



ANNO TERTIO

# GEORGII IV. REGIS.

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## Cap. lxi.

An Act for amending and improving the Roads leading from *Tiltup's Inn* in the Parish of *Horsley*, to or near *Dudbridge* in the Parish of *Rodborough*, and from the Bridge at *Nailsworth* to *The Cross Post* on *Minchinhampton Common*, and other Roads thereto adjoining ; and for making a new Piece of Road from the said Bridge to *The Cross* in the Parish of *Avening*, all in the County of *Gloucester*. [24th May 1822].

**W**HEREAS an Act was passed in the Twentieth Year of the Reign of His late Majesty King George the Third, intituled *An Act for making and maintaining a Road from Tiltup's Inn in the Parish of Horsley, to join the Turnpike Road leading from Cirencester to Dudbridge, at or near Dudbridge in the Parish of Rodborough, and from the Bridge at Nailsworth in the Parish of Avening to Minchinhampton Common, and several other Roads therein mentioned, all in the County of Gloucester* : And whereas an Act was passed in the Forty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter and enlarge the Powers of an Act, passed in the Twentieth Year of the Reign of His present Majesty* 20 G. 3. c. 84. 41 G. 3. c. 94.

[Local.] 21 K



Former Acts  
repealed.

*Majesty King George the Third, for making and maintaining a Road from Tiltup's Inn in the Parish of Horsley, to join the Turnpike Road leading from Cirencester to Dudbridge, at or near Dudbridge in the Parish of Rodborough, and from the Bridge at Nailsworth in the Parish of Avening to Minchinhampton Common, and several other Roads therein mentioned, all in the County of Gloucester, and for altering some Parts of the said Roads: And whereas the Trustees of the said Roads have borrowed at Interest considerable Sums of Money on the Credit of the Tolls authorized to be collected for amending and improving the same, and which Money still remains due and owing, and cannot be paid off, nor can the said Roads be kept in Repair unless the Term and Powers granted and continued by the said several Acts, and now near expiring, are enlarged: And whereas it would be of great Convenience and Advantage to the Public, as well as to the Owners of Estates and Inhabitants in the Neighbourhood of the said Roads, if certain new Pieces of Road were to be made from the said Roads; (that is to say), if a new Piece of Road were to be made from the said Turnpike Road at the End of the *Buckholt Wood* in the Parish of *Kings Stanley*, to branch and continue from thence to join the Turnpike Road leading from *Frocester* to *Petty France*, at or near a Place called *The Freezes*, at the Top of *Frocester Hill*, in the Parish of *Nympsfeld*; and also another new Piece of Road from the said Turnpike Road, at or near a Place called *Amberley Bank* in the said Parish of *Minchinhampton*, over *Minchinhampton Common*, to join the present Turnpike Road leading from *Rodborough* to *Burnt Ash* in the said Parish of *Minchinhampton*, at or near a Place on *Minchinhampton Common* called *The Cross Post*, and also another new Piece of Road from or near the Bridge at *Nailsworth* in the Parish of *Avening*, to branch from the said Turnpike Road at *Nailsworth* aforesaid, and be continued from thence by or near a Place called *Longfords*, to or near a Place called *The Cross*, in the said Parish of *Avening*, all in the said County of *Gloucester*: And whereas it would facilitate the Execution of the Purposes aforesaid, if the several necessary Powers and Provisions were comprized in one Act, and if the said former Acts were repealed: 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 of the Twentieth and Forty-first Years of the Reign of His late Majesty King George the Third shall be and the same are hereby declared to be repealed, and that this Act shall commence and take Effect and be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, making, altering, widening, and maintaining in Repair the present Turnpike Roads leading from *Tiltup's Inn* in the Parish of *Horsley*, by or near *Frogmarsh Mill Pond* in the Parish of *Woodchester*, through *Saint Cloe's* Grounds, and by a Place called *Little Britain*, and by *Rooksmore* in the Parish of *Rodborough*, to the *Cirencester* Road, joining the same at or near *Dudbridge* in the Parish of *Rodborough*; and from the Bridge at *Nailsworth* in the Parish of *Avening*, through *Barley Hill Grove*, *Barley Hill*, and *Scar Hill*, by *Howcombe* and *Iron Mill Hill*, to *Forwood*, and from thence by *Trap End Gate* to the West End of *Minchinhampton*, and from *Dudbridge* to the End of *Buckholt Wood* in the Parish of *Kings Stanley*; and also the intended new Piece of Road to branch and continue from thence to join the Turnpike Road leading from*

*Frocester*



*Frocester to Petty France*, at or near a Place called *The Freezes* at the Top of *Frocester Hill* in the Parish of *Nympsfield*; and also the present Turnpike Roads from *Nurkgate on Selsby*, by a Place called *The Spout*, to the Turnpike Road near the *Bear Inn* in the said Parish of *Rodborough*; and from or from near a Place called *Little Britain*, and passing near *Saint Cloe's School*, to or near to a Place called *Amberley Bank*, upon *Minchinhampton Common*; and also the intended new Piece of Road from the said present Turnpike Road, at or near *Amberley Bank* aforesaid, over *Minchinhampton Common*, to join the Road leading from *Rodborough* to *Burnt Ash*, at or near a Place on *Minchinhampton Common* called *The Cross Post*; and the intended new Piece of Road to lead from or from near the Bridge at *Nailsworth* aforesaid, by or near a Place called *Longfords*, to or near a Place called *The Cross* in the said Parish of *Avening*, all in the County of *Gloucester*; and this Act, and the Tolls hereby granted and authorized to be taken on the present Turnpike Roads, and on the aforesaid Two intended new Pieces of Road from *Buckholt Wood* to *The Freezes*, and from *Amberley Bank* to *The Cross Post*, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts, or either of them, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected on the said present Turnpike Roads, and the said last-mentioned Two intended new Pieces of Road.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Gloucester* for the Time being, together with the Honourable *Henry Somerset* commonly called the Marquis of *Worcester*, the Honourable *Charles Henry Somerset* commonly called Lord *Charles Henry Somerset*, the Honourable *Robert Edward Henry Somerset* commonly called Lord *Robert Edward Henry Somerset*, the Honourable *Granville Charles Henry Somerset* commonly called Lord *Granville Charles Henry Somerset*, the Honourable *Augustus Moreton*, the Honourable *Henry George Francis Moreton*, the Honourable *Augustus Henry Moreton*, the Honourable *Percy Moreton*, Sir *Paul Baghott* Knight, *Samuel Paul Baghott*, *Archer Blackwell*, *Thomas Packer Butt*, *Charles Ballinger*, *Henry Burgh*, *Thomas Beard*, *Joseph Browne*, *Thomas Brooke* Doctor of Laws, *Henry Croft Burgh*, *William Capel*, *John Capel*, *Christopher Capel*, *Henry Campbell Clerk*, *William Cockin Clerk*, *Daniel Gardiner Chance*, *Thomas Croome*, *Edmund Clutterbuck*, *James Clutterbuck*, *Thomas Clutterbuck*, *Richard Cook*, *Henry Cook*, *Nathaniel Dyer*, *Jeremiah Vick Day*, *William Weale Darke*, *Robert Stephens Davies*, *Edward Davies*, *Thomas Estcourt*, *William George Joseph Grazebrook*, *William George Clerk*, *John George*, *Thomas Gray*, *Peter Hawker Clerk*, *Richard Hawker*, *William Halliday*, *Charles Hawker*, *George Hayward Clerk*, *George Christopher Hayward Clerk*, *John Hawker*, *Thomas Haycock*, *Thomas Reddall Haycock*, *Joseph Hort*, *Jasper Selwyn Hawkins*, *Robert Kingscote*, *Peter Leversage*, *Daniel Lysons Clerk*, *John Morgan*, *William Moore* Doctor in Divinity, *William Moore Clerk*, *John Overbury*, *Anthony Overbury*, *William Overbury*, *Thomas Pettatt Clerk*, *John Paul Paul*, *Robert Clark Paul*, *Samuel Paul Paul Clerk*, *Robert Snow Paul*, *William Playne*, *William Playne the younger*, *Peter Playne*, *Walter Matthews Paul*, *David Ricardo*, *David Ricardo the younger*, *Osman Ricardo*,



*Ricardo, John Roberts, Richard Fowler Rickards, William Read, Charles Read, Edward Sheppard, Peter Smith, Philip Sheppard, Samuel Albin Saunders, Roger Smith, Strachey, Alexander Townsend, George Thomas, Thomas White, Richard Watts, William Wood, Robert Wight, Joseph Watts, Sir Samuel Wathen Knight, Nathaniel Peach Wathen, Charles Wathen, Joseph Wathen, Obadiah Paul Wathen, Nathaniel Wathen, John Wiltshire, Edward Wood, Philip Wathen, George Wathen, John Hayward Wathen, James Young, James Young the younger, and William Young, and their Successors, to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for amending, making, altering, widening, and maintaining in Repair the said Roads, and for otherwise putting this Act into Execution.*

Power to  
appoint ad-  
ditional  
Trustees.

III. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Five in the whole, in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed, and being duly qualified as herein-after mentioned, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

On Death or  
Refusal to  
act other  
Trustees, to  
be chosen.

IV. And be it further enacted, That when and so often as any of the Trustees herein named and appointed (except the Justices of the Peace acting for the County of *Gloucester*), or to be elected and appointed by virtue of this Act, shall die or become disqualified by Bankruptcy, Insolvency, or otherwise, or by Writing under his or their Hand or Hands, delivered to the Clerk to the Trustees acting in Execution of this Act, signify his or their Refusal to act, it shall be lawful for the surviving or remaining Trustees, or any Three or more of them, and they are hereby authorized and empowered to elect and appoint some other Person or Persons to be a Trustee or Trustees in the Room of any Trustee or Trustees so dying, or becoming disqualified, or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, or by any Three or more of the said Trustees, which Notice shall be published in some public Newspaper usually circulated in the Neighbourhood of the said Roads, or affixed on all the Turnpike Gates then standing or being across the said Roads, at least Seven Days previous to every such Meeting; and all and every Person and Persons who shall be so elected and appointed, and shall be duly qualified as herein-after mentioned, shall be a Trustee or Trustees for the Purposes of this Act, and is and are hereby invested with the same Powers and Authorities for carrying this Act into Execution as if he or they had been herein named.

Qualification  
of Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath or Affirmation of Qualification herein-after mentioned), unless he shall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands,



Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Three hundred Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Five thousand Pounds; nor until he shall have taken and subscribed, before any Three or more of the said Trustees, an Oath, or being a Quaker, until he shall have made and subscribed an Affirmation in the following Form of Words; and which Oath or Affirmation the said Trustees, or any One of them, at any of their Meetings held in pursuance of this Act, are and is hereby authorized to administer; (that is to say),

**I** do swear [*or being One of the People called Quakers, Oath.*  
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 of, or in the Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes [*or am possessed of a Personal Estate alone, or Real and Personal Estate together, of the Value of Five thousand Pounds,*] [*or am the Heir Apparent of* who to the best of my Knowledge is seised of a Real Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Three hundred Pounds,] [*as the Case may happen*]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act passed in the Third Year of the Reign of King George the Fourth, intituled *An Act [here set forth the Title of this Act]*.

‘ So help me GOD.’

‘ [*Or being a Quaker, omit the Words, ‘ So help me God.’*]

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act in any Case wherein he shall be personally interested other than as a Creditor, nor while he holds any Place of Profit under this Act, or who shall sell any Ale, Beer, or Wine or Spirituous Liquors by Retail, or who shall be interested or concerned in any Contract relating to the said Roads, or who shall be Lessee or Farmer of the Tolls, or any Part or Parts thereof, under this Act; and if any Person not being qualified as aforesaid, or not having taken and subscribed the Oath as aforesaid, or being a Quaker not having made and subscribed the Affirmation as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless 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, together 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Impar lance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of

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any such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of 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 arising on the said respective Roads, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act: Provided also, that such of the said Trustees hereby nominated, or to be appointed by virtue of this Act, as are or shall be in the Commission of the Peace for the County of *Gloucester*, shall not by reason of being such Trustees be deemed disqualified from acting as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be personally interested.

Meetings of  
Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall meet together at *The Fleece Inn*, or some other convenient Place in the Parish of *Rodborough*, on the Second *Wednesday* after the passing of this Act, or as soon after as conveniently may be, and shall and may then, and from Time to Time after, adjourn to and meet at such Times and at such Place or Places upon or near the said Roads, as they shall think proper; and in case a competent Number of Trustees to act in the Execution of this Act shall not attend at any appointed Meeting, then the Trustees or Trustee present at any such appointed Meeting, or the Clerk to the Trustees, shall, and they and he are and is hereby respectively authorized to adjourn the Meeting to the Place where the same was appointed to have been held, and to such Time as they or he shall think fit, not being more than Forty Days, nor sooner than Ten Days from the Day of such last intended Meeting; and in such Case the Clerk shall give at least Seven clear Days Notice of such adjourned Meeting in such Newspaper or Newspapers as aforesaid, or on all and every the Turnpike Gates on the said Roads; and in case no Adjournment or Notice shall be made or given as aforesaid, then it shall be lawful for the Clerk to the said Trustees, or for any Three or more of such Trustees, although not assembled at a Meeting, to call a Meeting of the Trustees by Notice inserted in some or One of such Newspapers as aforesaid, or affixed on all and every the Turnpike Gates on the said Roads, appointing the Trustees to meet at such Time and Place upon or near the same Roads as the said Clerk or the said Trustees respectively giving such Notice shall think proper, not exceeding Forty Days, nor sooner than Ten Days from the Date of advertising such Meeting; and all Meetings of the Trustees in the Execution of this Act shall be held between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon; and all the Powers and Authorities by this Act given to the said Trustees shall and may be executed by or before the Majority of the Trustees assembled at some Meeting to be held in pursuance of this Act, the whole Number present not being less than Three, and the same shall be of as full force and effect as if executed or done by or before all the Trustees for executing this Act, (except in such Cases where any such Power, Authority, Provision, Matter, or Thing is by this Act particularly directed or authorized to be executed or done by any other Number of Trustees, or in any other Manner); and at all such Meetings a Chairman shall or may be appointed, and in all Cases when there shall be an Equality of Votes upon any Question (including the Vote of the Chairman), such Chairman shall have the decisive



decisive or casting Vote; and all Orders made under the Powers and Provisions of this Act, or of the said recited Acts, may be revoked or altered if Occasion shall require, provided no such Order be revoked or altered except at some Meeting where not less than Five Trustees shall be present, nor unless a Majority of the Trustees so present shall concur in such Revocation or Alteration, nor unless Three or more Trustees, (although not assembled at a Meeting), shall give Notice in Writing to the Clerk under their Hands, and also cause Notice to be published in such Newspaper or Newspapers as aforesaid, specifying that such Revocation or Alteration is intended to be moved for, Fourteen Days at least previous to any Meeting to be holden for that Purpose; and the Trustees shall at all their Meetings pay their own Expences, but shall not be liable to pay for the Use of the Room or Rooms where their Meetings shall from Time to Time be held for the Purposes of this Act.

VII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees, it shall and may be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, it shall and may be lawful to and for any Three or more of the said Trustees, and to and for the Clerk to the Trustees, by an Order in Writing, signed by Three or more Trustees (although not assembled at a Meeting), to appoint the Time and Place, and to mention the Purpose of such Meeting, and to give Notice of such earlier Meeting by Advertisement in such Newspapers as aforesaid, or on all and every the Turnpike Gates on the said Roads (such Time being not sooner than Seven clear Days after such Notice shall be given); and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of an Adjournment. Meetings on Emergencies.

VIII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books all Orders and Proceedings of the Trustees shall be regularly entered, and such Orders and Proceedings so entered shall be signed by the Chairman of the Meeting at which the same shall be made, or by the Trustees making the same; and the said Book or Books, and all Books of the Proceedings of the Trustees in the Execution of the said recited Acts, kept according to the Directions or Provisions thereof, and made Evidence thereby, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others. Books to be kept of Proceedings of Trustees.

IX. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of the present Turnpike Roads leading from *Tiltup's Inn* to *Dudbridge*, and from the Bridge at *Nailsworth* to *Forwood*, and from thence to the West End of *Minchinhampton*, and from *Dudbridge* to Books to be kept of Accounts of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.



to *Buckholt Wood*, and the intended new Piece of Road leading from thence to *The Freeze*, and the present Turnpike Roads from *Nurlsgate* to the *Bear Inn*, and from *Little Britain* to *Amberley Bank*, and the intended new Piece of Road leading from thence to the *Cross Post* on *Minchinhampton Common*, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and also another Book or Books, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the intended new Piece of Road from or from near the Bridge at *Nailsworth*, by or near a Place called *Longfords*, to or near a Place called *The Cross* in the Parish of *Avening*, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of any of the Tolls, without Fee or Reward; and the said Trustees and Creditors, and any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the same or either of them, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered, apportioned and applied, in Manner herein-after provided.

Appointment  
of Officers.

X. And be it further enacted, That the said Trustees at any of their Meetings, by Writing under their Hands, shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Collector or Collectors, and Surveyor or Surveyors for the said respective Roads, and such other Officers as they the said Trustees shall think necessary, and may from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint others in their Stead; and Ten clear Days Notice of the Intention of such Appointment shall be given in some or One of such Newspapers as aforesaid, of every Meeting where any such Appointment shall be made after the First Meeting of the said Trustees; and the said Trustees shall and may, and are hereby authorized and empowered, by and out of the Monies arising on the said respective Roads, to pay such Salaries and make such Allowances to such Officers, and also to other Persons employed, or who shall assist in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as the said Trustees shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Ale, Beer, Wine, or Spirituous Liquors by Retail.

Old Officers  
to continue  
until new  
ones elected.

XI. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer (other than the Treasurer,) appointed under and by virtue of the former Acts, or either of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall



shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

XII. Provided also, 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 who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Offices of Clerk and Treasurer not to be held by One Person.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls respectively authorized to be taken by this Act, or any of them, shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or otherwise misbehave or misconduct himself, it shall and may be lawful for any Three or more of the said Trustees, though not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in Case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector or Receiver of such Tolls, to continue until the next Meeting of the Trustees, which Person and Persons so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as if he or they had been nominated and appointed at a Meeting under and by virtue of this Act; and if any Collector or Receiver who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall be discharged, or who shall die, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building, with the Appurtenances, to be continued or erected or set up by virtue of this Act, for the Space of Four Days after Notice to quit shall have been left in Writing at such Toll House or Building, signed by any Three or more of the said Trustees (although not assembled at a Meeting), then and in any of the said Cases it shall and may be lawful to and for any Justice or Justices of the Peace for the County of *Gloucester*, upon Application made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal, or their Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or

Trustees to appoint temporary Collectors.

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any One of them, or their new appointed Officer, into the Possession thereof.

Officers to  
account and  
pay over  
Balances.

XIV. And be it further enacted, That each and every Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer, appointed under or by virtue of the former Acts, and who shall be appointed under or by virtue of this Act, shall from Time to Time, within Ten Days after being thereunto required, by Notice signed by Three or more of the said Trustees given to him or them, or left at his or their usual Place of Abode, deliver to the said Trustees, or to such Person or Persons as they for that Purpose shall appoint, a true and perfect Account in Writing, under his or their Hand or respective Hands, of all Monies which shall have been by him or them respectively had, collected, or received by virtue of the former Acts and this Act respectively, and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and they are hereby respectively required, within Ten Days after so exhibiting their Accounts, or within such other further Time as the said Trustees shall order or appoint, to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands to the said Trustees, or to such Person or Persons as they the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands, within the Time or in Manner aforesaid, if thereunto required by the said Trustees; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they or any Three or more of them shall appoint to take the same, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power, in anywise relating to the Execution of this Act, or to the said Roads, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside, by the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may and he is hereby authorized and required to summon such Officer or Officers, or Person or Persons to appear before him, and in case such Officer or Officers, or Person or Persons, shall not appear upon such Summons, (the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, and no reasonable Cause or Causes to the Satisfaction of the said Justice being shown for such Non-appearance), to issue a Warrant or Warrants for the Apprehension of such Officer or Officers, or Person or Persons; and it shall be lawful for such Justice, upon the Appearance of such Officer or Officers, or Person or Persons upon such Summons, or upon his or their being apprehended and brought before such Justice by virtue of such Warrant, or upon his or their having absconded, 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, in the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, or Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or



Witnesses, it shall appear to such Justice that any of the Monies which shall have been so had, collected, and received, shall be in the Hands of such Officer or Officers, or Person or Persons, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, or Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, or Person or Persons, appearing or being brought before the said Justice in Manner aforesaid, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or to the said respective Roads, then and in any of the Cases aforesaid, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, or Person or Persons, to the Common Gaol of the County or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall have been made by virtue of this Act in respect thereof, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make and receive), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or to such Justice; but no such Officer or other Person who shall be committed for Default of Distress only, shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

XV. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers appointed or to be appointed by virtue of this Act, for the due and faithful Execution of his or their Office, and may also, if they think fit, take such Security from any Collector or Receiver of the Tolls, or other Officer to be appointed by virtue of this Act.

Treasurer,  
&c. to give  
Security.

XVI. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the said Trustees: Provided always, that every such Clerk or Trustee, in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended, in pursuance of this Act, shall be fully reimbursed

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



bursed and paid, out of the Monies arising on the said respective Roads, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with, or liable for, or be fairly entitled to, by reason of being so made Plaintiff, Defendant, Informant, Appellant, or Respondent.

Power to  
erect Turn-  
pikes, Toll  
Gates, Side  
Bars, Weigh-  
ing Ma-  
chines, &c.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper (subject to the Provisions herein-after contained), to continue all and every or any of the Turnpike Gates or Toll Gates and Toll Houses now standing and being in and upon or across the said Roads, or on the Sides thereof, and also to erect and set up or build, or cause to be erected, set up, and built upon, in, or across the said Roads by this Act directed or authorized to be repaired and amended or made, or any Part thereof, or upon or across the Entrance to any Public Road, Lane, or Way leading into the same, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars, or Gates, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose, on the Sides of the said Roads, suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of an Acre each, as they shall think necessary, and from Time to Time to take down and remove, or to alter and discontinue the same or any of them, as they the said Trustees shall think proper, and direct or appoint.

Toll Gates,  
Houses, &c.  
vested in  
Trustees.

XVIII. And be it further enacted, That the Right and Property of, in, and to all the Toll Gates, Turnpike Gates, Weighing Machines, Bars, Chains, Rails, Fences, Toll Houses, and other Houses and Buildings, and the several Conveniences and Appurtenances thereto, now being upon the said Roads, or erected by virtue of the said recited Acts or either of them, by the Sides of the said Roads, or across any Lane or Way leading into the same, or which shall be provided, erected, or made by virtue of this Act; and all Materials for building or repairing the same, and for improving, repairing, or making the said Roads, or any Part thereof, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees; and it shall be lawful for the said Trustees, and they are hereby empowered, to sell and dispose of the same Materials respectively as they shall think proper for the Purposes of this Act, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or Appurtenances, or who shall break down or damage, steal or take away any such Turnpike Gates, Toll Gates, Weighing Machines, Bars, Chains, Rails, Fences, Toll Houses, Buildings, Conveniences, or Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Articles, or Things, or who shall disturb the said Trustees or their Agents or Servants in the Possession thereof; and in all Actions, Indictments, and Proceedings whatsoever, whether



Civil or Criminal, it shall be sufficient to state the same to be the Property of "The Trustees for repairing and maintaining the *Nailsworth, Woodchester, and Dudbridge Turnpike Roads*," without naming or otherwise describing the said Trustees.

XIX. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls following, at the Turnpike Gates, or Toll Gates or Toll Houses, or Side Bars or Side Gates, or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads or any Part thereof, subject to the Restrictions herein-after contained, and 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; (that is to say),

For every Horse, Mule, Ass, Ox, or other Beast or Cattle, drawing any Carriage, a Sum not exceeding Sixpence:

For every Horse, Mule, or Ass, not drawing, a Sum not exceeding Twopence:

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

For every Drove of Calves, Hogs, Sheep, Lambs, or Swine, a Sum not exceeding Five-pence *per* Score, and so in proportion for a greater or less Number.

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any Turnpike Gate or Toll Gate, or Side Bar or Side Gate, or Chain already erected and continued, or to be erected or continued by virtue of this Act, upon or across the said Roads or any Part thereof, or upon or across any Lane or Way leading into the same; and which said several and respective Tolls are hereby vested in the said Trustees, and shall be by them applied and disposed of for the Purposes of this Act in Manner herein-after mentioned.

XX. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by or by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Ticket shall free.

XXI. Provided always, and be it further enacted, That every Person who shall have paid Toll as aforesaid at any Turnpike Gate on any Part of the said Roads, or by the Side thereof, for or in respect of any Horse or Horses, Beast, Cattle, or Carriage, shall be entitled to pass and repass Toll-free, with the same Horse or Horses, Beast, Cattle, or Carriage, through the same Turnpike Gate, and also through all other Turnpike

[Local.]

21 N.

Gates



Gates on any Part of the said Roads, or by the Sides thereof, in the same Day (to be computed as herein-before mentioned), such Person or Persons producing a Note or Ticket denoting the Payment of such Toll, and which Note or Ticket the Collector or Collectors is and are hereby required to deliver *gratis* on the Receipt of such Toll, except Horses or Beasts drawing Stage Coaches, and also except Horses or Beasts drawing Post Chaises, and other Carriages travelling for Hire, in such Cases as are herein-after specified.

Stage Coaches to pass Once through all Gates on the Road for One Toll.

XXII. Provided also, and be it further enacted, That all Horses or Beasts employed in drawing any Stage Coach, in respect whereof the Tolls shall have been paid at any One of the Turnpike Gates on the said Roads, shall be entitled to pass Once Toll-free in the same Day, to be computed as aforesaid, through all other Turnpike Gates on the said Roads or any Part thereof.

Post Horses to be subject to a fresh Toll on every fresh Hiring.

XXIII. Provided also, and be it further enacted, That all Horses or Beasts employed in drawing any Post Chaises or other Carriages travelling for Hire shall be liable to the Payment of a fresh Toll for every new Hiring thereof.

Post Horses returning with different Carriages to pay again.

XXIV. Provided also, and be it further enacted, That in case Toll shall have been paid at any Turnpike Gate erected or to be erected upon or on the Side of any Part of the said Roads, for or in respect of Horses or Beasts drawing any Carriage, such Payment shall not exempt such Horses or Beasts from the Payment of Toll again, in case they shall pass through the same or any other such Turnpike Gate, drawing any other Carriage than they were employed in drawing when the Toll was so paid as aforesaid, but all such Horses and Beasts shall again be liable to the same Tolls as they would have been liable to in case they had not before passed any Turnpike Gate as aforesaid.

Post Horses to return Toll-free another Day.

XXV. Provided always, and be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Tolls shall have been paid at any Turnpike Gate or Toll Gate, Side Bar, Side Gate, or Chain erected or to be erected on the said Roads, shall on returning (except in case of a new Hiring) be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike Gate or Toll Gate, Side Bar, Side Gate, or Chain on the same Day.

Regulation of Tolls to be taken of Persons travelling Post and changing Horses at the Fleece Inn, or any other Inn in a like Situation.

XXVI. And whereas an Inn in the Parish of *Rodborough*, called *The Fleece Inn*, is situated between Two of the Turnpike Gates erected on the said Roads, and it has been customary to allow Persons travelling Post, who change Horses at the said Inn, and who have already paid Toll at One of such Turnpike Gates, to pass with such other Horses through the other of such Turnpike Gates Toll-free; be it therefore further enacted, That all Persons travelling with Post Horses, who shall pay Toll for the same at One of such Turnpike Gates, and shall then change or take other Horses at the said *Fleece Inn*, or at any other Inn or Place between the said Turnpike Gates, or between any other Turnpike Gates erected or to be erected on the said Roads, shall pass Toll-free with such Horses through the other of such Turnpike Gates, upon producing a Note or Ticket denoting



denoting that Toll has been paid at the First Turnpike Gate for the same Number of Horses, any thing in this Act contained to the contrary notwithstanding; all which Notes or Tickets the Receivers or Collectors of the Toll at the said Turnpike Gates are hereby required to deliver *gratis*, on Demand, on Receipt of the respective Tolls.

XXVII. Provided always, and be it further enacted, That for or in respect of all Waggon, Wains, Carts, or other such Carriages, having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and for or in respect of the several Horses and other Beasts drawing the same, the Privileges and Exemptions granted by the said Act shall be had and enjoyed.

Waggon,  
&c. allowed  
Privileges and  
Exemptions  
granted by  
55G.3.c.119.

XXVIII. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls by this Act granted or made payable, shall after Demand thereof made either at the Gate, Bar, or Chain where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls as aforesaid, by himself, herself, and themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other thing upon or for which such Toll is hereby imposed, together with the Harness, Bridles, Reins, (except the Bridle or Reins apart from the Horse or Horses), Saddles, Gears, or Accoutrements, or their Loading, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay the Tolls as aforesaid; and if such Toll, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted, to be ascertained or determined, in case of Dispute concerning the same, by some Justice of the Peace of the County, Liberty, or Place where such Dispute shall happen.

Tolls may be  
distrained.

XXIX. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties, and may

Disputes  
concerning  
Tolls to be  
settled by a  
Justice.



may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any), after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

To prevent  
Evasion of  
Tolls.

XXX. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass, with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place lying by the Side of or near to any Part of the said Roads, (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants), for the Purpose of evading the said Tolls, or any of them; or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway) near to the said Roads or any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Lands, or Grounds, with Intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall forge or counterfeit, or shall give or deliver to, or receive from any Person or Persons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of the Tolls shall be thereby evaded; or if any Person, not having paid the said Toll, shall offer or produce and use any such Ticket, with Intent to avoid the Payment of any of the Tolls which shall be due or payable by virtue of this Act; or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Roads, or unload wholly or in part any Carriage, with Intent to evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly pass through any Turnpike Gate or Toll Gate, with any Horse or other Cattle or Beast, without Payment of the Toll, or of any Part thereof, all and every such Person or Persons shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Collectors of  
Tolls and  
others not  
incompetent  
Witnesses.

XXXI. And be it further enacted, That in all Cases of Dispute, Suit, or Litigation, touching or in anywise relating to the said Tolls, or to the Execution of this Act, no Person being a Trustee or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer or Servant of, or other Person employed by the said Trustees, or any of their Officers, nor any Inhabitant of any Township, Parish, or Place through or into which the said Roads or any Part thereof doth or shall pass, shall be incompetent to give Testimony or Evidence therein by reason of his or her being such  
Trustee,



Trustee, Collector, Clerk, Treasurer, Surveyor, Officer, or Servant, or Person employed as aforesaid, or Inhabitant as aforesaid.

XXXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom; nor for any Horses or Carriages, 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 the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses, or other Beast, or any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying, or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, employed in conveying any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; or for any Carriage conveying Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other Public Duty (provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption); or from any Person or Persons for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stone, Bricks, Timber, Wood, Gravel, Lime, or other Materials for making or repairing the said Roads, or any of the Roads within any Parish, Township, Chapelry, Hamlet, or Place in which any Part of the said Roads lies, or for erecting, setting up, rebuilding, building, or repairing any present or any future Toll House or Toll Houses, Toll Gate or Toll Gates, Weighing Engine or Weighing Engines, Bridge or Bridges, or any of the Fences thereof, or on the Sides of any of the said Roads; or in carrying or conveying any Seed for seeding the Ground, or Hay, Grass, Saintfoin, Fodder, Rushes, Teazles, Vetches, Straw, or Corn or Pulse in the Straw only, Turnips or Potatoes, or other Agricultural Produce, or Milk, for the Use of the Owner and not for Sale, or not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof, or for the Use of the Owners thereof; or of or from any Surveyor of the said Roads for the Time being; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows,

[Local.]



Harrows, or Implements of Husbandry (unless laden also with some other Thing not herein exempted from Toll), or any Mould, Dung, Soil, Marl, Manure, or Compost employed in Husbandry, for manuring or improving Land, Lime excepted, or for any Horses, Oxen, or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering-place, or going to be or returning from being shod or farried; nor for any Horse, Beast, Cattle, or Carriage, which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon; or from any Person or Persons who shall pass through any of the said Toll Gates or Toll Bars, to or from his, her, or their proper Parochial Church or Chapel; or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship, tolerated by Law, on a *Sunday*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person passing to be buried in any Parish wherein the Toll Gate shall be situate; or from any Clergyman going to attend, or returning from attending any of his sick Parishioners, or going to or returning from Church or Divine Service; or on any other his Parochial or Ministerial Duty; or for any Horses or Carriages employed only in carrying or conveying Vagrants sent by legal Passes, or returning empty after having been only so employed, or of carrying or conveying, or returning from carrying or conveying any Person or Persons in Custody under a legal Warrant; or for any Horse or Horses, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Gloucester*, on the Day or Days of such Election, or on the Day before or Day after any such Election shall begin or be concluded respectively; and if any Person shall by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Carriages for His Majesty's Service not to be weighed.

XXXIII. Provided always, 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, 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, or the Horse or Horses, or other Cattle drawing the same, whilst so employed, be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for the 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 for drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Tolls may be lessened, &c.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, at any Meeting to be holden for that Purpose, whereof at least Twenty-one Days Notice shall



be given by Advertisement in such Newspapers as aforesaid, from Time to Time as they shall think proper, to lessen or reduce, and again to raise and advance all or any of the Tolls hereby granted, so that the respective Tolls so to be raised or advanced do not exceed in Number or Amount the Tolls by this Act authorized to be taken; and provided that no such Reduction be made without the Consent of the Persons who shall then be entitled to Five-sixth Parts of the Money which shall be then due upon the Credit of the Tolls then intended to be reduced; and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, levied, and applied, as the Tolls hereby granted and authorized to be taken, are directed to be collected, recovered, levied, and applied.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound for any Term not exceeding One Year at One Time with any Person or Persons for any Carriage or Carriages, Horses, Beasts, or Cattle travelling on the said Roads, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts, or Cattle; and such Composition Money shall be paid in advance quarterly, and in Default of such Payment the Composition or Agreement with the Person so making Default shall from thenceforth be void; and all such Composition Money shall be applied in the same Manner as the Tolls are directed to be applied by this Act.

Tolls may be compounded for.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, upon Twenty-one Days Notice to be given thereof in such Newspapers as aforesaid, from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act; and all or any of the Toll Houses, and the Conveniences and Appurtenances thereto belonging, and the Weighing Machines, if any thereon, for any Term not exceeding Three Years, upon public Bidding, to the best Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable quarterly in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for such Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been then last let, any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in Manner directed by this Act.

Tolls may be leased.

XXXVII. Provided always, and be it further enacted, That all and every Lease and Leases of the Tolls granted and made by the Trustees for executing the said former Acts, and the several Covenants therein contained, shall, notwithstanding the Repeal of the said Acts, remain and continue in full force and effect until the Expiration of the Term thereby respectively

Leases made by virtue of former Acts to continue in force until the Expiration of the



Terms for  
which they  
were granted.

respectively granted, or until any other legal Determination of such Lease or Leases; and the same and the respective Grantees shall be subject to the Powers and Provisions of this Act, in the same Manner as if such Lease or Leases had been granted or made by the Trustees for executing this Act, and as if the Trustees therein named had been Trustees for executing this Act.

Lessees or  
Persons ap-  
pointed by  
them may  
collect Tolls.

XXXVIII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls, during so long Time only as such Lessee or Lessees, Farmer or Farmers, shall regularly and duly pay his, her, or their Rent or Rents, and perform the Covenants and Agreements, and Conditions of such Lease, Demise, or Letting, but no further or otherwise; and that such Lessee or Lessees, Farmer or Farmers, and the Person or Persons so to be by him, her, or them appointed (such Rents and Covenants being duly paid and performed), shall and may demand and take the said Tolls so leased, demised, farmed, or let, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed or continued by virtue of this Act is by virtue of this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid shall be subject to the Regulations of this Act, and 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 or continued by virtue of this Act is subject or liable to.

Enabling  
Trustees  
to take Pos-  
session of  
Toll Houses  
when let to  
farm.

XXXIX. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Instalment thereof, shall be in arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County of *Gloucester* aforesaid, upon Application made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter in the Day-time upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising therefrom



therefrom respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Agreement, or Contract for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Lease, Agreement, or Contract had never been made; and it shall and may be lawful for the said Trustees, in every such Case, to demise or let to farm the said Tolls again to any Person or Persons, or cause them to be collected in such and the same Manner as if no former Lease, Agreement, or Contract had been made relative thereto.

XL. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the Tolls shall demand and take, or cause to be demanded and taken from any Person or Persons any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized and directed by the said Trustees to be taken, under the Authority of this Act, such Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and his Contract for renting the Tolls shall be vacated, if the said Trustees shall think fit to vacate the same; and every Collector not being the Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; such respective Forfeitures to be recovered in Manner hereinafter mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such Demand or Taking, it shall be lawful for such Justice either to mitigate the said Penalty or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Penalty on Collector, &c. taking greater or less Toll than allowed.

XLI. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the Tolls, or continued or appointed either under this Act or by the Trustees for executing the same, or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike Gate or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required, on each and every Day previous to his entering on Duty for Collection of the said Tolls, 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, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either with 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 same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, 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 Christian or Surname to any Person or Persons who shall demand the

For preventing Toll Collectors from misbehaving, &c.

[Local.]

21 P

same,



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 printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the Gate at which such Toll has been paid, and also the several Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike Gate or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Forfeitures and Penalties: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Arrears and Property belonging to former Trustees vested in the Trustees named, &c. in this Act.

XLII. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action either at Law or in Equity, vested in the said Trustees under the said former Acts of the Twentieth Year of the Reign of His late Majesty King *George* the Third, and Forty-first Year of His said late Majesty King *George* the Third, or either of them, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act, who shall be and they are hereby enabled to receive and take Possession of the same, and to recover the same, or any Part or Parts thereof, which shall or may be withheld from them; and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act; or such Arrears of Tolls or Rents, or other Monies so due to the Trustees under the said former Acts as aforesaid, by virtue of any Deed or Specialty, shall or may be sued for and recovered in the Name of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, or the Survivors or Survivor of them, at the Option or Election of the Trustees named or to be appointed by virtue of this Act; and that all the Costs to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act on the present Turnpike Roads, and on the aforesaid Two intended new Pieces of Road from *Buckholt Wood* to *The Freezes*, and from *Amberley Bank* to *The Cross Post*, and the Monies when recovered shall be paid over to the Treasurer of the said Trustees, to be applied for the Purposes of this Act, so far as the same relates to the maintaining of the said present Turnpike Roads, or to the making and maintaining of the said last-mentioned Two intended new Pieces of Road.



XLIII. And be it further enacted, That the said Trustees, at any of the Meetings to be holden under or by virtue of this Act, may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted or authorized to be taken on the said present Turnpike Roads, and the last-mentioned Two intended new Pieces of Road, or on the Credit of the Tolls hereby granted or authorized to be taken on the intended new Piece of Road from *Nailsworth Bridge* to *The Cross in Avening*, such Sum or Sums of Money as they or any Five or more of them shall think necessary; and they are hereby also authorized and empowered, at any Meeting or Meetings, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls to arise on the said respective Roads (the Charges of mortgaging the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, as shall advance and lend the same; which Mortgages shall be signed and sealed by the said Trustees, or any Five or more of them, and be in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say),

‘ BY virtue of an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled *An Act* [here insert the Title of this Act] we of the Trustees of the said Roads, whose Names are hereunto set, and Seals affixed, in consideration of the Sum of Pounds by paid to the Treasurer of the said Trustees, do hereby grant, bargain, sell, and demise unto A.B. his [her, or their] Executors, Administrators, or Assigns, such Proportion of the Tolls arising by virtue of the said Act on the Roads [here describe the Roads], and of the Turnpike Gates and Toll Houses for collecting the same, as the said Sum of Pounds doth or shall bear to the whole of the Monies owing and secured on the Credit thereof; to be had and holden from the Date hereof for and during the Continuance of the said Act, unless the said Sum of Pounds, with Interest after the Rate of per Centum per Annum, shall be sooner repaid and satisfied. Given under our Hands and Seals, this Day of in the Year of our Lord

And Copies of all such Mortgages, and of all Assignments thereof, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; and all and every Person or Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said former Acts, or either of them, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing, before One credible Witness, an Instrument, whether indorsed upon such Mortgage or Assignment, or not so indorsed, but separate, in the following Words, or in Words to the like Effect; (that is to say),

‘ I being entitled to the Sum of secured to Executors, Administrators, and Assigns, by virtue of a Mortgage or Assignment, dated the

Power to borrow Money and to assign Tolls.

Form of Mortgage.

Copies of Mortgages to be entered in a Book.

Form of Transfer.



Day of \_\_\_\_\_ in the Year of our Lord  
under the Hands and Seals of  
Trustees acting in Execution of an Act passed in the Twentieth Year  
of the Reign of His late Majesty King *George* the Third; *or* of an Act  
passed in the Forty-first Year of the Reign of His said late Majesty King  
*George* the Third, *or* of an Act passed in the Third Year of the Reign  
of His present Majesty King *George* the Fourth (*as the Case may be*)  
[*here insert the Title of the Act*], upon the Credit of the said Act, do  
hereby transfer, assign, and set over all my Right and Title in and for  
the same, and all the Principal and Interest Money now due and owing  
thereon, unto \_\_\_\_\_ Executors, Administrators, and Assigns.  
Dated this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year  
of our Lord \_\_\_\_\_  
Witness, *C. D.* *A. B.*

which may  
be entered  
with the  
Clerk.

All which Transfers shall be produced and notified to the Clerk to the said Trustees within Fourteen Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Dates and Names, Additions, and Places of Abode of the several Parties, and the Amount of the Sum transferred, and the Tolls upon which the same are secured, for which Entry the said Clerk shall be paid the Sum of Five Shillings, and no more; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee or Assignees may in like Manner assign and transfer again, 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, to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon.

**An Action of  
Ejectment  
may be sup-  
ported by  
One Mort-  
gagee.**

XLIV. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings assigned by virtue of this Act, shall seek to obtain Possession of the Toll Gates, Bars, Chains, Toll Houses, and Buildings so mortgaged to him, her, or them respectively, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the same Tolls and Premises, to obtain such Possession ; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, and their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of such respective Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees respectively.

**Subscribers  
to pay their  
Subscrip-  
tions.**

XLV. And be it further enacted, That the several and respective Persons who have subscribed any Money for or towards making the intended new Pieces of Road, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time and Times as the said Trustees shall appoint, and to such Person as the said Trustees shall order and



and direct to receive the same ; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of their Clerk, and to recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case.

XLVI. And be it further enacted, That all such Monies as have arisen, or as shall arise or be received on the present Turnpike Roads leading from *Tiltup's Inn* to *Dudbridge*, and from the Bridge at *Nailsworth* to *Forwood*, and from thence to the West End of *Minchinhampton*, and from *Dudbridge* to *Buckholt Wood*, and as shall arise or be received on the intended new Piece of Road leading from thence to *The Freezes*, and as have arisen or shall arise or be received on the said present Turnpike Roads leading from *Nurlsgate* to the *Bear Inn*, and from *Little Britain* to *Amberley Bank*, and as shall arise or be received on the said intended new Piece of Road leading from thence to *The Cross Post* on *Minchinhampton Common*, shall from Time to Time be applied in keeping down the Interest of the Principal Monies which have been heretofore borrowed or advanced on the Credit of the Tolls granted by the said former Acts, or either of them, and which by virtue of and under the Powers of this Act may be borrowed on the Credit of the Tolls to arise or be received on the said present Turnpike Roads, or in making the said intended Two new Pieces of Road, or in repaying the Principal Monies already borrowed by virtue of the said Acts, or to be borrowed by virtue of this Act, on the Credit of the said Tolls, arising and to be received on the said present Turnpike Roads and the said Two new intended Pieces of Road, or in repairing, improving, and rendering commodious the said present Turnpike Roads, and the said intended Two new Pieces of Road, in such Manner and Form as the said Trustees shall from Time to Time direct or appoint, and in otherwise putting this Act in Execution with respect to the same several present Turnpike Roads, and intended Two new Pieces of Road.

Application of the Tolls and Money to be borrowed on the Roads from Tiltup's Inn to the Bridge at Nailsworth, &c.

XLVII. And be it further enacted, That all such Monies as have been subscribed for making the intended new Piece of Road from or from near the Bridge at *Nailsworth*, by or near a Place called *Longfords*, to or near a Place called *The Cross* in the Parish of *Avening*, shall be applied in making and putting in repair the same last-mentioned intended new Piece of Road ; and all the Monies which shall arise or be received on the same last-mentioned intended new Piece of Road shall be applied in paying the Interest of the Money so subscribed for making the same, and which may be borrowed by virtue of this Act on the Credit of the Tolls to arise thereon, or in repaying the Principal Monies so subscribed or to be so borrowed, or in maintaining in repair and improving the same last-mentioned intended new Piece of Road, and in otherwise putting this Act in Execution with respect to the same last-mentioned intended new Piece of Road.

Application of Money arising on the Road from the Bridge at Nailsworth to the Cross at Avening.

XLVIII. Provided always, and be it further enacted, That the Costs and Expences relative to the obtaining and passing of this Act shall be paid by the said Trustees, or their Treasurer, out of any Monies already received by virtue of the said recited Acts or either of them, or subscribed towards any of the Purposes of this Act, or out of the first Monies which shall arise or be received from the Tolls by this Act, or any Monies which shall be borrowed on the Credit thereof, or of any Part thereof, or which shall be

Expences of Act how to be paid.

[Local.]

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otherwise



otherwise received by virtue of this Act; and the Money paid for such Costs and Expences shall be charged in the Accounts of the respective Funds herein-before mentioned, in such Proportions as the said Trustees shall judge reasonable.

Roads may be amended and Alterations may be made.

XLIX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to widen or alter the Course or Path of any Part or Parts of the said Roads, and also to make, widen, or alter the aforesaid several new Pieces of Road, within the Limits herein-after mentioned, upon, over, or through any private Lands or Grounds, and lay into the said Road any Lands or Grounds of any Person or Persons (not being a House, Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees), not exceeding Forty Feet in Width, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and also upon or over any Commons or Waste Grounds, and by, over, and along any other Road or Roads, without making any Satisfaction for such Commons or Waste Grounds or Road, and to amend and maintain all the said Roads in repair; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon every or any such Road or Alterations is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out every or any such Road or Alterations 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 such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Plan, &c. deposited with Clerk of Peace to be open to Inspection.

L. And whereas a Map or Plan describing the Lines of the said new Pieces of Road, and the Lands through which the same are intended to be carried, and a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Gloucester*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, 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 thereof at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of each of such Copies or Extracts of the said Map or Plan and Book of Reference.

Deviation not to exceed 100 Yards without Consent.

LÍ. Provided always, and be it further enacted, That the said Trustees, in making, widening, or altering the said Roads, or any of them, or any Part thereof, under the Powers of this Act, shall not deviate more than One hundred Yards of Three Feet each from the present Line of



the present Roads, nor more than One hundred Yards of Three Feet each from the Lines of the said new Pieces of Road described in the said Plan and Book of Reference, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

LII. Provided also, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said new Pieces of Road into, through, across, and over the several Lands or Grounds, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is 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 omitted or misstated 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 respective Hands, that such Error or Omission proceeded from Mistake. Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

LIII. Provided also, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees shall not extend to the pulling down of any Dwelling Houses or other Buildings, or to the taking in of any Orchard, Garden, Yard, Park, Paddock, Plantation, 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, except such as are mentioned in the Schedule to this Act. Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owners.

LIV. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time to treat, contract, and agree with the Owners of and Persons interested in any private Lands or Grounds, or Hereditaments or Premises to be taken or made use of by virtue of this Act, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by amending, widening, altering, making, or repairing the Roads by this Act directed or authorized to be amended and made, or any Part thereof, or the Course or Path thereof, or of any Part thereof, through or over such Lands or Hereditaments or Premises; and it shall be lawful for all Bodies Politic, or Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, or Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestui-que Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Females Covert, who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of, or interested in any such Lands or Hereditaments or Premises, to treat, contract, and agree with the said Trustees for the Sale thereof, and for the Satisfaction to be made for such Damages as aforesaid, and sell and convey unto the said Trustees any such Lands or Hereditaments or Premises, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter Trustees may contract for the Purchase of Land.



Matter whatsoever to the contrary notwithstanding ; and all such Bodies Politic, or Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

When Persons neglect or refuse to treat, Damages to be settled by a Jury.

LV. And be it further enacted, That if such Bodies Politic, Corporate, Collegiate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, Tenants in Tail or for Life, or any other Person or Persons interested in any such Lands or Hereditaments or Premises, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments or Premises intended to be taken for the Purposes of this Act, and through which any Part of such Roads is intended to be made, varied, diverted, turned, or altered, shall, for the Space of Twenty-one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *Gloucester* ; and in order thereto, the said Trustees are hereby empowered and required, from Time to Time as Occasion shall be or require, to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer) ; and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own Information as for the Information of the said Jury in the Premises ; and after the said Jury shall have inquired of, ascertained, and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in such Lands, Grounds, Tenements, Hereditaments, or Premises, according to the Verdict or Inquisition of such Jury ; which said Verdict or Inquisition, and Judgment, Order or Determination thereupon, shall be binding and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all other Persons whomsoever ; and for the summoning and returning such Jury the said Trustees are hereby empowered to issue their Warrant or Warrants, under the Hands of any Three or more of them the said Trustees, to the Sheriff of the said County of *Gloucester*, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees at such Time and Place as in such Warrant or Warrants shall be appointed ; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly ;

Trustees to issue their Warrant to the Sheriff to summon the Jury.



accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, without showing any reasonable and sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, without any reasonable and sufficient Excuse, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, or appearing shall refuse to be sworn or examined, or to give Evidence, so that no such Fine be more than Twenty Pounds upon any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person for one Offence.

LVI. 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 or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands, Tenements, Hereditaments, or Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by or on Behalf of the said Trustees, before the impannelling of the Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees, out of the Tolls arising and to be received upon that Part of the said Roads about which such Difference shall arise; all which Costs and Expences, in case the Parties cannot agree themselves about the same, shall be settled and determined by some Justice of the Peace for the said County of *Gloucester*, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Ten Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Trustees, or of any Goods or Chattels of the Treasurer to the said Trustees, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Gloucester* (which Warrant any such Justice is hereby authorized and required to issue under his

How Expences of the Jury shall be paid.

[*Local.*]

21 R

Hand



Hand and Seal, on Application being made to him for that Purpose by the Party or Person entitled to receive such Costs and Expences); but if such Jury shall give in or deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by or on Behalf of the said Trustees, before the impanelling of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, 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, in case the said Parties cannot themselves adjust and agree the same, having been ascertained and settled by some Justice of the Peace for the said County of *Gloucester* not interested in the Matter in question (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), 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 Money shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums of Money so assessed and adjudged; or otherwise such Costs and Expences, in case the same shall not be paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees.

Money  
agreed upon  
or assessed  
how to be  
paid or ten-  
dered.

LVII. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls or other Monies applicable (according to the Provision herein-after contained) for the making or improving of the Roads or Road in respect of which such Money, Consideration, Recompence, or Satisfaction shall be so agreed for, ascertained, or assessed, and either into the Bank of *England*, as herein-after mentioned, or (as the Case may require) to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to such Persons or their Agents, it shall be lawful for the said Trustees, their Surveyors, Workmen or Agents, to widen, turn, divert, alter, and make such Roads, or any or either of them, or any Part thereof, through or over such Lands or Hereditaments or Premises, and to do all and every such Acts, Matters, and Things, with relation to such Lands or Hereditaments or Premises, as the said Trustees shall think fit, according to the Directions of this Act; and all the Lands and Hereditaments and Premises which shall by virtue of this Act be made a Part or Parts of the Roads by this Act directed or authorized to be repaired or amended and made, shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes be deemed a common Highway, and shall be repaired and kept in repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in repair; and from thenceforth all Parties and Persons whomsoever shall



be divested of all Right and Title to such Lands and Hereditaments and Premises; and as soon as the new Piece of Road from the South-west End of *Buckholt Wood* to the Top of *Procester Hill* shall be made and completed, the old Roads in lieu whereof such new Piece of Road shall be made, and which will thereupon become useless or unnecessary, leading to *Nympsfield*, shall be stopped up and discontinued, and shall be vested in Lord *Ducie*, in lieu of and in exchange for the Land taken from the said Lord *Ducie* for making the said new Piece of Road; and the Land constituting Part or Parts of any other former Road, in lieu whereof any other new Road has been or shall be made by virtue of this Act, or either of the said former Acts, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place, to which the new Road does not lead, shall be vested in the said Trustees, and sold as herein-after mentioned, or shall and may be shut up and discontinued, or left unrepaired, and where left open, the same shall not be used by any Cattle, Carts, or other Carriages, except for going to and returning from such Places as any such new Road does not lead to, nor to avoid Payment of the Tolls hereby granted, or any of them.

LVIII. And be it further enacted, That the said Trustees shall and they are hereby required to make, erect, or place sufficient Fences on the Sides of the said new Pieces of Road where the same shall pass through or over any private Lands, Fields, or Grounds, and after such Fences shall be made, the same shall be for ever thereafter the Property of the Persons or Parties on whose Lands, Fields, or Grounds the same shall have been made, erected, or placed; and the same Fences, and also the Fences on the Sides of the Roads by this Act directed or authorized to be repaired or amended, shall be supported and maintained by or at the Expence of the Owners or Proprietors of the Lands, Fields, or Grounds whereon such Fences are or shall have been made, erected, or placed.

Fences to Roads by whom to be kept in repair.

LIX. And whereas by reason of the Purchases which have been made by virtue of or under the Acts herein-before recited, and hereby repealed, or which the said Trustees are by this Act authorized and empowered to make, or by reason of the diverting of some Part or Parts of the said Road, the said Trustees are or may be seised of some Piece or Pieces of Ground, over and above what are or shall be necessary for effecting the Purposes of this Act, or of some Piece or Pieces of old Road; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of overplus Ground, or of such Piece or Pieces of old Road (not being Common or Waste Land) as aforesaid, either together or in Parcels, and either by public Sale or private Contract, as they shall think fit, and to convey the same for the best Price that can or may be reasonably had or gotten for the same, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of overplus Ground or old Road as aforesaid, shall first offer such overplus Ground for Sale to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively 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, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for

Trustees empowered to sell overplus Grounds or old Road.



for the said County of *Gloucester* (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the Premises, stating that such Offer was made by and on the Behalf of such 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, such Affidavit 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 overplus Ground or old Road, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices shall be ascertained by a Jury, in Manner by this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Piece or Pieces of overplus Ground or old Road, shall be applied by the said Trustees to the Purposes of this Act, subject to the Provisions herein-before contained respecting the Application of Money arising on different Parts of the Roads by this Act intended to be repaired or made, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and every Conveyance of such Piece or Pieces of overplus Ground, being executed by any Five or more of the said Trustees, shall be sufficient to convey the same to the Purchaser or respective Purchasers thereof; and all Conveyances of such Pieces of old Road, being executed by any Five or more of the said Trustees, shall be good and effectual in Law to all Intents and Purposes.

Application  
of Compen-  
sation if  
amounting to  
200l.

LX. And be it further enacted, That if any Money shall be paid or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 there, *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 said Court (to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments), in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like



like Usés, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, 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 and Settlement shall be existing undetermined or 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 thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest 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 so to be purchased, in case such Purchase or Settlement was made.

LXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to 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, Idiotcy, Lunacy, or other Incapacity, 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 Three or more of the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

LXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be  
 [Local.] 21 S applied

Where less than 200l. and amounting to 20l.

Where under 20l.



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 shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

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

LXIII. And be it further enacted, That in case the Person or Persons by whom any Sum or Sums shall be claimed, or to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers 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 appear to be payable, or shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, 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 therein 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 of *England* as aforesaid.

In case of disputed Titles.

LXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or 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 Per-



sons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown 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.

LXV. 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, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, or 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the respective 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.

Court may order reasonable Expences to be paid by Trustees.

LXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, get, and take away any Stones, Gravel, Sand, or other Materials for making, amending, altering, improving, or repairing the said Roads, or any Part thereof, and any Footways and Paths on the Sides thereof, out of any Waste or Common, or out of any common River or Brook, in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place within the said County of Gloucester, convenient for the Purpose, without paying any thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle, and paying for the Damages done by going through or over any inclosed Lands or Grounds for or with such Materials (which they are hereby authorized and empowered to do not being an Orchard, Garden, Yard, Park, Paddock, Plantation, or Nursery for Trees), such Damage to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, having first obtained the Order of some Justice or Justices of the Peace as herein-after mentioned, and such Persons as he or they shall appoint, to search for, dig, gather, take, and carry away any such Materials in or out of the Land of any Person in any Parish, Hamlet, Township, or Place in which any Part of the said Roads shall lie and be situate (not being an Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted or set apart as a Nursery for Trees), making or tendering such Satisfaction

For getting Materials to repair the Roads.



tion to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed and employed as aforesaid, and the Owners or Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any One or more Justice or Justices of the Peace for the said County of *Gloucester*, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages.

Notice to be  
given before  
Materials  
taken.

LXVII. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Roads, or any of them, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor of the said Trustees, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Justice or Justices of the Peace acting in and for the said County of *Gloucester*, to show Cause why such Materials shall not be had from such Land or Ground; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Person or Persons to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath he, they, or any of them is and are hereby empowered to administer), make such Order therein as he or they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended.

Materials  
may be con-  
veyed over  
Fields, &c.  
from Public  
Canals,  
making  
Satisfaction.

LXVIII. And be it further enacted, That it shall also be lawful for the said Trustees to carry any Materials for the Repair of the said Roads, or of any of them, which shall be purchased by or for them, and be brought in Boats or other Vessels by any public Canal, over any private Lands or Grounds (not being an Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted or set apart as a Nursery for Trees), making full Satisfaction to the Owners and Occupiers thereof; and in case of Dispute respecting the Amount of such Satisfaction, any One or more Justice or Justices of the Peace for the said County of *Gloucester*, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Amount of such Satisfaction.

Penalty on  
taking away  
Materials  
raised by  
Surveyors.

LXIX. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered in any Land, Field, Ground, Waste or Common, River or Brook, for the Repair or Use of the said Roads, or any of the Purposes aforesaid, or shall get, raise, take, or carry away any Materials out of, or otherwise interfere



interfere with or obstruct the Working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Roads, or any of the Purposes aforesaid, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Six Weeks then last (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to the Materials for his or her own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, apportioned, applied, and disposed of in Manner hereinafter provided for the Recovery and Application of Penalties and Forfeitures.

LXX. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances made on any Part of the said Roads, by Timber, Wood, Stone, Carriages, Saw Pits or other Pits, Hovels, Trees, Ashes, Dung, Filth, Rubbish, Straw, or other Matter or Thing, and to turn or divert any Watercourses, Gutters, Sinks, Conduits, or Drains running into, along, or out of the said Roads to the Prejudice thereof, into the adjoining Ground, the same not being a Garden, Orchard, planted Walk, Avenue to a House, or Nursery for Trees; and to open, scour, or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads, or any Part thereof, and to make the same as deep and large as any such Surveyor or Surveyors shall think necessary; and also to prune, cut down, or lop, at proper Seasons of the Year, any Branches of Trees, Shrubs, or Bushes growing on the said Roads, or in the Hedges, Fences, or Banks adjacent thereto, so as the same be not planted for Ornament or Shelter to any House or other Building, or in any Garden, Orchard, planted Walk, Avenue to a House, or Nursery for Trees, and to take and carry away the Prunings or Loppings thereof, and to cut and reduce all such Hedges to the Height of Six Feet above the Level of the Ground on which the same may grow or stand, in case the Persons occasioning such Nuisances and Annoyances shall neglect to remove the same within the Space of Five Days after Notice from the Surveyor or Surveyors; or if the Owners or Occupiers of the Lands shall neglect to turn, divert, open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to lop or top, or remove such Boughs, Bushes, or Lops, or reduce such Hedges in such Manner as the Surveyor or Surveyors shall require, for the Space of Five Days next after Notice in Writing given for those respective Purposes, under the Hand or Hands of such Surveyor or Surveyors, or so near thereto as the proper Season will allow for such reducing of Hedges, or lopping or topping of Branches; the Charges whereof (to be settled by any Justice of the Peace of the County, Liberty, or District where the same shall occur, within their respective Jurisdictions, by Writing under his Hand) shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or to prune, cut down, or lop such Branches, Shrubs, or Bushes, or to cut or reduce such Hedges, or by the Person or Persons occasioning, or neglecting, or refusing to remove such Annoyances as

For removing Annoyances and Nuisances.

[*Local.*] 21 T aforesaid;



aforesaid ; which Charges shall be recovered, levied, apportioned, applied, and disposed of in such Manner as the Penalties, Forfeitures, and Fines are by this Act directed to be recovered, levied, applied, and apportioned.

For pre-  
venting En-  
croachments  
on the Side  
of Roads.

LXXI. And be it further enacted, That if any Person shall from and after the passing of this Act encroach, by making or causing to be made any Dwelling House or other Building, Wall, Hedge, Ditch, or other Fence on any Part of the said Roads (except Turnpike Houses and Appurtenances thereto erected by Order of the said Trustees), or by planting any Timber or other Trees on any Part of the said Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds to such Person as shall give Information of the same ; and it shall be lawful for the said Trustees, by Order under their Hands, made at a Public Meeting or some Adjournment thereof, directed to their Surveyor, to cause such Dwelling Houses, Buildings, Walls, Hedges, Ditches, or other Fences, Timber, or other Trees, to be pulled or cut down or filled up at the Expence of the Person or Persons to whom the same shall belong ; and it shall and may be lawful for any Justice or Justices of the Peace in and for the said County of *Gloucester*, upon Proof thereof to him or them made upon Oath (which Oath such Justice or Justices is or are hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

Doors of  
Houses and  
Buildings to  
open in-  
wards.

LXXII. And be it further enacted, That no Door of any House, Barn, or other Building, or any Gate of any Park, Paddock, Field or Inclosure whatsoever, now standing or hereafter to be made, shall remain placed or be placed so as to open or swing into or towards any Part of the said Roads, except the respective Doorsteads or Hanging Posts shall be so far removed from the Centre of the said Roads as that no Part of such Doors or Gates respectively when opened shall swing or hang over any Part of the said Roads, or any Footpath belonging thereto ; and the Occupier or Occupiers of every House, Barn, or other Building, or any Park, Paddock, Field or Inclosure, having any Door or Gate opening outwards, contrary to the Directions of this Act, shall, within Ten Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Door or Gate to be hung in such a Manner that no Part of the Door or Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto ; and in case of the Neglect or Default of any such Occupier or Occupiers, then the Surveyor of the said Roads shall and may and he is hereby authorized to cause the Door or Gate and Hanging Posts to be removed, and to be placed and hung according to the Directions of this Act ; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where the Door or Gate shall be situate within their respective Jurisdictions, and upon Conviction, upon the Oath of One credible Witness, of the giving of such Notice, and of such Neglect or Default, pay to such Surveyor such Sum as the Justice or Justices shall direct, to defray the



Expence of making the Alteration, and hanging such Door or Gate, and shall also forfeit and pay a further Sum, not exceeding Five Pounds, for his, her, or their Neglect or Default therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made; and such Penalty shall be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties.

LXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint or employ (such Surveyor or Surveyors having an Order in Writing for that Purpose, signed by the major Part of the Trustees present at the Meeting at which the Order is made), to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways along any Part of the said Roads, in such Manner as they shall think proper, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto, (such Ground not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees); and to erect, rebuild, and keep in repair all Bridges, Culverts, and Arches upon the said Roads or any of them, or across any of the Ditches, Watercourses, or Drains where necessary; and also to make or cause to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages as a Public Highway, whilst such ruinous or narrow Part of the said Roads shall be repairing or widening, and until such Time as it shall be convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damage they shall or may thereby sustain, as shall be judged reasonable by the said Trustees; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said County of Gloucester, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damage they shall have sustained as aforesaid.

Power to make Causeways and Drains and temporary Roads

LXXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to purchase any Piece or Pieces of Land or Ground, not exceeding in the whole Half an Acre, of any Person or Persons who shall be willing to sell the same, for making or forming such and so many small Recesses or Inclosures along the Side of the said Roads, as the said Trustees shall think necessary, for the Purpose of storing or laying up and breaking of Stone and other Materials for the Repair of the said Roads or any Part thereof, in order that the Sides thereof may not be incumbered or rendered dangerous thereby, such Recesses or Inclosures to be fenced by the said Trustees of the said Roads; and it shall also

Recesses to be made in the Sides of the Roads for the Purpose of breaking Stone, &c. for Repairs.



also be lawful for the said Trustees to cause any such Stone or Materials to be laid or placed upon any Common or Waste Ground on the Side or Sides of the said Roads, without paying any thing for the same.

Roads to be measured, and Mile-stones and Direction Posts, &c. to be set up.

LXXV. And be it further enacted, That it shall be lawful for the said Trustees to cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or Place; and the said Trustees shall and they are hereby required also to cause to be set up and maintained Direction Posts and Boards on the principal Side Openings of the said Roads, with proper Inscriptions thereon, denoting to what Place or Places such Side Roads respectively lead, and the Distances to such Places respectively; and the said Trustees may, if they shall see fit, also order and direct other Posts and Boards, with suitable Inscriptions thereon, to be erected and maintained by the Side or Sides of the said Roads, in order to promote the Detection and Apprehension of any Person or Persons who shall be guilty of any Offence or Offences against this Act, and shall from Time to Time cause all such Inscriptions as aforesaid to be cleansed and kept legible, and shall also cause proper Tables of the Tolls by this Act granted and made payable to be affixed and put up in the Front or on some other conspicuous Part of the several Toll Houses to be erected by virtue of this Act, and to be kept clean and legible; and the said Trustees shall and they are hereby required to cause the Name of the Gate to be painted in legible Characters (each of the Letters of every such Name to be at least Two Inches 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), at the Top or Head of such Tables of Tolls.

Persons, &c. before liable to Repairs, to continue so.

LXXVI. And be it further enacted, That all and every Person or Persons, Counties, Districts, Parishes, Townships, Hamlets, Villages, and Places, and the Inhabitants thereof respectively, and Bodies Politic and Corporate, who heretofore have or hath used, or of right ought to repair any Part of the said Roads, or any Bridge, Drain, or Watercourse in or upon the same, shall notwithstanding this Act be subject and liable to such Repairs, in the same Manner as they and every of them have or hath heretofore usually been or would have been in case this Act had not been passed.

Statute Labour.

LXXVII. 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 for any Two or more Justices of the Peace for the County or Place in which the said Roads or any Part thereof lies, 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 or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, 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, Township, or Place, in lieu of or as a Composition for such Statute Work, shall



shall be by him or them paid to the said Trustees or to their Treasurer; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, 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, Township, 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 or liable to do 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 at such Times (not being Hay Time or Harvest), and on such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors, by their Order, 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 Surveyor or Surveyors of every such Parish, Township, or Place, for the Time being, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, 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 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 who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said respective Roads; and in case the said Surveyor or Sur-

[Local.]

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veyors



veyors of the Highways of any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse and neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied as other Penalties and Forfeitures imposed by this Act may be recovered, and are herein-after directed to be apportioned and applied.

Trustees may  
compound  
for Statute  
Work.

LXXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or their Surveyor or Surveyors by their Order, to compound and agree with any Person or Persons, Bodies Politic, Corporate, or Collegiate, for the Repairs or 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, Townships, or Places in which the said Roads lie, or with the Surveyor or Surveyors of such Parishes, Townships, or Places, for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or the Surveyor or Surveyors by their Order shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work to be by any or all of the said Inhabitants or Occupiers done on the said Roads respectively; which said Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Township, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees, in advance, on or before the First Day of *March* in each and every Year, or otherwise the Inhabitants, Occupiers, or Surveyors of such Parish, Township, or Place shall not be permitted to compound for that Year.

Trustees may  
contract for  
making and  
repairing the  
Roads, &c.

LXXIX. And be it further enacted, That the said Trustees, or such Persons or Person as they shall for that Purpose authorize and appoint, shall and may and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, or repairing the said Roads or any Part thereof, and for erecting Mile or Direction Posts thereon, or for doing any other Works to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements in Writing entered into by the said Trustees, or pursuant to any Order of the said Trustees by their Clerk or Treasurer, Surveyor or other Officer, on Behalf of the said Trustees, with any Workmen, or any Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding on the said Trustees and their Successors, and upon all other Parties entering into any such Contracts or Agreements with the said Trustees who shall sign the same, and the Executors and Administrators of such other Parties, and that Actions and Suits shall and may be maintained thereon by the said Trustees, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts and Agreements respectively; and such Sum or Sums of Money as shall be requisite for making or repairing the said Roads or any Part thereof, 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



shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

LXXX. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, injure, or damage any Turnpike Gate or Turnpike Gates, or any of the Posts, Boards, Milestones, or Tables of Tolls put up or placed by the said Trustees, or by their Order, or by virtue of this Act, upon the said Roads or any Part thereof, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post, or Lamp Iron, set up or affixed by Order of the said Trustees, at or near to any of the said Turnpike Gates, or on any other Part of such Roads, or shall cause or procure the same to be done; or if any Person or Persons shall wilfully pull up, injure, or damage any other Posts, Rails, or Fences, now or at any Time hereafter to be placed or put up by Order of the said Trustees, or the Surveyor or Surveyors, either by the Side or Sides of such Roads, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof, which the said Trustees by virtue of this Act are authorized to plant and keep in good Order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, or shall haul or draw, or cause to be hauled or drawn upon any Part of such Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Tree or Piece of Timber which shall be conveyed upon a Wheel Carriage, to drag upon any Part of such Roads to the Prejudice thereof; or shall wilfully drive any loaded Waggon, Cart, or Carriage along or against any Causeway, being Part of or adjoining to such Roads; or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slutch, Dirt, Mire, Drift, or Soil from off any such Causeway, or any other Part of such Roads; or if any Person or Persons shall drive any Cart or other Carriage upon any Footway or Causeway made upon such Roads, or shall wilfully or carelessly cause any Damage to be done to the said Footway or Causeway; or if any Person shall turn loose any Horse, Ass, Beast, or Swine upon such Roads, or suffer any Horse, Ass, Beast, or Swine to be turned loose, or to wander or stray, or to be or remain upon such Roads, to graze or depasture on the Sides thereof; or if any Person or Persons driving any Swine upon such Roads, shall suffer the same to root up and damage the said Roads, or any Part thereof, or the Fences, Hedgings, Backings, or Copse on either Side thereof; or if any Person or Persons shall wheel any Carriage, Truck, or Wheelbarrow on any Footway or Causeway adjoining to such Roads; or shall in or upon any Part of such Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter-house, House, Building, Butcher's Shop, or Shambles into such Roads; or burn, dress, or sweep any Piece or Pieces of Cork;

Penalty for  
damaging  
Milestones,  
&c. or in-  
juring Cause-  
ways, &c.

or



or hoop, fire, cleanse, wash, or scald any Cask or Casks, in any Part or Parts of the said Roads, or in any exposed Situation near thereto; or shall hew, saw, or cut, or cause to be hewn, sawn, or cut any Stone, Wood, or Timber; or shall shoe, farry, or bleed any Horse, Mule, or Ass on the said Roads, or on the Sides thereof, except in the Case of Accidents; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage, used for the Carriage of Goods and Merchandize, shall ride on the Shafts or on any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon any Part of such Roads; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on his Left or Near Side of such 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 the making any Fire or Fires commonly called Bonfires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever upon such Roads, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game, on any Part or Parts of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of such Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such loading or unloading be placed as near to the Side of such Roads as conveniently may be; or if any Person shall erect or place any Tent, Camp, Awning, or Hut on the Sides of the said Roads or any Part thereof, or make any Fire or Fires on the Sides of the said Roads or any Part thereof; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage, in going up a Hill or rising Ground, leave or suffer to be or remain on the said Roads, or any Part thereof, the Stone or other Thing with which such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or if any Person driving any Horse or other Beast on the said Roads conveying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, or other Matter or Thing so that the same or any of them shall project more than Twenty-four Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into the said Roads; or if the Driver of any Waggon, Wain, Cart, or other Carriage, shall wilfully or carelessly pull up, break, or damage any Posts or Stones to be erected for the Security of the said Causeway, or wilfully or carelessly drive the Wheel of any Carriage against the same; or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever, on any Part of such Roads, or on the Side or Sides thereof, or upon the



Footpaths or Causeways adjoining to such Roads, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or shall lay or place on the Walls or Fences of such Roads, or on the Sides of such Roads for any Purpose whatever, any Wool, Woollen or Cotton Cloth, Warp, or Linen, every such Person shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence, to be levied, recovered, apportioned, and applied in Manner herein-after provided for the Recovery, Apportionment, and Application of Penalties and Forfeitures; and such Offenders shall also pay to the said Trustees, or their Treasurer or Treasurers, or one of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which Damage shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

LXXXI. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying upon the said Roads, or any Part thereof, or by the Sides thereof (except on such Parts of the said Roads as lead or pass through or over any Commons or uninclosed Lands), it shall and may be lawful to and for the Surveyor of the said Trustees for the Time being, and also for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound of the Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Trustees shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such Impounding, it shall and may be lawful to and for such Surveyor, or Person or Persons impounding the same, to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

LXXXII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Horse, Ass, Sheep, Swine, or other Beast or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened; or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Swine, or other Beast or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof,

[Local.]

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Punishment  
of Persons  
guilty of  
Pound  
Breach.



thereof, before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction for the County or Place wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

LXXXIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace (which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals), on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

For securing transient Offenders.

LXXXIV. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said County of Gloucester, near to the Place where the Offence or Offences shall be committed; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

LXXXV. And



**LXXXV.** And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively, before any Justice of the Peace for the said County of *Gloucester*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), 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), and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of this Act, subject to the Provisions herein-before contained respecting the Application of Money arising on different Parts of the Roads by this Act intended to be repaired or made; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby required and empowered, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County of *Gloucester*, 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.

Recovery of Penalties and Forfeitures.

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

Form of Conviction.

County of } **BE** it remembered, That on the Day of  
*Gloucester*, } in the Year of Our Lord  
 (to wit.) } *A. B.* is convicted before of His  
 Majesty's Justices of the Peace for the said County, by virtue of an Act



‘ Act of the Third Year of the Reign of King George the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act, and specify the Offence, Time, and Place when and where the same was committed, as the Case may be.*] Given under our Hands and Seals [*or my Hand and Seal*] the Day and Year first above written.’

Persons  
aggrieved  
may appeal  
to the Quar-  
ter Sessions.

LXXXVII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may within Fourteen Days next after such Cause of Complaint shall arise appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace for the County or Place where the Cause of Appeal shall arise, unless such Complaint shall arise within Twenty-eight Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants in either Case first giving or causing to be given Fourteen Days Notice in Writing preceding either such Sessions of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Trustees, or other the Respondent or Respondents, and within Four Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be,) with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being 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 Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order any such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the Justices may at such Sessions, by their Order and Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction for the said County of Gloucester, for any Time not exceeding the Term of Three Calendar Months, or until Payment of such Costs.

Proceedings  
not to be  
quashed for  
Want of  
Form. \*

LXXXVIII. 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, set aside, or vacated 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



deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, or Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage, (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such Action or Actions for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining, before such Action brought.

LXXXIX. 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 Fourteen Days Notice thereof in Writing shall be given to the Clerk to the said Trustees, nor after sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved; nor after Four Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may at his and their Election plead specially or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County or Place, 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 Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Limitation  
of Actions.General  
Issue.

Treble Costs.

XC. And whereas by the said recited Act of the Twentieth Year of the Reign of His late Majesty, after reciting that One of the Roads thereby directed to be made would enter into the Turnpike Road leading from Cirencester to Dudbridge, near about Two hundred Yards from One End thereof, and that Travellers might be thereby subjected to the Payment of Toll for travelling the said Two hundred Yards, before they entered on the Road so thereby directed to be made; for Prevention whereof it is enacted, that the said Trustees shall annually pay One Half of the Expence of repairing and amending the said Two hundred Yards, within Ten Days after an Account of such whole Annual Expence shall have been delivered to their Clerk or Treasurer, signed by Five or more of the Trustees for the said Cirencester and Dudbridge Roads; and that in consideration whereof, and for so long Time as the said Half of the Expence incurred annually in repairing the said Two hundred Yards of Road shall

No Gate to  
be erected on  
the Road  
between  
Dudbridge  
and a Road  
directed to be  
made by  
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[Local.]

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be



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3<sup>d</sup> GEORGE IV. Cap. lxi.

be paid or tendered to the Clerk or Treasurer to the *Cirencester* and *Dudbridge* Road, the Trustees for the said Road from *Cirencester* to *Dudbridge* shall be restricted and prohibited from erecting or continuing any Gate or Turnpike, for the Purpose of taking Toll, at or between *Dudbridge* and the Road so thereby directed to be made to communicate therewith; be it therefore enacted, That such Restriction and Prohibition shall continue in full Force and Effect, notwithstanding the Repeal of the said Act, on the Terms and Conditions aforesaid.

Public Act.

XCI. 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  
Continu-  
ance of this  
Act.

XCII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

SCHEDULE



## SCHEDULE to which this Act refers.

Number in Plan.	Description of Premises.	Names of Owners.	Names of Occupiers.
4.	Part of Garden - - -	Nathaniel Dyer, Esquire	John Harvey.
5.	Part of Garden - - -	Thomas Smith - - -	Himself, or George Blackwell.
6.	{ Part of Garden - - - Part of Farm-yard - - - Part of Waggon-house }	George Blackwell - - -	George Blackwell.
7.	Part of Orchard - - -	Edward Bliss - - -	Himself.
15.	Part of Garden - - -	D. Ricardo, Esquire - -	Sampson Sansom.
17.	Part of Rackhill, and part of Reservoir - }	William George - - -	Himself.
18.	Part of Garden and Stable	Mary George - - -	Herself, and William George.
19.	Part of Garden - - -	Rev. Thomas Brook, LLD. - - -	William George.
20.	Garden - - - - -	Richard Whitehead - -	William Wilkins.
21.	A Cottage and Garden	William Smith - - -	Late Mrs. Trueman and Sarah Brown; now John Ludlow & Widow George.
22.	Part of Garden - - -	Isaac Cull - - - - -	Himself.
24.	Part of Garden - - -	Late Thomas Smith; now William Smith }	Late Cyrus Clark and Jeremiah Webb; now May and Widow Webb.
26.	Part of Court and Brew- house. - - - - }	John Dee - - - - -	Himself.



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# MEMORANDUM FOR THE RECORD

Date	Subject	Description	Remarks
1944-11-15	General	...	...
1944-11-16	...	...	...
1944-11-17	...	...	...
1944-11-18	...	...	...
1944-11-19	...	...	...
1944-11-20	...	...	...
1944-11-21	...	...	...
1944-11-22	...	...	...
1944-11-23	...	...	...
1944-11-24	...	...	...
1944-11-25	...	...	...
1944-11-26	...	...	...
1944-11-27	...	...	...

Prepared by: [Name] Date: [Date]