

Former Acts
continued.

called *Reynold's Bridge*, and in raising, levelling, and otherwise improving the said Road; but that the same cannot be effected, nor can the said Roads be further amended and kept in Repair, unless the Term of the said Acts be continued, and the Powers and Provisions thereof altered and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Tolls, Clauses, Powers, Authorities, Provisions, Regulations, Restrictions, Penalties, Forfeitures, Matters and Things therein respectively contained (except such Parts thereof as are altered or repealed), shall be and continue in full Force and Effect, and, together with this Act, shall be executed for and during the Term hereinafter mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act; and that this Act, and the additional Term and Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said recited Acts or either of them, and also of all such further Sum or Sums of Money as shall or may be hereafter borrowed or become due on the Credit of the said recited Acts or of this Act, and of all Interest due and to grow due for the same respectively.

Additional
Trustees.

II. And be it further enacted, That the Members in Parliament for the County of Gloucester for the Time being, *John Adey*, The Honourable *George Cranfield Berkeley*, *Sir Thomas Crawley Boevey* Baronet, *Thomas Crawley Boevey*, *William Buckle*, *Thomas Butt*, *Richard Butt*, *Thomas John Lloyd Baker*, *Martin Barry* Clerk, *William Beale*, *Michael Hicks Beach*, *Thomas Baghot de la Bere*, *James Buchanan*, *Francis Turner Bayley* Clerk, *Joseph Bonner Cheston* Clerk, *Samuel Commeline* Clerk, *Shadrach Charleton*, *Thomas Commeline*, *James Commeline* Clerk, *Charles Cother*, *William Cother*, *Charles Church*, *Benjamin Claxon*, *Thomas Cother*, *John Cother*, *James Dutton*, The Dean and Chapter of the Holy and Indivisible Trinity in Gloucester, *Thomas Davis*, *Charles Evans*, *Anthony Ellis*, *Daniel Ellis*, *William Goodrich*, *Sir Berkeley William Guise* Baronet, *Charles Greenaway*, *Thomas Grey*, *George Cæsar Hopkinson*, *William Herbert*, *John Heath*, *Charles Hopkinson*, *John James Hough*, *Sir William Hicks* Baronet, *Thomas Hughes*, *Edward Herbert*, *Richard Helps*, *James Helps*, *William Holt*, *Joseph Terry Hone*, *Edward Jones* Vicar of Corfe, *Samuel Jones*, *Thomas Jenkins*, *John Jefferis*, *Peter Radley Jackson*, *Edward Jones* Clerk of Brockworth, *William Lawrence*, *Walter Lawrence*, *William Morris*, *James Matthews*, *William Montague*, *Robert Morris*, *Thomas Meekings*, The Mayor, Aldermen, Sheriffs, and Common Council of the City of Gloucester for the Time being, *Noah Hill Neale*, *Daniel John Niblett*, *John Neale* Clerk, *Samuel Olive*, *Thomas Okey*, *Sir George Onesiphorous Paul* Baronet, *John Pytt*, *Joseph Pearce*, *John Phillpotts*, *Thomas Pearce*, *Joseph Pomfrey*, *Edmund Probyn*, *William Edward Rogers*, *Thomas Rudge* Clerk, *Joseph Rea*, *John Michael Saunders*, *John Surman*, *Francis Paul Stratford*, *Samuel Smith*, *Hugh Taylor*, *Thomas Turner*, *John Turner*, *David Walker*, *Henry Wilton*, *Robert Pleydell Wilton*, *Henry Hooper Wilton*, *Thomas Washbourn*, *Walter Wilkins*, *James Westbridge Walters*, *James Wintle*, *John Gregory Welch*, *William Hayward Winstone*, *James Wood*, and *David Walters*; together with Ten other Persons to be named as Trustees, at the First or any other

other Meeting to be held under this Act, shall be added to and joined with the surviving and remaining Trustees appointed by or in pursuance of the said recited Acts for putting the said Acts and this Act into Execution; and the Trustees hereby nominated, and their Successors (being duly qualified as herein-after mentioned) shall be and they are hereby empowered to act in the Execution thereof as fully and effectually to all Intents and Purposes as if they had been appointed Trustees in or by virtue of the said recited Acts or either of them.

III. And be it further enacted, That upon the Death, Refusal, or Disability to act in the Execution of the said recited Acts or this Act, of any of the Trustees or their Successors, then and in every such Case it shall be lawful to and for any Five or more of the surviving or remaining Trustees, by Writing under their Hands, at a Meeting to be held for that Purpose, to elect and appoint some other Person or Persons to be a Trustee or Trustees in the room of such Trustee or Trustees so dying, refusing or becoming incapable to act as aforesaid; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, or advertised in one of the *Gloucester Papers*, at least Seven Days before every such Meeting; and every Person so to be elected and appointed (being qualified as herein-after mentioned) shall be and he is hereby empowered to act in the Execution of this and the said recited Acts to all Intents and Purposes in as full and ample Manner as the Trustee in whose room or stead he shall be so elected could or might have done.

Power to elect new Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this or the said recited Acts, unless he shall be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes, or shall be Heir apparent of a Person seized of a real Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds above Reprizes, or shall be possessed of or entitled unto a Personal Estate of Eight hundred Pounds, nor (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath or Affirmation in the Words or to the Effect following; (that is to say),

Qualification of Trustees.

I do swear [*or, being one of the People called Quakers, do solemnly affirm*] That I truly and *bonâ fide* am, in my own Right [*or in the Right of my Wife*] in the actual Possession and Enjoyment [*or Receipt*] of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes, [*or am Heir apparent of* _____ who to the best of my Knowledge and Belief is seized of such an Estate of the clear yearly Value of Eighty Pounds], or am possessed of a Personal Estate of the Amount of Eight hundred Pounds, after all my Debts are paid.
So help me GOD.

Oath.

Which Oath or Affirmation any Two or more of the said Trustees are hereby empowered to administer; and if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act, every such Person

Penalty on Persons acting without being qualified.

Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection or Wager of Law, 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, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of the said recited Acts or this Act: Provided always nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of the said recited Acts or this Act, previous to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual, as if such Person or Persons had been qualified according to the Directions of this Act.

Persons hold-
ing Places of
Profit inca-
pable of act-
ing as Truf-
tees, &c.

V. And be it further enacted, That no Person shall be capable of acting as a Trustee under the Authority of this or the said recited Acts, during such Time as he shall hold any Place of Profit under or by virtue of the said recited Acts or this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls hereby granted, shall in consequence thereof be deemed unqualified to act as a Trustee in the Execution of this or the said recited Acts; and that all Trustees who are or shall be Justices of the Peace for the said County of *Gloucester*, may act as Justices of the Peace in the Execution thereof, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Meetings.

VI. And be it further enacted, That the Trustees for executing this and the said recited Acts, or any Five or more of them, shall meet together at the *Horse and Groom Inn*, in the City of *Gloucester*, on the First Day of *May* after the passing of this Act, or so soon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, and may at such Meeting, and also at any subsequent Meeting to be holden for the Purpose of carrying the said recited Acts and this Act into Execution, from Time to Time adjourn themselves, and appoint a next Meeting or Meetings to be holden at the same or any other Place near the said Roads, and at such Time as to them shall seem proper; and shall or may, at their said First or any subsequent General Meeting or Meetings, from Time to Time during the continuance of the Term hereby granted, divide and distribute themselves into several and distinct Committees for the Management and effectual Repair of the said Roads, and from Time to Time set down in Writing the Names of those who shall act at each such Committee, and appoint such convenient Place or Places for the Meeting of such Committee or Committees for the Purposes aforesaid, as to them shall seem meet; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of the said Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, may adjourn such Meeting to that Day Month, and by Notice in some one or more of the *Gloucester* Newspapers, or by Writing under their or his Hands or Hand, to be affixed on all the Turnpike Gates then erected upon the said Roads, at least Seven Days before the next Meeting, shall appoint the said Trustees to meet at the House or
Place

Place where the said Meeting of the said Trustees was last appointed to be held, or at some other convenient House or Place upon or near some Part of the said Roads on some future Day; and if it shall at any Time happen that no Trustee shall appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act, or that the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Two or more of the said Trustees at any Time or Times to appoint, by Notice to be given as aforesaid, a Meeting to be held at some House on or near the said Roads on some Day within Fourteen Days then next ensuing; but no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act before the Hour of Ten in the Forenoon; and no Adjournment shall be made to, or any Meeting appointed to be held at any Time later than Two of the Clock in the Afternoon; and the said Trustees at all their Meetings shall defray their own Charges and Expences, except in paying for the Use of the Room or Rooms where their Meetings shall from Time to Time be held for the Purposes of the said recited Acts or this Act, which shall be paid for out of the Monies to arise by virtue thereof, so that such Payment shall not exceed the Sum of Ten Shillings at each Meeting.

Trustees to defray their own Expences.

VII. And be it further enacted, That if, after any Adjournment of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, then the Clerk to the said Trustees, upon receiving an Order in Writing, signed by any Three or more of them, mentioning the Time, Place, and Purposes of such Meeting, shall forthwith give Notice thereof by Advertisement as aforesaid Ten Days at least previous to the holding of the same, and such earlier Meeting shall or may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be deemed valid and effectual; but that no Business shall be transacted or done at any such Meeting, other than such as shall be specified in such Notice.

Meetings on Emergencies.

VIII. And be it further enacted, That all the Acts, Orders, Accounts, and Proceedings of the Trustees, to be done, made, or had by virtue of the said recited Acts or this Act, shall be fairly entered in a Book or Books, to be by the respective Clerk or Clerks to the said Trustees kept for those Purposes; and that no Act or Order shall be done or made by the said Trustees, except at a public Meeting to be held in pursuance of this Act; and that at all and every such Meetings a Chairman shall be appointed, who, in case of an Equality of Votes upon any Question or Proceeding at such Meeting, shall have and give the decisive or casting Vote; and all such Acts, Orders, Accounts, and Proceedings so entered, shall be signed by the Chairman of such respective Meetings, and being so signed shall be deemed to be Originals; which said Books, and also the Books directed to be kept for entering Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Proceedings, &c. to be entered in a Book, and signed by the Clerk.

Books may be read in Evidence.

IX. Provided always, and be it further enacted, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the Execution of the Trusts, Powers, and Authorities in them reposed, shall be revoked, repealed, altered, or set aside by any subsequent Order of the Trustees, unless a greater Number of Trustees shall be present than

No Order of Trustees to be revoked, unless at a subsequent Meeting to be

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held for that Purpose, and Notice thereof given.

the Number of Trustees who made such Order, and at a Meeting to be held for that Purpose, and shall be consenting thereto, of which Meeting and the Intent thereof Fourteen Days previous Notice shall be given by Advertisement as aforesaid, or affixed in Writing upon all the Turnpikes erected or continued by virtue of the said recited Acts or this Act.

Trustees may appoint temporary Collectors, and remove those discharged, &c.

X. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall die, neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to appoint a temporary Collector, or to discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until an Order for his Removal shall be made at a Meeting of the said Trustees, or until he shall be discharged as aforesaid, in the stead of each and every such Collector or Receiver as shall so die or be discharged; and every such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as the Person who shall so die or be discharged would have had or have been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Family, or other Representative of any Collector or Receiver who shall so die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Building to be erected or set up by virtue of the said recited Acts or this Act, or any Garden or Appurtenances thereunto belonging, for the Space of Ten Days after Demand made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees (although not assembled at any Meeting), or by their Clerk or Clerks, Treasurer or Treasurers, then and in any or either of the said Cases it shall be lawful for any Justice or Justices of the Peace for the 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, Garden or Appurtenances, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees or any Three or more of them, or such new-appointed Collector or Receiver, into the Possession thereof.

Toll Houses, &c. vested in Trustees.

XI. 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 the said recited Acts or this Act, with the several Conveniences 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 Roads, 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,

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.

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

Trustees may sue and be sued in the Name of their Clerk or Treasurer, who is to be reimbursed his Expences.

XIII. And be it further enacted, That no Person shall be subject to pay the Tolls hereby or by the said recited Acts granted, at more than Two Gates on the same Day, for or in respect of the same Horse, Cattle, or other Beast and Carriage passing or repassing upon the said Roads, in case more than Two Gates shall hereafter be erected thereon.

Tolls not to be paid at more than Two Gates in the same Day.

XIV. Provided always, and be it further enacted, That no Person who shall have paid the Tolls by this or the said recited Acts granted, or any of them, at any Toll Gate upon the said Roads, shall be liable to pay Toll at any other Toll Gate upon the said Roads within the Distance of Two Miles from the Toll Gate at which such Toll shall have been paid, for or in respect of the same Horse or Horses, Beasts, Cattle or Carriages, in any one Day, such Person producing a Note or Ticket denoting such Payment, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver gratis on Receipt of the Toll; and that no more than Three Tolls in the whole shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, Beasts, Cattle or Carriages, for passing or repassing through all the Toll Gates upon the said Roads in any one Day, such Person or Persons producing Notes or Tickets denoting such Payments, and which Notes or Tickets the respective Collectors of the Tolls are hereby required to deliver gratis on the Payment of the Toll.

No Toll to be paid at the same Gate more than once in the same Day, within a certain Distance.

XV. And be it further enacted, That upon the Payment of any of the Tolls granted or made payable by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver gratis to the Person paying

Tickets to be delivered.

paying such Toll, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon the Names of the several or respective Gates which such Ticket shall free, or which ought, under the Provisions of this Act, to be passed free for one Payment of Toll.

Persons not passing above One hundred Yards, to be liable to Half Toll only.

XVI. Provided always, and be it enacted, That it shall be lawful for the said Trustees or any Five or more of them, if they shall see Occasion, to reduce the said Tolls respectively, or any of them, to any Sum not being less than One-half of the said Tolls at any Toll Gate or Bar erected or to be erected or set up by virtue of the said recited Acts or this Act, across or on the Sides of the said Roads, for or in respect of any Carriage, Horse, or Beast which shall only cross such Roads, and shall not pass above One hundred Yards thereon.

Tolls to be paid but once for passing and repassing, &c.

XVII. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike erected or to be erected by virtue of this Act, shall be subject to any Toll for returning through such Turnpike the same Day, before Twelve of the Clock at Night, with the same Horses, Cattle, or Carriage; and all and every Person and Persons, for every subsequent Time of passing through any such Turnpike the same Day with the same Horses, Cattle, or Carriage, shall pay such Tolls for every subsequent Time of passing (not exceeding the Rates herein-before mentioned) as the said Trustees shall direct and appoint; and such Person, for every such Payment for such subsequent passing, may likewise return through such Turnpike with the same Horses, Cattle, or Carriage, the same Day, without paying any other Toll; and it shall be lawful for the said Trustees, and they are hereby empowered, to order and appoint through how many and which of the Turnpikes any Person or Persons who shall have paid the Toll or Tolls hereby granted at any one of such Turnpikes, shall the same Day, with the same Horses, Cattle, or Carriage, pass or repass without paying any other Toll, or on paying only such Proportion of the Tolls hereby authorized to be taken at such other Gates or Turnpikes as the said Trustees shall think fit, such Person or Persons producing a Note or Ticket denoting the Payment of Toll at such one Turnpike as aforesaid, which Note or Ticket the Collector or Receiver of the Tolls is hereby required to deliver gratis, if demanded, on Payment of such Toll.

Disputes concerning Tolls to be settled by a Justice of the Peace.

XVIII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of keeping 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), till the Amount of the Duties due, and the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen), be ascertained by one or more Justice or Justices of the Peace for the County, Town, or Place in which the Cause of Dispute shall arise, who, upon Application made to him or them 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 or Justices 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

Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) on Demand, after deducting such Costs and Charges, and 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.

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

Collectors of Tolls not to be deemed incompetent Witnesses.

XX. And be it further enacted, That all and every Toll Collector, being Lessee of the Tolls authorized to be collected upon the said Roads, or appointed or continued either by the said Trustees, or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Acts or this Act, shall and he or she is hereby required to place his or her 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 on his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either 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 or she shall be upon 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 than he or she shall be authorized to do by virtue of the Powers of this Act or the said recited Acts, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand or 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 anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment (all which Tickets the Collectors of the Tolls are hereby required to deliver gratis on the Receipt of such Toll), or shall unnecessarily detain any Passenger or Passengers, or shall make use of abusive Language to any Traveller or Travellers, Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Acts or this Act directed to be recovered and applied.

For preventing Toll Collectors from taking undue Tolls.

XXI. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be entered in a Book regular Accounts of the Receipts and Disbursements, and of the several Articles for which such Sums have been disbursed;

Accounts of the Trust to be open to the Inspection of which Creditors.

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which Book shall be kept by the Treasurer or Clerk, in order that any of the said Trustees, or any Creditor or Creditors of the said Tolls, may at all reasonable Times have access thereto, and take Copies or Extracts therefrom, without paying any Thing for the same; and in case the said Treasurer or Clerk shall refuse to permit such Person or Persons as aforesaid to inspect or take Extracts from such Book of Accounts, he shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

Office of Clerk and Treasurer not to be held by one Person.

XXII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or to appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts or this Act, or to continue or to 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 the said recited Acts or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Acts or 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.

Election of Officers.

XXIII. And be it further enacted, That when and as often as the Treasurer, Clerk, Surveyor, or other Officer or Officers appointed or to be appointed in pursuance of the said recited Acts or of this Act, shall die, be removed from or resign his or their Office or Offices, it shall be lawful for the said Trustees from Time to Time to elect and appoint another Person in the Room of such Treasurer, Clerk, Surveyor, or other Officer so dying, being removed or resigning 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 Treasurer, Clerk, or Surveyor, in some Newspaper circulated in the County of *Gloucester*, and by affixing the same in Writing upon all the Toll Gates then standing upon the said Roads, Fourteen Days at least before every such Meeting.

No Alteration of the present Roads to deviate more than One hundred Yards without Consent.

XXIV. Provided always, and be it further enacted, That the said Trustees, in altering or improving any Part of the said Roads under the Powers of the said recited Acts, shall not deviate more than One hundred Yards from the present Line, 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.

Exemptions from Tolls.

XXV. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials

rials for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of the said Roads lie, or any Hay; Potatoes, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Barns, Outhouses, or Yards of the Owner or Owners thereof, or in carrying or conveying any Mould, Manure, or Lime for manuring Land; or for any Horse, Cattle, or Beast employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, Corn for seeding the Ground, or for any other Thing employed in the Management of any Farm or Lands; nor for any Horses or Cattle going to or returning from Pasture or Watering-places, or going to be or returning from being shod or farried; or from any Person residing in any Township or Place in which the said Roads lie, going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship authorized by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Townships or Parishes; or from any Clergyman going to or returning from visiting any sick Person, or going to or returning from his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle, or Carriage of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Cart, Cattle, or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the City or County of *Gloucester*, on the Day or Days of such Elections, or on the Day before or Day after such Elections shall begin or be concluded; and that no Tolls shall be demanded or taken for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them on going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit for every such Offence the Sum of Five Pounds; one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Owners or Drivers of Waggonsemployed in the Service of His Majesty's Forces, not to be subject to Penalties for Overweight, &c.

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

Distance fixed for the Wheels of Carriages to be weighed.

XXVII. And be it further enacted, That no Carriage liable to be weighed by virtue of this Act shall pass along the said Roads, unless the same shall be made and constructed in such Manner that no Pair of such Wheels shall be wider than Four Feet Six Inches from Inside to Inside, to be measured on the Ground (except Wheels having the Soles of the Fellies thereof of the Breadth of Nine Inches, which shall be so constructed as to roll a Surface of Sixteen Inches), and that the wider Part of such Wheels shall not be more than Five Feet Eight Inches from Inside to Inside, to be measured on the Ground; and that the Distance from the Centre of the Fore Wheel to the Centre of the Hind Wheel of any Waggon or Four-wheeled Carriage, not being used for the Carriage of Timber only, be not above Nine Feet, to be measured from the Centre of the Axletrees at the End thereof, on pain of the Owner or Owners of every such Waggon, Wain, or Cart, forfeiting any Sum not exceeding Five Pounds for every such Offence; and the Surveyor or Surveyors, Gatekeeper or Gatekeepers of the said Roads, is and are hereby authorized and required, at any Turnpike or Toll Gate, or at any other Place upon the said Roads, to measure every such Waggon, Wain, or other such Cart; and if any Master or Driver of any Waggon, Wain, or other such Cart, shall hinder or refuse to permit such Surveyor or Surveyors, Gatekeeper or Gatekeepers, to measure such Waggon, Wain, or Cart as aforesaid, he or they shall forfeit any Sum not exceeding the Sum of Five Pounds; and it shall not be lawful for any such Waggon, Wain, or Cart, not permitted to be measured as aforesaid, to pass along the said Road.

Trustees to have Bidding when Tolls are put up to Auction.

XXVIII. And be it further enacted, That when the Tolls payable at any Turnpike or Toll Gate or Gates shall be put up to be let to farm, the said Trustees may, if they think fit, appoint some Person to bid Once for the same, to the Intent that such Tolls may not be let for less than an adequate Value.

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

XXIX. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates or Toll Bars erected or to be erected upon the said Roads shall, at any Time or Times during the Continuance of this Act, be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee

Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Twenty-one Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for letting the same, then and in either of those Cases it shall be lawful for any Two Justices of the Peace for the said County of *Gloucester*, by Warrant under their Hands and Seals, to order the Constable or other Peace Officer, as shall be necessary, to enter into and take Possession of the Toll House or Toll Houses, with the Buildings, Gates, Gardens, and Appurtenances thereto belonging, so let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them (if they shall think fit) to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and in that Case the same shall and is hereby declared to be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees or any Five or more of them in every such Case to demise or let to farm the said Tolls again to any Person or Persons, or cause them to be taken or collected, as if no former Contract or Agreement had been entered into relative thereto.

XXX. And be it further enacted, That if any Farmer or Farmers, Renter or Renters of the Tolls of any Turnpike Gate or Bar now erected or hereafter to be erected upon any of the said Roads, 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 for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage liable to be weighed at any Engine or Engines erected or to be erected upon the said Roads or either of them, for or in respect of the Overweight thereof, every such Farmer or Renter, Deputy or Agent, shall, on Conviction thereof by Confession or upon the Oath of any credible Witness or Witnesses before any Justice or Justices of the Peace of the said County of *Gloucester*, forfeit and pay, besides the Costs and Charges attending the Conviction, a Sum of Money not exceeding Ten Pounds, and shall also forfeit his, her, or their Contract for renting the said Tolls, if the said Trustees or any Five or more of them shall think proper to vacate the same, and in that Case every such Composition shall be and the same is hereby declared to be null and void; and that One Half of every such Penalty and Forfeiture as aforesaid shall be paid to the Informer, and the other Half to the Surveyor of the Road where the said Offence shall happen, 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.

Penalties on Renters compounding for Overweight.

XXXI. And be it further enacted, That it shall and may be lawful for the said Trustees or any Five or more of them, at their Discretion, when they shall think necessary, to widen and improve the Entrance from that Part of the said Roads which leads into the City of *Gloucester*, or to make a new Entrance thereto, and for that Purpose to take down

Trustees to improve the Entrance into the City of Gloucester.

[*Local.*]

C 2

and

and remove any Buildings, with the Consent of the Owners thereof, but not otherwise.

Application
of Compen-
sation Money
when amount-
ing to 200l.

XXXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in the said recited Acts particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said recited Acts or this Act, to the Intent that such Money shall be paid, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, and Hereditaments, or affecting other Lands, Tenements, and Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery, upon Application thereunto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments by the said recited Acts or this Act directed to be purchased, in case such Purchase or Settlement were made.

When less
than 200l.
and amount-
ing to 20l.

XXXIII. 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands,

Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in manner before directed; or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing the said recited Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in manner herein before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

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

When less than 20l.

XXXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, 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 and may be lawful to and for the said Trustees or any Five or more of them to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court of Chancery, 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 thereto, 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

Directions in Cases of not making out Titles.

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.

Respecting
disputed
Titles.

XXXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of the said recited Acts or 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 the said recited Acts or 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, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXXVII. 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 the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the 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 the said recited Acts or this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Fences upon
Commons,
&c.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five of them to cause Fences and Ditches to be erected and made upon and over any Part of any Commons or Waste Grounds, over which any Part or Parts of the said Roads may lead, as they shall think necessary, not exceeding the Distance of Half a Mile, in order to prevent the Payment of Tolls being avoided; and if any Person or Persons shall pull down or otherwise displace or carry away any such Fences or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay the Sum of Five Pounds, over and besides the Amount of the Damages thereby occasioned.

XXXIX. And

XXXIX. And be it further enacted, That the Surveyor or Surveyors of the said Roads, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, get, gather, take and carry away any Furze, Heath, Stones, Gravel, Sand or Materials proper for the repairing or amending of the said Roads, or of any Bridges, Arches and Fences in or upon the same, or in, upon, or from any Part or Parts of the Hill in the County of Gloucester, commonly called *Church Down* or *Chosen Hill*, or in, upon, or out of or from any Waste Grounds, Commons, or uncultivated Lands, common Rivers or Brooks, in any Parish, Hamlet, or Place in which any Part of the said Roads lie, or in any adjoining Parish, Hamlet, or Place, to be used in the repairing, raising, or amending of the said Roads, without paying any thing for the same; and (provided there shall be no other safe and convenient Way to carry such Materials) to cart and carry the same over the Lands and Grounds of any Person or Persons (not being a Yard, Garden, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees) making Satisfaction as herein-after mentioned; such Surveyor or Surveyors, or other Person or Persons, filling up the Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Gravel, Sand or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons or uncultivated Lands, common Rivers or Brooks, contiguous to that Part of the said Roads therewith to be repaired, raised, and amended, then and in every such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may by Order of the said Trustees, or any Five or more of them, cut, dig, and make Pits, and get, gather, take and carry away any such Materials as aforesaid, in, upon, or out of or from and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds for all Damages occasioned by the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Stones, Gravel, Sand, and Materials, and by carrying the same or the Materials gotten in any Waste Grounds, Commons, or uncultivated Lands, Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, to be settled by any Two Justices of the Peace for the said County of Gloucester, on Six clear Days Notice thereof being given by the said Surveyor or Surveyors, to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Place or Places of abode, or *vice versa*, shall hear, settle and determine the Matter of the said Damage, and the Costs attending the hearing and determining the same.

Surveyors,
&c. to dig
Gravel and
Materials,
&c.

XL. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons, under the Authority of the said recited Acts or this Act, to dig, gather, get,

Notice to be
given to the
Owners and
Occupiers of
take,

[Local.]

D d

Lands before
Materials are
taken for re-
pairing the
Roads.

take, or carry away any Materials for repairing the said Roads, or any Part thereof, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors for the Time being, shall have been given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner and Occupier at their respective usual Places of Residence, to appear before Two or more Justices of the Peace acting for the said County of *Gloucester*, to shew cause why such Materials shall not be had from such Lands or Grounds; and in case such Owners and Occupiers or any of them, or their or his Agent or Agents, shall not attend, or shall attend in pursuance of such Notice but shall not shew sufficient cause to the contrary, then and in either of the said Cases the said Justices shall or may authorize such Surveyor or Surveyors, or other Person or Persons, to dig, get, gather and carry away such Materials, at such Time or Times as to the said Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier had attended, any Thing in the said recited Acts contained to the contrary hereof notwithstanding.

Satisfaction
for Materials
and Damages.

XLI. Provided always, 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 Roads 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 Damages, 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 Ten 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.

Penalty on
taking away
Materials.

XLII. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered in any Lands, Fields, Wastes or Grounds, River or Brook, for the Purpose of repairing, raising and amending the said Roads, 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 Roads, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Twenty Days (except the Owner or Occupier of any private Ground and Person authorized by any such Owner or Occupier to get Materials therein for his own private Use only and not for Sale) or shall take, remove, or carry away any Road Dirt or Soil without the Consent of such Surveyor or Surveyors, every Person so offending shall forfeit for every such Offence the Sum of Five Pounds.

XLIII. 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 Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Gloucester*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees or by their Clerk or Surveyor by their Order) yearly to adjudge and determine what Part and Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer; 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, 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 Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to the Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable) and the same shall be done on such Days and on such Times (not being Hay-time or Harvest) and on such Parts of the said Roads, as the said Trustees or their Surveyor and Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors 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

Respecting
Statute
Work.

Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work upon the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For com-
pounding for
Statute
Work.

XLIV. 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 Roads 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 Roads are situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; 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 Tenth Day of *October* 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.

For recover-
ing Compo-
sition Monies.

XLV. And be it further enacted, That in case any such Composition Money shall not be paid within Twenty Days after the same shall become payable, it shall be lawful for any Two Justices of the Peace as aforesaid, by Writing under their Hands and Seals, to empower the Person or Persons authorized to receive the same (Oath having been first made, before such Justices, that the said Composition Money hath been demanded and remains due, which Oath such Justices are hereby authorized and required to administer) to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or other Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, returning the Overplus (if any) upon Demand, after deducting such Composition Money and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

Trustees may
contract for
Repairs.

XLVI. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall for that Purpose authorize and appoint, are hereby empowered to contract with any Person or Persons for altering, turning, or repairing the said Roads or any Part thereof, and for erecting Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of the said recited Acts or this Act, in such manner and for such Sum or Sums of Money as the said Trustees, or any Five or more
of

of them shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officers, with any Workman or Workmen, or other Person or Persons, relating to any Matter or Thing to be done by virtue of the said recited Acts or this Act, shall be binding upon all such Parties who shall sign the same; his, her, and their Executors and Administrators; and that Actions and Suits shall or may be maintained thereon by the said Trustees, or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and Damages and Costs recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall be requisite for repairing, raising, or amending the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Person, Parties or Persons so as aforesaid making default in fulfilling his, her, or their Contract or Agreement, any Law or Usage to the contrary thereof notwithstanding.

XLVII. 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 any Part of the said Roads, shall be so made, hung, and constructed as to open inward towards such Field or Ground, and not outward towards the said Roads; 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 inward towards such Field, again alter the same, so as to open outward towards the said Roads, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; and that 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 Roads, to be altered and made to open inward towards such Field or Ground, Yard or other Place, as they the said Trustees shall think proper.

Gates to
Fields to
open inwards.

XLVIII. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (otherwise than upon Wheel Carriages) or shall suffer any Part of any Tree or Piece of Timber, or any Stone which shall be carried upon Wheel Carriages, to drag upon any Part of the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up or damage the said Roads or any Part thereof, or the Fences, Hedges, Backings or Cops on either Side thereof; or if any Person or Persons shall leave or suffer any Cattle, Sheep, or Beast, to be and remain loose on the said Roads; or if any Person driving any Coach, Chaise, Waggon, Cart or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left or near Side of the Roads; or if any Person shall in any manner wilfully prevent any other Person or Persons from passing him upon the said Roads, or the Coach, Chaise, Waggon, Cart or other Carriage under his care; or if any Person shall make or assist in making any Fire or Fires (commonly called Bonfires) or shall set Fire to or let off or throw any

Penalty on
Persons in-
juring the
Roads.

[Local.]

E e

Squib,

Squib, Rocket, Serpent, or Firework whatsoever, or play at Football on any Part of the said Roads; or if any Person or Persons shall leave any Coach, Chaise, Waggon, Wain, Cart or other Carriage, in, upon, or on the Side of any Part of the said Roads 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 shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of any Person or Persons travelling thereon, every Person so offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing Surveyors in their Duty.

XLIX. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Person or Persons employed by the said Trustees, in the Execution of the Powers granted by the said recited Acts or this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalties on Persons riding or driving Cattle upon Footpaths or Causeways.

L. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway, or other Way or Ways, made or to be made upon or by the Side of any of the said Roads, for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, or other Cattle, Beasts, or Swine, or any Carriage, or shall wheel any Barrow upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or shall wilfully pull up, remove, injure, or damage any Post, Rail, Stone, or Fence, which shall be put up for the Protection or Security of such Footpath or Causeway, and shall be convicted thereof by his, her, or their own Confession, or by the Oath of any credible Witness or Witnesses before one or more Justice or Justices of the Peace for the said County of *Gloucester*, every such Person so offending shall forfeit and pay over and above the Costs and Charges of his, her, or their Conviction, such Sum of Money as such Justice or Justices of the Peace shall adjudge, not exceeding Five Pounds, the same to be applied according to the Discretion of such Justice or Justices in compensating the Informer and in repairing the said Roads, and to be recovered in such Manner as is herein directed with respect to other Penalties to be imposed by virtue of this Act.

Power for Justices to summon Witnesses to prove Offences, &c.

LI. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace before whom any Information and Complaint shall be made by virtue of the said recited Acts or this Act, and he or they is and are authorized and empowered from Time to Time to issue his or their Summons in Writing, to any Person or Persons whose Evidence such Justice or Justices shall deem necessary, to appear before him or them, at such Time or Place as he or they shall direct or appoint, then and there to be by him or them examined as a Witness upon Oath, touching and concerning the Matter of such Information or Complaint; and every Person being served with such Summons, or a Copy thereof, Three clear Days before the Day appointed for such Appearance, and refusing, or in anywise neglecting to obey the same, after having been paid a reasonable Sum

Sum for his or her Costs, Charges and Expences, without reasonable Excuse to be allowed by such Justice or Justices, shall for every such Offence forfeit and pay the Sum of Forty Shillings.

LII. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Trustees, Surveyors, or other Officers appointed to put the same into Execution; be it therefore further enacted, That it shall not be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he, she, or they shall call to his, her, or their Assistance, to seize and detain any such unknown Person or Persons, and take him or them before any Justice or Justices of the Peace for the County or District near the Place where any such Offence or Offences shall be committed, without any Warrant or other Authority than this Act for so doing.

For securing
transient
Offenders.

LIII. 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 is not herein otherwise directed, and where the Penalty for the Offence shall not exceed the Sum of Five Pounds, shall upon Proof of the Offences respectively before any Justice or Justices of the Peace for the County, District, or Place wherein the Offence shall have been committed, or any Justice or Justices of the Peace for the County, District, or Place wherein the Offender shall reside, either by the Confession of the Party or Parties offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party and Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice or Justices is and are hereby empowered to grant); and the Overplus, after such Penalties and Forfeitures, Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned on Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines when paid or recovered, shall be (if not otherwise directed to be applied by this Act) from Time to Time paid, Half to the Informer and the other Half to the said Trustees, or to their Clerk or Clerks, Treasurer or Treasurers, and be applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures, with such Costs, shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace as aforesaid, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County, District, or Place wherein the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges shall be sooner paid and satisfied.

Penalties how
to be levied
and applied.

LIV. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed by this Act, which shall respectively exceed the Sum of Five Pounds, shall be sued for and recovered by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at *Westminster*;

Recovery and
Application
of Penalties,
exceeding 5l.

minister; and that One Moiety of every such Fine, Penalty or Forfeiture last mentioned shall be to the Use of the said Trustees, to be paid to their Treasurer or Treasurers, Clerk or Clerks, and be applied to the Repair of the said Roads, and the other Moiety to the Use of him, her, or them who shall inform or sue for the same, with Costs of Suit.

For Payment
of the Ex-
pences of the
Act, and
Application
of the Tolls.

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

Public Act.

LVI. 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 and others, without being specially pleaded.

Commence-
ment and
Continuance
of this Act.

LVII. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the First Day of *May* One thousand eight hundred and eighteen, cease and determine, and that the said Acts (subject to the Alterations, Additions, and Amendments in this Act contained), and this Act, shall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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