or Toll Bar to be erected upon the

Penalty on Renters of Tolls com-

pounding for
Overweight.

the said Road, or his or their Deputy or Deputies, Agent or Agents, shall make any Composition by the Year or otherwise with the Inhabitants of any Town or Place, or with any Person or Persons whomsoever, for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage liable to be weighed at any Engine or Engines to be erected upon the said Road, for or in respect of the Overweight thereof; and in case any Lessee or Farmer, or Deputy or Agent, shall offend herein, every such Lessee or Farmer, or Deputy or Agent, shall, on Conviction thereof, by Confession, or upon the Oath of One Witness, before any One of His Majesty's Justices of the Peace for the County of *Gloucester*, forfeit and pay, besides the Costs and Charges attending the Conviction, any Sum not exceeding Five Pounds, and shall also forfeit his or their Contract or Lease for renting the Tolls, if the Trustees or any Five or more of them shall think proper to order that the same shall be thereupon vacated and made void; and every such Composition shall be and the same is hereby declared to be null and void; and that One Moiety of every such Penalty as aforesaid shall be paid to the Informer, and the other Moiety to the Clerk or Treasurer of the said Road, to be applied towards the Repairs thereof, the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices as aforesaid.

Trustees may
compound
with other
Trusts.

LIII. And be it further enacted, That it shall be lawful for the Trustees for executing this Act, at any Time or Times, to agree with the Trustees of any other Roads for the Payment to them of such Sum or Sums of Money as shall be adjusted and agreed on between them respectively, as a Composition for and in lieu of any such Tolls, as it shall or may be deemed proper or expedient to compound for, and to pay such Sum or Sums of Money as shall be agreed on out of any Money to arise by virtue of this Act.

For borrow-
ing Money
on the Secu-
rity of the
Tolls.

LIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Five or more of them, at any Meeting, to borrow and take up at Interest, upon the Credit and Security of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, such Sum or Sums of Money as they or any Five or more of them shall think fit, and for securing the Re-payment of all such Sum and Sums with Interest, they the said Trustees or any Five or more of them are hereby empowered from Time to Time, by any Writing or Writings under their Hands, to demise or mortgage the said Tolls or any Part or Parcel thereof, and the Toll Gates and Toll Houses for collecting the same, during the Continuance of this Act, (the Charges of such Mortgages to be paid out of such Tolls) as a Security or Securities to any such Subscriber or Subscribers as aforesaid, or to any other Person or Persons who shall advance such Sum or Sums of Money, their respective Executors, Administrators, and Assigns, for the Money so to be advanced, with Interest for the same; which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to say),

Form of
Mortgage.

‘ BY virtue of an Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*], We of the Trustees for putting

‘ putting the said Act into Execution, in consideration of the Sum of
 ‘ in hand advanced and paid by *A. B.* of
 ‘ to the Treasurer of the said Road, do hereby
 ‘ grant, bargain, sell and demise unto the said *A. B.* his Executors,
 ‘ Administrators, and Assigns, for and during the Continuance of the
 ‘ said Act, such Proportion of the Tolls to arise upon the said Road,
 ‘ and the Toll Gates and Toll Houses already or hereafter to be made
 ‘ and erected for collecting the same, as the said Sum of
 ‘ doth or shall bear to the whole Sum now or hereafter to become due
 ‘ and owing on the Security thereof, to be had and holden from the
 ‘ Day of the Date hereof, for and during the Continuance of the said
 ‘ Act, unless the said Sum of , with Interest after the
 ‘ Rate of *per Centum per Annum*, shall be sooner
 ‘ repaid and satisfied. Given under our Hands this Day
 ‘ of

And Copies of all such Mortgages or Mortgage Securities shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and it shall be lawful for all Persons respectively, to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their Right, Title, and Interest in and to such Mortgage, and the Principal Money and Interest thereby secured, to any other Person or Persons whomsoever; which Assignment or Transfer may be made in the following Words, or Words to the like Effect, to be indorsed on such Mortgage Security, or to be underwritten or thereunto annexed, and signed in the Presence of and attested by one or more credible Witnesses or Witnesses; (that is to say),

‘ **I** *A. B.* or *I C. D.* Assignee, Executor or Administrator of *A. B.* Form of
 ‘ (*as the Case may happen*), do hereby assign and transfer this Mort- Transfer.
 ‘ gage Security, with all my Right and Title to the Principal Money
 ‘ thereby secured, and all Interest now due and hereafter to grow due
 ‘ upon the same, unto *E. F.* of his Executors,
 ‘ Administrators, and Assigns. Dated this Day of
 ‘ Witness to the signing hereof

Which Transfer shall be produced and notified to the said Clerk or Treasurer, within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in like manner assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators), to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on

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the

the said Toll Gates and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of Priority of advancing their Monies, or of the Dates of their respective Securities or otherwise, except as hereinafter mentioned.

For paying
Creditors by
Lot.

LV. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Road, it shall and may be lawful for them, or any Five or more of them, at any Meeting to be holden as aforesaid, Notice of such intended Meeting and of the Purpose thereof being first given, at least Fourteen Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said County of *Gloucester*, if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, any Thing herein contained to the contrary thereof notwithstanding.

Application
of the Money.

LVI. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following (that is to say), in the First Place in Payment of all the Costs, Charges, and Expences which have been incurred or incidental to, or attending the applying for or obtaining and passing of this Act; in the Second Place, in defraying the Expences of purchasing Land which may be necessary for the making and widening of the said intended Road; in the Third Place, in paying the Interest accruing from Time to Time upon the several Principal Sums of Money which shall from Time to Time be borrowed and secured in pursuance of this Act, and in defraying the Expences of erecting and providing Toll Gates, Toll Houses, and other Buildings, and keeping the same in Repair, and of altering, raising, widening, repairing, and preserving the said Road so intended to be made as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall be secured in pursuance of this Act, either rateably or by Lot, as the said Trustees shall think proper.

Surveyors
may remove
Annoyances.

LVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to be appointed under this Act, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road, by Timber, Stones, Carriages, Saw Pits or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise; and to turn any Watercourses, Gutters, or Drains running into the same, to the Prejudice thereof; and to open, scour, cleanse, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Road, or any Part or Parts thereof; and

and also to cut down, top, or lop, at proper Seasons of the Year, any Trees, Branches, or Bushes growing in the Hedges, Fences, or Grounds adjoining thereto, so as to reduce such Hedges to any Height not less than Four Feet; and to take and carry away the same, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for Seven Days after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees) shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to cut down such Trees, Branches, or Bushes, or by the Person or Persons occasioning, or neglecting or refusing to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as any Forfeiture or Penalty is herein-after directed to be levied and recovered; and if after the Removal of any such Annoyances any Person or Persons shall offend again in like Manner, every such Person shall for every such Offence, or other repeated Offence, forfeit and pay any Sum not exceeding Forty Shillings.

LVIII. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Causeways or Footpaths in or along the Sides of the said Road, or any Part thereof; and to cut or make Drains or Watercourses upon and through any Lands lying contiguous to the said Road, and to erect and keep in Repair the Bridges and Arches thereupon; and also to make Ditches or Fences in such Places and in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, shall judge necessary; and make sufficient Fences, Barriers, and other Erections on any Part or Parts of the said Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary, making such Satisfaction to the Owners or Occupiers of such Lands so to be used, cut through, or built upon, for the Damages which they or any of them shall sustain thereby, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees touching such Damages, the same shall be settled by any Two or more Justices of the Peace for the said County of Gloucester.

Surveyors
may make
Causeways,
&c.

LIX. And be it further enacted, That the Trustees shall and they are hereby required from Time to Time to cause the said Road to be measured, and Stones or Posts to be placed in or near the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles and Distance of Places from any Town or Place, and also cause to be erected Guide-Posts upon such Parts of the said Road where the same may be crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile-Post or Stone erected or fixed or to be erected or fixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Causeway or Footpath formed by the said Surveyor or Surveyors upon or on the Side of or adjoining to the said Road, or shall drive any Horse, Beasts, or Swine, or any Carriage upon, or cause any Damage to be done to any Causeway or Footpath; or if any Person shall cause to be hauled or drawn upon any

Road to be
measured and
Mile Stones
erected.

Part

Part of the said Road any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road, shall suffer the same to root up and damage the said Road, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Road shall ride upon the Shafts or other Part of the said Carriage, without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or near Side of the said Road, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football on any Part of the said Road, or on the Banks, Land, Streets, or Places adjacent or lying open thereto; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Road longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not during such Time be drawn up to the Side of the said Road, as near as conveniently may be; or in case any Person shall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, between the said Road and the Fences to be erected on the Sides thereof, or shall plough up, dig up, or break up any of the Soil between the said Road and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying in his own Ground, and be carried away without being brought over any Part of the said Road, or that the same may be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as herein-after directed.

Trustees may contract for Repairs or any other Works.

LX. 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 to contract and agree with any Person or Persons for the forming, making, or repairing of the said Road, or any Part or Parts thereof, or for doing any other Work in pursuance or Execution of this Act, in such Manner and for such Sum or Sums of Money in gross or annually, or for a Term of Years, or otherwise, as the said Trustees, or any Five or more of them, shall think proper.

Persons liable to repair to continue so.

LXI. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the maintaining or amending of any Part or Parts of the said Road by this Act directed to be widened or repaired, or any Bridge or Bridges or other necessary Things thereon, or any Part or Parts thereof, shall

shall still remain liable and chargeable to the Repair thereof, in such Manner and to the same Extent, but not in any other Manner nor to any greater Extent, than as they were liable and chargeable before the passing of this Act.

LXII. Provided always, 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 said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the said County of *Gloucester*, and they are hereby empowered and required, 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 by the Inhabitants of the respective Parishes or Places in which the said Road shall be made (except within the Tithings of *Edge, Spoonbed, and Stroudend*, within the Parish of *Painfwick*, the Whole of which is still to be done on the old Turnpike Road as heretofore), and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, except the Tithings of *Edge, Spoonbed, and Stroudend* aforesaid, 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 for every such Parish or Place, except as aforesaid, to bring in Lists before such Justices at some Place to be expressed in such Summons, within Ten 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 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, except as aforesaid, to do such Number of Days Statute Work in every Year upon the said 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 Part of the said Road, as the said Trustees, or any Five or more of them, 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 such Statute Work (except 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 this Act authorized or directed to be recovered; and each and every Person

Persons
chargeable to
Statute
Work to
continue so.

[*Local.*]

I

who

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 last or usual Place or Places of Abode for that Purpose, by any Surveyor to 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 public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss 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 Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places respectively 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 Ten Pounds.

Trustees may compound for Statute Work.

LXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Road is or shall be situated, for a certain Sum of Money by the Year, or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding to the Treasurer to the said Trustees, in advance, on or before the First Day of *January* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Penalty for assaulting Collectors, or obstructing the Execution of this Act.

LXIV. 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 Gatekeeper, employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

For securing transient Offenders.

LXV. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution, be it therefore further enacted, That it shall be lawful for the said Trustees, 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 apprehend and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed.

LXVI. And be it further enacted, That every Toll Collector, whether appointed by the said Trustees or by any Lessee or Lessees under them, shall and is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon his 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 in white Letters on a black Ground, or black Letters on a white Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said 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 or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be 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 give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll, such Ticket having specified thereon the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge and determine.

Punishing
Collectors
misbehaving.

LXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof be not herein otherwise directed), shall upon Proof of the Offences respectively before any Justice of the Peace for the County or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of the Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered, (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, One Moiety thereof to the Informer, and the other Moiety thereof to the Treasurer or Clerk to the said Trustees,

Penalties and
Forfeitures,
how to be
recovered and
applied.

Trustees, and applied to the Purposes of this Act; and in case such sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any One Justice of the Peace 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 such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Gates to
Fields, &c.
to open
inwards.

LXVIII. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to the said Road, shall be so made, hung, and constructed, as to open inward towards such Field or Ground, and not outward towards the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act; or shall, after the same shall have been hung so as to open inwards towards such Field or Ground, again alter the same so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings; and it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Road, to be altered and made to open inward towards such Field, Ground, Yard, or other Place, as they the said Trustees shall think proper.

Offences.

LXIX. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices and Justice 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, (as the Case shall happen), or in any other Form of Words to the same Effect; (that is to say),

Form of
Conviction.

County of } BE it remembered, That on the
to wit. } Day of in the Year of our Lord
A. B. is convicted before me, One of His
Majesty's Justices of the Peace for the said County, by virtue of an Act
of the Fifty-eighth Year of the Reign of King George the Third, inti-
tuled [*here set forth the Title of this Act, and specify the Offence, and when*
and where committed.] Given under my Hand and Seal the Day and
Year above written.

Subscribers
compellable
to pay their
Subscrip-
tions.

LXX. And be it further enacted, That if the several Persons who have become Subscribers towards the Expence of obtaining and passing this Act, and carrying the same into Execution, or any One or more of them, or any Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purposes aforesaid, shall, after Ten Days previous Notice in Writing, under the Hand of the Treasurer or Clerk to the said Trustees for that Purpose to him, her, or them given, or left at his, her, or their Dwelling-house or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful

lawful for the said Trustees to bring or cause to be brought, in the Name of their Clerk or Treasurer, any Action of Debt or on the Case, Bill, Plaint, or Suit, against the Person or Persons so neglecting or refusing as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and after Proof of such Person or Persons having so subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall be given for the Plaintiffs in all such Action or Actions, and Executions shall issue thereupon as the Case may require.

LXXI. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done or omitted to be done in pursuance of this Act, either by the said Trustees, or by any One or more of His Majesty's Justices of the Peace, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County of *Gloucester*, such Appellant (if sufficient Time after the Cause of such Complaint shall have arisen) first giving or causing to be given Eight Days Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for want of sufficient Time for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice, and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the said County; and the Justices at such First or Second Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, 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 or neglect to pay the same, and for want of sufficient Distress commit such Person or Persons to the Common Gaol, or any House of Correction for the said County, there to remain for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Persons aggrieved may appeal to the Quarter Sessions.

LXXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account

Proceedings not to be quashed for want of Form.

[Local.]

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of

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 committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on behalf of the Party distraining before such Action brought.

Limitation of
Actions.

LXXIII. 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 shall be given to the Clerk or Clerks of the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Two Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may at his or their Election plead specially, or the General Issue Not Guilty, 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 that such Action or Suit shall have been brought before Twenty-eight Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after Two Calendar Months after the Fact committed, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Cases by Law.

Public Act.

LXXIV. 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.

Commence-
ment and
Continuance
of this Act.

LXXV. And be it further enacted, That this Act shall commence upon and have Continuance from the Day of passing thereof 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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