



ANNO TERTIO

# GEORGIIV. REGIS.

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## Cap. xciii.

An Act for repairing, altering, and improving the Road from *The Stone Pillar* or *Cross Hand* in the Parish of *Chippenham* in the County of *Wilts*, to or near to *Knox Bridge* in the Parish of *Westerleigh*, in the County of *Gloucester*; and several other Roads therein mentioned, in the said Counties of *Gloucester* and *Wilts*.

[24th June 1822.]

**W**HEREAS an Act was passed in the Thirty-ninth and Fortieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing, widening, altering, and improving the Road from a Place called The Stone Pillar or Cross Hand in the Parish of Chippenham in the County of Wilts, to or near to a Bridge called Knox Bridge in the Parish of Westerleigh, in the County of Gloucester, and several other Roads therein mentioned in the said Counties of Wilts and Gloucester*: And whereas a considerable Sum of Money has been borrowed, and is now due and owing on the Credit of the Tolls granted by the said Act, which cannot be repaid, nor the said Roads kept in Repair, unless the Term granted by the said Act be enlarged; and it would tend to the more easy and effectual Reparation of

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[Local.]

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the

Repeal of  
former Act.

New Term.

Description  
of Roads.

the said Roads, if the said Act was repealed, and other Powers granted in lieu thereof: And whereas it would be of considerable Advantage and Utility if Power was given to repair and amend the Road from *Old Down* in the Parish of *Olveston*, and passing through the Tithings of *Tockington Upper* in the said Parish, and the Tithings of *Tockington Lower*, and of the *Lea* in the Parish of *Almondsbury*, and ending at the Road leading from *Bristol* to *Aust* in the County of *Gloucester*; also the Road from the *Cross Post* in the Parish of *Charfield*, near *Tavern Bach*, and passing through the Parishes of *Charfield*, *Tortworth*, and *Thornbury*, and joining the Road between *Gloucester* and *Bristol*, at *Falfield* in the Parish of *Thornbury*; and also the Road leading from a certain Watercourse at the West End of *Burton Street* in the Parish of *Nettleton*, and ending in the Parish of *Littleton Drew*, near the *Salutation Inn* or *Foss House* in the Parish of *Castle Combe* in the County of *Wilts*: 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 Act passed in the Thirty-ninth and Fortieth Year of the Reign of His said late Majesty, shall, on the Twenty-fifth Day of *June* One thousand eight hundred and twenty-two, be and the same are hereby declared to be then repealed, and that instead thereof this Act shall commence and take Effect and be put in Execution for and during the Term herein-after mentioned, for repairing, altering, and improving the Roads from *The Stone Pillar* or *Cross Hand*, in the Tithing of *Allington* and Parish of *Chippenham* in the County of *Wilts*, to *The Cross Hand* on the West Side of the *Salutation Inn* or *Foss House* in the Parish of *Castle Combe*; and also the Road from a certain Watercourse at the West End of *Burton Street*, to a Gate called *Nettleton Little Marsh Gate*, at the Extremity of the Parish of *Nettleton* in the said County of *Wilts*, and from the said last-mentioned Gate to the Parish of *Acton Turville* in the County of *Gloucester*, and from the South Corner of the Garden now occupied by *James Goulter* in the said Parish of *Acton Turville* to *Great Badminton*, near a Farm House in the Occupation of *Osborne*, Widow of the late *William Osborne*, and from thence along the Public or Parish Road which leads from *Great Badminton*, through the Parish of *Old Sodbury*, to a Place near a certain Watercourse which divides the Parishes of *Old Sodbury* and *Tormarton*, and also from the Entrance into *Acton Turville* (from *Nettleton Little Marsh Gate*) to or near the House called *The Cross Hands* in the Parish of *Old Sodbury*, and from thence to and through the Town of *Chipping Sodbury*, to the Parish of *Yate*, and through the Villages of *Nibley* and *Maysbill* in the Parish of *Westerleigh*, to a Bridge called *Knox Bridge* in the same Parish; and also the Road from the Direction Post on *Yate Common*, to the East End of the Street of *Iron Acton*, and from the same Street by the Dwelling House of *Thomas Richardson* there, through the Village of *Latteridge* in the Parish of *Iron Acton*, by *Alvestone Church*, to the Turnpike Road leading from *Bristol* to *Gloucester*, and from the said Turnpike Road along a Lane called *Washing Pool Lane* to *Tockington*, and from thence by the Church at *Olvestone*, through *Aust*, to the *Old Passage House*; and also the Road from the *Ship Inn* on the same Turnpike Road over *Alvestone Down* and *Old Down*, and by *Haw Farm*, to *Olvestone*; and also the Road from *Yate Elm Side Gate* into the Road from *Chipping Sodbury* to *Wickwar*; and also the Road from the North Side of the Street of *Chipping Sodbury*,

*Sodbury*, between the Houses of *Samuel Grant* and *Mary Mansfield*, and through the said Parishes of *Old Sodbury* and *Yate*, and to and through the Town of *Wickwar* and Part of the Parish of *Charfield*, to the Turnpike Road from *Wotton Underedge* to *Bristol*; and also for making, repairing, altering, and improving the Road from the *Cross Post* in the Parish of *Charfield*, near *Tavern Bach*, and passing through the Parishes of *Charfield*, *Tortworth*, and *Thornbury*, and joining the Road between *Gloucester* and *Bristol* at *Falfield* in the Parish of *Thornbury*; and also the Road from *Old Down* in the Parish of *Olvestone*, and passing through the Tithing of *Tockington Upper* in the said Parish, and the Tithing of *Tockington Lower*, and of the *Lea*, in the Parish of *Almondsbury*, and ending at the Road leading from *Bristol* to *Aust* in the County of *Gloucester*; and also the Road leading from a certain Watercourse at the West End of *Burton Street* in the Parish of *Nettleton*, and ending in the Parish of *Littleton Drew*, near the *Salutation Inn* or *Foss House* in the Parish of *Castle Combe* in the County of *Wilts*, which shall be called as at present "The *Sodbury Division of Roads*;" and that this Act and all the Tolls which shall be collected on the said Roads, shall be and are hereby made subject and liable to the Payment of all Sums of Money now respectively due and owing upon the Credit or on account of the said several Roads, and of the said Act hereby repealed, and to the Payment of all Money which shall or may hereafter be borrowed and become due on the Credit of this Act, and of all Interest due and to become due for the same respectively.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the respective Counties of *Gloucester* and *Wilts* for the Time being, together with the Most Noble *Henry Somerset* commonly called Marquis of *Worcester*, the Right Honourable *Charles Henry Somerset* commonly called Lord *Charles Henry Somerset*, the Right Honourable *Robert Edward Henry Somerset* commonly called Lord *Robert Edward Henry Somerset*, the Right Honourable and Reverend *William George Henry Somerset* commonly called Lord *William George Henry Somerset*, the Right Honourable *John Thomas Henry Somerset* commonly called Lord *John Thomas Henry Somerset*, the Right Honourable *Fitzroy James Henry Somerset* commonly called Lord *Fitzroy James Henry Somerset*, the Right Honourable *Granville Charles Henry Somerset* commonly called Lord *Granville Charles Henry Somerset*, the Honourable *Henry Moreton*, the Honourable *Augustus Francis Moreton*, the Honourable *Henry George Francis Moreton*, the Honourable *Henry Augustus Moreton*, the Honourable *Percy Moreton*, the Right Honourable *Henry Howard Molyneaux Howard* commonly called Lord *Henry Howard Molyneaux Howard*, *Henry Francis Brooke*, *Fitzherbert Brooke*, *Fitzherbert Huntley Brooke*, *Richard Brooke*, *Thomas Brooke* Doctor of Laws, *Thomas Richard Brooke*, *William Blathwayt*, *Thomas Bryan*, Sir *Christopher Bethell Codrington* Baronet, *Christopher William Codrington*, *Charles Bethell Codrington*, *Edward Codrington*, *George Cooke* Doctor in Divinity, *John Cobb* Doctor in Divinity, *Thomas Cook* Clerk, *Robert John Charleton* Doctor in Divinity, *James Cullimore*, *William Cullimore* of the *Parks*, *Robert Claxton*, *John Codrington*, *Thomas Grimston Estcourt*, *John Fewster*, *Thomas Fewster*, *William Stephen Goodenough* Clerk, *John Gordon*, *Gabriel Goldney* of *Clifton*, *George Gibbs*, *James Hardwicke* Doctor of Laws, *Robert Hale Blagdon Hale*, *John Hale Blagdon Hale*, *John Hale*, *Thomas Hale*, *Richard Hale*, *William Hobbs*, *William Hobbs junior*, *Richard Higgs*, *Richard William Higgs*, *Winchcombe*  
Henry

Trustees  
appointed.

*Henry Howard Hartley Clerk, Winchcombe Henry Howard Stevens Hartley, Joseph Hiatt, Thomas Hetling, Thomas Hetling junior, John Scandrett Harford of Henbury, Henry Howard, Richard Haynes, Richard Haynes junior, Thomas Hooper Clerk, Thomas Jones Clerk, Thomas Lequerne Jones Clerk, Richard Prankard Jones Clerk, William Charles Jones, John Wade Jones, Bluett Jones, Thomas Johnson of Elberton, Joseph James, Richard King Clerk, J L Knapp, Sir Henry Cann Lippincott Baronet, Ebenezer Ludlow, John Long, John Lambert, Thomas Llewellyn of Westbury upon Trym, Joseph Daniel Matthews, Joseph Matthews, Thomas Master, William Chester Master, John Powell Matthews, William Morris, Thomas Fielding Manning, John Mair, Henry Mair Clerk, Charles Neve Clerk, John de la Field Phelps, James Phelps Clerk, Newdigate Poyntz Clerk, Nathaniel Poyntz Clerk, Charles Page Clerk, Samuel Peach Peach, Samuel Cruger Peach, Joseph Parslow, William Robertson, William Rolph, Robert Carpenter Ray Clerk, Henry Jones Randolph Clerk, William Cater Randolph, Beverley Randolph, Sir Hugh Smyth Baronet, John Smyth, Henry Shute Clerk, Henry Shute of Frampton Cotterell, William Skey Clerk, John Salmon the younger, John Sampson, Edward Sampson, Richard Slade Clerk, Robert Sherbourne, Thomas Stock, Richmond Shute, Henry Shute of Iron Acton, Scrope, David Taylor, William Turton, John Tyler, William Norris Tonge, Leonard Vassall, John Vaughan, Daniel Henry Woodward, William Wait Clerk, William Ward, John Ward, Robert Whittington, Thomas Whittington, John Whittington, George Whittington, George Whittington junior, John Whittington Clerk, John Whittington junior, Joseph Yates, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution.*

Appointment  
of new Trus-  
tees.

III. And be it further enacted, That when any Trustee herein-before named (other than and except the Justices of the Peace), or to be elected as is herein-after mentioned, shall die, or by Bankruptcy, Insolvency, or otherwise, become disqualified or incapable of acting in the Trusts aforesaid, or by Writing under his Hand, delivered to the Clerk of the said Trustees, shall refuse or decline to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect and appoint One other Person to be a Trustee in the Room of the Trustee so dying, becoming disqualified, incapacitated, neglecting, or refusing to act as aforesaid, and all and every Person and Persons who shall be so elected and appointed, shall be invested with the same Powers and Authorities for executing this Act as if he or they had been herein named and appointed.

Qualification  
of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall at the Time of acting be seised or possessed in his own Right, or in the Right of his Wife, and be in the actual Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or be possessed of a Personal Estate to the Amount or Value of Four thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate, in Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds; nor shall any Person be capable of acting as Trustee in the Execution of this Act (except at the First Meeting after the passing this Act,

Act, in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed, at some Meeting of the said Trustees to be held pursuant to this Act, at which not less than Two Trustees, duly qualified, shall be present, an Oath or Affirmation in the Words to the Effect following, as the Circumstances of the Case shall require; (that is to say),

‘ I *A. B.* do swear [*or being One of the People called Quakers, do solemnly affirm*], That I am truly and *bonâ fide*, in my own Right [*or in the Right of my Wife*], in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes; [*or in case of a Personal Estate*], I *A. B.* do swear, that I am possessed of a Personal Estate of the Value of Four thousand Pounds, clear of all Debts and Incumbrances; [*and in case of an Heir Apparent*] I *A. B.* do swear, that I am Heir Apparent of *C. D.* who to the best of my Knowledge and Belief is truly and *bonâ fide* seised of or entitled to a Real Estate of the clear yearly Value of Two hundred Pounds above Reprizes; and that I will faithfully execute the Trust reposed in me 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 the Act*], according to the best of my Skill and Judgment, and without Favour or Affection to any Person or Persons whomsoever.

Trustees  
Oath.

‘ So help me GOD.’

V. Provided also, and be it further enacted, That no Person appointed or to be appointed a Trustee by virtue of this Act, shall be capable of acting as a Trustee in the Execution of this Act, in any Case where he shall be concerned in Interest (except as herein-after provided), nor whilst he holds any Place or Employment of Profit under the said Trustees or this Act, nor during the Time he shall keep a Victualling House or other House of Public Entertainment, or who shall sell Wine, Cider, Beer, Ale, spirituous or other strong Liquors by Retail, or who shall be interested or concerned in the Performance of any Contract under this Act, or who shall be a Lessee or Farmer of the Tolls or of any Part or Parts thereof, under this Act; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath herein-before mentioned, or being a Quaker not having made and subscribed the Affirmation herein-before mentioned, shall nevertheless presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty’s Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than one Impar lance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, and not disqualified as aforesaid, 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 no Act or Proceeding touching the Execution of this Act, which shall be done or performed by any such unqualified or disqualified Person previously to his being convicted of the Offence

Trustees in-  
terested or  
holding  
Places of  
Profit, or  
keeping Vic-  
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before

before mentioned, shall be thereby impeached or rendered nugatory; but all such Proceedings shall be as valid and effectual as if such Person had been duly 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, or receiving Interest thereout for the same, shall on that Account only be deemed unqualified to act as a Trustee in the Execution of this Act; and any of the Trustees appointed or to be appointed under this Act, who are or shall be in the Commission of the Peace, may act as such Justices of the Peace in the Execution of this Act notwithstanding their being such Trustees, except in such Cases only wherein they shall be personally interested otherwise than as a Trustee, Mortgagee, Assignee, Lender of Money, or Holder of any Security on the Credit of the Tolls granted by this Act.

TrusteesFirst  
Meeting.

VI. And be it further enacted, That the said Trustees or any Five or more of them shall meet together at the House of *William Higgs*, known by the Sign of the *Swan Inn*, in the Town of *Chipping Sodbury*, or at some other convenient Place, on the Twenty-fifth Day of *June* One thousand eight hundred and twenty-two, or as soon after as conveniently may be, and proceed to the Execution of this Act, and shall then and there adjourn and divide themselves into Committees, to meet at such other Time and Place, or Times and Places, as they or any Five or more of them shall then and from Time to Time afterwards think proper and appoint, for the better managing of the several Turnpikes and Turnpike Roads, to be continued, erected, or made by virtue of this Act, and executing all other the Powers and Purposes herein contained; and that Two Trustees present at any Meeting shall be sufficient for the Purpose of adjourning; and if there shall not appear at any Meeting a sufficient Number of Trustees to act or to adjourn to another Day, or in case the Trustees at any Time assembled shall not adjourn, or in case it shall at any Time be thought necessary by any Two or more of the said Trustees to hold a Meeting of the said Trustees on an earlier Day than the Day to which any Meeting shall have been adjourned, then and as often as it shall so happen any Two or more of the said Trustees (or the Clerk to the said Trustees, being authorized by an Order in Writing signed by any Two or more of the said Trustees), shall and may call a Meeting of the said Trustees, by Notice in Writing to be affixed upon such of the Turnpike Gates erected or to be erected on the said Roads as they shall think proper, appointing the Trustees to meet at such Time and Place near the said Roads as they the said Two or more Trustees shall think proper, and order, direct, or appoint, not exceeding Twenty-one Days, nor being less than Ten Days from the Time of affixing such Notice; and the Trustees shall at all and every their Meetings defray their own Charges and Expences; and all Orders and Determinations of the Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein-after is mentioned), and that no Order and Determination shall be made, unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings relating to this Act, which are directed to be had, made, done, and exercised by or before the said Trustees, shall and may be had, made, done, and exercised by the major Part of the Trustees who shall be present at any Meeting to be held by virtue of this Act, the whole Number present not being less than Five (except in such Cases where any other

Number is herein named); and that all Acts, Orders, and Proceedings so had, made, or done, by or before such Five Trustees, shall have the same Force and Effect as if had, made, or done by or before all the said Trustees; and that a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue of this Act, who in case of an equal Number of Votes on any Question (including such Chairman's Vote), shall have the decisive or casting Vote.

VII. And be it further enacted, That no Order made by the said Trustees or any Five or more of them, at their respective Meetings, in, for, or concerning the Execution of the Trusts or Authorities of this Act, shall be revoked, repealed, altered, or set aside by any subsequent Order of the said Trustees, unless Nine Trustees shall be present and concur therein at a Meeting to be held for that Purpose, of which intended Alteration Notice shall be given at a previous Meeting of the said Trustees, and entered in their Book or Books of Proceedings. For repealing Orders.

VIII. And be it further enacted, That all Orders and Proceedings of the said Trustees at their several Meetings shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered and signed by a Majority of the Trustees acting at the said Meetings respectively, or by their Clerk by their Order, shall be deemed to be Originals; which said Book or Books, and also the Book or Books herein-after directed to be kept for entering and keeping the Accounts of the Receipts and Expenditure of or for the said Roads, and for registering or entering Mortgages of the Tolls and Assignments, or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever, and by all Judges, Justices, and others, touching any thing done or by the Trustees ordered to be done in pursuance of this Act. Proceedings to be entered in Books.

IX. And be it further enacted, That the said Trustees assembled at their First or any subsequent Meeting, may and they are hereby empowered to appoint such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or other Officers, as the said Trustees may think proper, and may from Time to Time remove such Treasurers, Clerks, Collectors, Surveyors, or other Officers respectively; and on such Removal, or on the Death, Resignation, or Incapability of any of such several Officers, shall and may appoint other or others in his or their Place or Stead, and shall and may by and out of the Monies arising on the several Roads herein-before described, allow and pay unto such Treasurers, Clerks, Collectors and Surveyors, and also to such other Persons as shall be aiding or assisting them in their respective Offices, or in any way employed in the Execution of this Act, such Salaries, Rewards, and Allowances as to the said Trustees shall seem reasonable. For appointing Treasurers, Clerks, Surveyors, and other Officers.

X. And be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer), who have been appointed under and employed in the Execution of the said Act hereby repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed by virtue of this Act. Present Officers to continue.

XI. And

Treasurer to  
give Security.

XI. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office, before such Treasurer enters upon his Office; and if they shall so think proper, shall and may also take such Security from any other Officer to be appointed or continued under or by virtue of this Act.

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

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person or Persons who may be continued or appointed to act as their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, a Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed a Treasurer for the Purposes of this Act, or the Partner or Partners of any such Treasurer, the Clerk or Clerks 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.

Power to  
appoint tem-  
porary Col-  
lectors.

XIII. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of any of the Tolls to be collected by virtue of this Act, shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or be imprisoned for any Debt or Offence, it shall be lawful for any Two or more of the said Trustees, although not assembled at any Meeting of 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, any Two or more of the said Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls in the Room or Stead of the Collector or Receiver who shall be so discharged or shall die, to continue until the said Trustees shall, at a Meeting holden in pursuance of this Act, appoint a Collector or Receiver of such Tolls in his Room or Stead, which Person so nominated and appointed shall have the like Power and Authority, and shall be answerable and accountable and removable in the same Manner in all respects as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and if any Collector or Receiver of the said Tolls 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 die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House, or Building, or the Appurtenances, to be continued, erected, or set up by virtue of this Act, for the Space of Two Days after Demand thereof made and Notice in Writing given for that Purpose by any Two or more of the said Trustees (although not assembled at a Meeting), or by any Clerk or Clerks for the Time being to the said Trustees, or if any Lessee or Farmer of any of the Tolls arising  
by



by virtue of this Act, shall retain and keep Possession of any such Toll Gate or Toll House, or Building, or the Appurtenances, after the End or Expiration of his Lease or Term therein; then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County wherein such Toll Gate or Toll House, or Building, or the Appurtenances shall be situate, upon Proof on Oath before him by One Witness (which Oath the said Justice is hereby authorized to administer), of Demand of Possession having been made by the said Trustees, or any Two or more of them, or by any such Clerk or Clerks as aforesaid, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Two of them, or any Person they or any Two or more of them shall appoint for that Purpose, into Possession of such Toll Gate, Toll House, Building, and Appurtenances.

XIV. And be it further enacted, That every Officer and other Person who shall be appointed, continued, or employed under or by virtue of this Act, to or in any Office, shall from Time to Time when thereunto required by the said Trustees, by an Order made at any Meeting respectively, make out and deliver to such Trustees, or to such Person or Persons as they the said Trustees shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Trustees at any Meeting shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required in Manner aforesaid, or shall neglect or refuse to deliver up to the said Trustees, or to such Person or Persons as they shall in Manner aforesaid appoint, within Ten Days after being thereunto required by the said Trustees, by an Order made at any Meeting, all Books, Papers, and Writings in his, her, or their Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees, or by any One of their Clerks, or any other Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Persons so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if, upon Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, (which Oath or Oaths such Justice is hereby empowered to administer), or

Officers to  
account.

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upon

upon the Inspection of the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant 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 Person respectively, together with the Costs attending such Distress and Sale; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Costs and Charges of taking and making such Distress, and of selling the same; or if such Officer or Person shall not appear (without sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose; or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid; then and in any of the Cases aforesaid, the said Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees for such Money and Charges, 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 shall have delivered up as aforesaid such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no such Officer or Person, who shall be committed for Want of a sufficient Distress only, shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Books,  
Monies, and  
Effects under  
the former  
Act to be  
delivered up  
to the Trus-  
tees.

XV. And be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Tolls or other Monies under or by virtue or on account of the Act hereby repealed, or shall have in his or her Custody or Possession any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the said Roads hereby intended to be repaired, or any of them, shall, when required so to do, account for and deliver the same to the said Trustees, or any Person or Persons appointed by them for that Purpose, in like Manner and under the like Penalties as are herein-before directed with respect to any Officer or Person appointed under or by virtue of this Act.

Accounts to  
be kept of  
Receipts and  
Disburse-  
ments.

XVI. 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 the Clerk for the Time being to the said Trustees, 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

and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, 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 such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

XVII. And be it further enacted, That the said Trustees may and shall in all Cases sue or be sued in the Name of any one of the said Trustees or of their Clerk; and that no Action which shall be brought or commenced, or Indictment which may be preferred or prosecuted by or against the said Trustees or any of them, by virtue or on account of this Act, or any thing done, contracted for, or omitted to be done in pursuance of this Act, or by any Officer or Person acting under the same, in relation to the said Roads, in the Name of such Trustee or Clerk, shall abate or be discontinued by the Death, Removal, or Act of such Trustee or Clerk, without the Consent of the said Trustees; but that one of the said Trustees, or the Clerk of the said Trustees for the Time being, shall always be and be deemed the Plaintiff, Prosecutor, or Defendant in every such Action or Indictment, as the Case may be; and that every such Trustee or Clerk, in whose Name any Action, Indictment, or Suit shall be commenced, preferred, prosecuted, or defended, in pursuance of this Act, shall be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs, Charges, Damages, and Expences as he shall be put unto or become chargeable with by reason of his being so made Plaintiff, Prosecutor, or Defendant therein as aforesaid, such Trustee or Clerk having an Order in Writing from the said Trustees, or any Five or more of them, giving Directions for or consenting to the commencing, prosecuting, or defending such Action, Indictment, or Suit.

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

XVIII. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace under or by virtue of this Act, by reason of being a Trustee of the said Roads, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer, or Clerk or Surveyor, or other Officer under this Act, or an Inhabitant of any Township, Parish, Tithing or Place through which the said Roads doth or shall pass, nor shall such Testimony or Evidence (for any of the Reasons aforesaid) be rejected, or liable to be questioned or set aside.

Trustees, &c. may be Witnesses.

XIX. And be it further enacted, That the Right and Property in all the Turnpikes, Toll Gates, Toll Houses, and Weighing Engines, and the several Conveniences and Appurtenances thereunto belonging, already erected or made upon or by the Sides of the said Roads, or which shall

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

be

be erected or made by virtue of this Act, and in all Materials for building and repairing the same, and for repairing or making the said Roads or any Part thereof, and all Milestones and Direction Posts already set up or erected, or hereafter to be set up or erected on or by the Sides of the said Roads, and all other Materials, Articles, and Things which have been provided for the Purposes of the Act hereby repealed, or which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the Trustees for carrying this Act into Execution; and they the said Trustees are hereby authorized and empowered to sell and dispose of the same as they shall think proper, 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 shall break down or damage, steal or take away, spoil, injure, or destroy any of such Turnpikes, Toll Gates, Toll Houses, Weighing Engines, Conveniences, Appurtenances, Materials, Articles, and Things, or any Part thereof, or of any of them, or disturb the said Trustees or their Agents or Servants in the Possession thereof; and in all such Actions and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to make the said Trustees generally Plaintiffs or Prosecutors, and to state that the Article or Articles, Thing or Things, for or in respect of which such Actions and Proceedings shall be brought and preferred, is or are the Property of "The Trustees for repairing and improving the several Roads within the District called the *Sodbury* Division of Roads."

Trustees may continue and erect Turnpike Gate or Gates.

XX. And be it further enacted, That the said Trustees may continue the Turnpike Gates already erected upon any of the said Roads, and may and shall cause to be erected any other Turnpike Gate or Turnpike Gates, in, upon, or across any Part or Parts of the said Roads, and also upon the Side or Sides of any of the said Roads, and across any Street, Lane, or Way leading into or out of the same respectively; and also cause to be erected or provided a Toll House or Toll Houses, with suitable Out-buildings, at or near each Turnpike Gate, and also take in and inclose from any Common or Waste near the said Roads, a Garden Plot to each Toll House, suitable and convenient thereto, so as such Garden Plot does not exceed One-eighth Part of an Acre, and may and shall also provide and maintain a Lamp or Lamps, with proper Furniture, at or near each Turnpike Gate, and from Time to Time remove such Turnpike Gate or Turnpike Gates, and Toll Houses, or alter the same or any Part or Parts thereof respectively, as they the said Trustees shall think meet or expedient; and that it shall be lawful for the said Trustees, or any Person or Persons continued or to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take at each and every Turnpike or Toll Gate, Bar or Chain, continued or to be erected by virtue of this Act, from the Owner or Owners of or Person or Persons using, leading, driving, or attending any Horse, Beast, Cattle, or Carriage, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same (subject to the Provisions and Restrictions herein-after contained), the following Sums or Tolls; (that is to say),

Tolls.

For every Horse, Mule, Ass, or other Beast drawing any Carriage of whatever Name or Description (except Stage Coaches, and also except Waggon, Carts, or other Carriages laden with Coals, as herein-after mentioned),

mentioned), the Sum of Sixpence ; and with respect to the Tolls, Two Oxen shall be deemed and considered as One Horse :

For every Horse or other Beast drawing any Stage Coach, licensed to carry in the whole, Inside and Outside, not more than Nine Passengers, the Sum of Sixpence :

For every Horse or other Beast drawing any Stage Coach, licensed to carry in the whole, Inside and Outside, more than Nine and not exceeding Sixteen Passengers, the Sum of Seven-pence :

For every Horse or other Beast drawing any Stage Coach, licensed to carry in the whole, Inside and Outside, more than Sixteen Passengers, the Sum of Eight-pence :

For every Carriage with Four Wheels (being empty) affixed to any Waggon, Wain, Cart, or other Carriage, the Sum of One Shilling, and for every Carriage with Two Wheels (being empty) so affixed, the Sum of Sixpence, and being loaded Double such Sums :

For every Horse, Mule, Ass, or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, laden with or carrying Coals, from the Thirtieth Day of *September* to the First Day of *April* following, within the Period of each and every Year, the Sum of Nine-pence :

For every Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, the Sum of Two-pence :

For every Drove of Oxen or other Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number :

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

And upon Payment of any of the said Tolls, the Collector or Receiver shall and he is hereby required to deliver *gratis* to every Person paying such Toll, a Note or Ticket denoting such Payment ; and all such Notes or Tickets shall be provided by the said Trustees, or (in case of the said Tolls being let) by their Lessees, and there shall be printed and specified thereon the Name of the Gate at which the Toll was received, and of the Gate or Gates which shall be freed from Toll by such Payment.

Collectors to give Tickets denoting Gates freed.

XXI. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Roads ; and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Table of Tolls to be put up.

XXII. Provided always, and be it further enacted, That no Person or Persons (except as is herein-after mentioned) shall be subject to the Payment of any of the Tolls authorized to be taken by this Act, more than Once in any One Day (the Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), for passing and repassing on any of the said Roads on the same Day with the same Horse or Horses, Beasts or Cattle, through any of the said Turnpikes or Toll Gates continued or to be erected by virtue of this Act, such Person or Persons producing a Note or Ticket denoting the Payment of such Toll, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Payment of the Toll as herein-before mentioned.

Limiting the Payments at each Turnpike for the same Horse, &c. in One Day to One (except as after mentioned).

Limiting the  
Number of  
Tolls.

XXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any Collector or Collectors, to demand and take more in any One Day than Five full Tolls on the whole of the Roads directed by this Act to be kept in Repair; (that is to say), between a certain Pillar in the Parish of *Chippenham* in the County of *Wilts*, and *The Cross Hands Inn* in the Parish of *Old Sodbury*, not more than One full Toll; between *The Cross Hands Inn* and a certain Bridge called *Knox Bridge*, in the Parish of *Westerleigh* in the County of *Gloucester*, not more than One full Toll; between *The Cross Hands Inn* and *Falfield*, in the Parish of *Thornbury* in the said County of *Gloucester*, not more than One full Toll; between the *Cross Posts* on *Yate Common* and *Latteridge*, in the said County of *Gloucester*, not more than One full Toll; and between *Latteridge* and the Road leading from *Bristol* to *Aust*, not more than One full Toll.

Stage  
Coaches, Post  
Chaises, &c.  
to pay every  
Time of pass-  
ing.

XXIV. Provided nevertheless, and be it further enacted, That the said Tolls shall be payable for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward for every Time of passing and repassing along the said Roads on the same Day (the Day to be computed as aforesaid), and that the said Tolls shall be payable for or in respect of all Horses or other Beasts drawing Post Chaises and other Carriages travelling for Hire, for every Time of passing and repassing along the said Roads on the same Day (the Day to be computed as aforesaid), with a Ticket denoting a new Hiring: Provided always, that all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Roads, shall, on returning within the Space of Twelve Hours after having so passed without the Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

To prevent  
the Trustees  
from levying  
an increased  
Toll upon  
Horses draw-  
ing Waggons  
on account of  
the Breadth  
of the  
Wheels.

XXV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any Lessee or Lessees of the said Tolls, to demand, take, or levy any further or higher Tolls than are hereby granted for any Horses or Beasts of Draught drawing any Waggon, Wain, or Cart, for or on account of the Wheels thereof being of less Breadth than Six Inches; any thing in an Act made in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*; or any other Act to the contrary notwithstanding.

Waggons,  
&c. having  
Wheels and  
Axletrees  
according to  
55G.3.c.119.  
to have an  
Abatement.

XXVI. And be it further enacted, That for or in respect of all Waggons, Carts, or other Carriages having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act made in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, 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 or  
other

other Beasts drawing the same, there shall be granted and allowed the several Provisions and Exemptions granted by such Act.

XXVII. And be it further enacted, That the said Trustees shall and may cause Fences and Ditches to be erected and made upon or over such Parts of any Commons, Waste Grounds, Wood Grounds, Common Fields, or other uninclosed Lands, over or by the Sides whereof any Part or Parts of the said Roads do or shall lead, as they shall think necessary, for the Distance of Half a Mile on each Side of any Gate or Turnpike to be erected on the said Roads, in order to prevent the Payment of Toll being avoided; and that if any Person or Persons shall pull down, or otherwise displace, carry away, or damage any such Fence, or any Part thereof, or shall fill up or spoil any such Ditch, or in any Manner injure the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds over and above any Damages which may be thereby occasioned.

Fences may be erected on Commons, &c. to prevent Evasion of Tolls.

XXVIII. 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, situate 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 or her Family or Servants); or if any Person or Persons owning or occupying any Gate, private Passage, Land, Ground, or Place, situate as aforesaid (the same not being a Public Highway or Road), shall knowingly or willingly permit or suffer any other Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons shall forcibly or fraudulently pass through any Turnpike or Toll Gate to be continued or erected by virtue of this Act, with any Horse or other Cattle or Beast drawing or not drawing, without Payment of Toll; or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except a Collector of the Tolls), any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the Tolls, for the Purpose of evading the said Tolls or any of them; or shall take off or cause to be taken off, any Horse or Beast from any Carriage, or after having passed through any Gate or Turnpike, shall put on an additional Horse or Beast to any such Carriage, all and every such Persons and Person shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on evading Tolls.

XXIX. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person subject or liable to the Payment of any of the said Tolls shall, after Demand being made thereof, refuse or neglect to pay the same or any Part thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls as aforesaid, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage, or other Thing, upon or in

Powers for Recovery of Tolls.

respect

respect of which any Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast), or any Carriage in respect of the Horses or Cattle drawing the Carriage on which Toll is imposed, or any of the Goods or Chattels of the Person or Persons refusing or neglecting to pay; and if the Toll or any Part thereof so refused or neglected to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriage, or Things so seized and 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 Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

Disputes concerning Tolls to be settled by a Justice.

XXX. And be it further enacted, That if 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 wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties or other Witness or Witnesses (which Oath the said 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 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.

Tolls may be reduced.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen or reduce any of the Tolls which shall be payable at all or any of the Toll Gates erected by virtue of the said Act or this Act, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five-sixths Parts of the Money then due on the Security of the Tolls; but no such Reduction shall be made, unless Twenty-one Days previous Notice thereof shall be affixed in Writing against all the Toll Gates then erected across the said Roads, and also inserted in One or more of the Newspapers published or generally circulated in the Counties of *Wilts* and *Gloucester*.

Exempting the Royal Family from Toll.

XXXII. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll, any  
Horses



Horses or Carriages conveying or attending His Majesty or any of the Royal Family, or returning after having been so employed.

XXXIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act, of 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 Public Road or Highway, or for erecting, setting up, building, rebuilding, 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, on or on the Sides of any of the said Roads authorized to be repaired by virtue of this Act; or in carrying or conveying any Milk or Seed for seeding the Ground, or Hay, Grass, Sainfoin, Fodder, Rushes, Teazles, Vetches, Straw, or Corn, or Pulse in the Straw only, Turnips, Potatoes, or other Agricultural Produce, not sold or disposed of, or not going to be 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, or Implements of Husbandry (unless laden also with some other Thing not herein exempted from Toll), or any Mould, Dung, Soil, Marl, Lime, Manure, or Compost employed in Husbandry, for manuring or improving Land, 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, either before or after passing through any Toll Gate to be continued or erected on the said Roads; or for the Horses of any Clergyman going to or returning from visiting 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 from any other 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 any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or 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 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, Cart, Wain, or other Carriage employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying

[*Local.*]

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conveying

Exemptions  
from Tolls.

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, Mare, or Gelding 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 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 for any Horses or Carriages employed only in carrying or conveying Vagrants sent by legal Passes, or any Prisoner in Custody under any legal Warrant, or returning empty after having been only so employed; 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* or County of *Wilts*, 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.

Tolls may be leased.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to 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, for any Term not exceeding Three Years, upon Public Bidding to the highest Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable Two Calendar Months 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 or any Five or more of them shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Persons 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, or any Five or more of them, to accept a private Tender for the same for such Letting, 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.

trary notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Tolls under this Act are directed to be applied.

XXXV. And be it further enacted, That during such Time as the 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 by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls continued as aforesaid, or appointed by the said Trustees, is by 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 continued as aforesaid, or appointed by the said Trustees, is made subject or liable to by virtue of this Act.

Lessees, or Persons appointed by them, may collect the Tolls.

XXXVI. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls shall demand and take, or cause to be demanded and taken from any Person or Persons, any Toll not authorized by this Act to be taken, or a greater or less Toll than authorized to be taken by or under this Act, or by or under any Act or Acts of Parliament now in force and effect with respect to Overweights, or by or under any Order of the Trustees made under the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and shall claim such Exemption, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, such Forfeitures respectively to be recovered in Manner herein-after 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 any such Demand and taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Penalty on Renters, &c. taking greater or less Tolls.

XXXVII. And be it further enacted, That every Toll Collector, being Lessee of the said Tolls, or appointed either under this Act or by the Trustees for executing the same, or by any such Lessee, to collect the Tolls payable at any Turnpike or Toll Gate, Turnpikes or Toll Gates, to be continued or erected by virtue of this Act, shall and he is hereby required to place the Name or Names of the Gate or Gates (if any) which any Ticket required to be given by this Act by any Collector or Receiver of Tolls will free or clear, and also his Christian and Surname, painted on One or more Board or Boards in legible Characters, in the Front of every Toll House or Toll Gate immediately upon his coming on Duty, each of the

For preventing Toll Collectors from misbehaving, &c.

the Letters on such Board or Boards to be at the 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, and shall continue the same so placed during the whole Time he shall be on such Duty; and if any Collector or Receiver of the Tolls shall not place such Board or Boards painted as aforesaid, and keep the same there during the Time aforesaid; or shall refuse to permit or suffer, or shall in any wise hinder any Person or Persons from reading the Words to be painted on such Board or Boards, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give or tender a Ticket denoting the Payment of the Toll, and specifying the Name of the Gate at which such Ticket shall be delivered, and also the Name or Names of the Gate or Gates which such Ticket will free or clear, 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 or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, or to any Treasurer, Clerk, Surveyor, or other Officer employed under this Act, or to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information of the Circumstances shall be laid, shall adjudge: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector or Surveyor on the said Roads 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 of such Assault, Obstruction, Hindrance, or Molestation shall be laid shall adjudge.

Enabling Trustees to take Possession of Toll Houses in case of Non-performance of the Terms of the Lease.

XXXVIII. 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, shall be in Arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease or Agreement for demising or letting thereof; or in case such Lease or Agreement shall in any Manner become void, then and in any of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where any Toll Gate or Toll House, Toll Gates or Toll Houses which shall have been demised or let to farm to any such Lessee or Lessees, Farmer or Farmers shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or any of their respective Clerks or Treasurers, or any other Person authorized by Writing under the Hands of the said Trustees, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings, Gates, and Appurtenances thereto belonging,

belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, and every Person therein from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person 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 Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed Obligations, Covenants, or Agreements on the Lessee's Part), as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, 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 Demise, Contract, or Agreement had been made relative thereto.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, assembled at any of their Meetings, to borrow and take up at Interest on the Credit of all and every or any of the Tolls arising by virtue of this Act, in such Manner as they shall think proper, such Sum or Sums of Money as they the said Trustees, or any Five or more of them, shall in their Discretion think necessary and expedient, for the Use and Benefit of all or any Part of the said Roads by this Act authorized to be repaired and improved, and that Notice of every such Meeting and the Purpose thereof shall, in case the said Trustees or any Five or more of them by their Order at any such Meeting direct, but not otherwise, be given by Advertisement to be inserted Twice in *The Gloucester Journal*, or some other Public Newspaper circulated in the said County of Gloucester, at least Fourteen Days before every such Meeting; and for securing the same Money, together with full lawful Interest thereon, the said Trustees, or any Five or more of them, are hereby authorized and empowered from Time to Time, either at any such Meeting or any Meeting to be held in pursuance of Adjournment thereof, by any Writing or Instrument, Writings or Instruments under their Hands and Seals, or any Five or more of them, to demise or assign by way of Mortgage all or any of the Tolls granted by this Act, and all or any of the Turnpikes and Toll Houses, Bars, Weighing Machines, and the Buildings and Appurtenances thereto belonging, for collecting the said Tolls, as a Security or Securities to any Person or Persons, or his, her, or their Trustee or Trustees, who shall advance or lend such Sum or Sums of Money; which Mortgages shall be made in the following Form of Words, or some other Form of Words to the like Effect; (that is to say),

Power to borrow Money by mortgaging the Tolls.

‘ BY virtue of an Act passed in the Third Year of the Reign of His  
 ‘ Majesty King George the Fourth, intituled [*here insert the Title of*  
 ‘ *this Act*], we, \_\_\_\_\_ of the Trustees for putting the said Act in  
 ‘ Execution, in consideration of the Sum of \_\_\_\_\_ to the  
 ‘ Treasurer of the said Trustees in hand paid, do grant, bargain, sell,  
 ‘ and demise unto \_\_\_\_\_ his [*her or their*] Executors,  
 ‘ [Local.] \_\_\_\_\_ Administrators,

Administrators, and Assigns, such Proportion of the Tolls arising by  
 virtue of the said Act, and of the Toll Gates and Houses for collecting  
 the same, as the said Sum of doth or shall bear  
 to the whole of the Monies owing and secured on the Credit thereof,  
 to be had and holden from this Day of  
 in the Year of our Lord for and  
 during the Continuance of the said Act, unless the said Sum of  
 with Interest at the Rate of per Centum per  
 Annum shall be sooner paid and satisfied. Given under our Hands and  
 Seals this Day of in the Year of  
 our Lord

And the Costs and Charges of all such Demises or Mortgages shall be  
 paid out of the Tolls thereby demised; and Copies of all such Demises or  
 Mortgages shall be entered in a Book or Books to be kept for that Purpose  
 by the Clerk or Clerks to the said Trustees, for which Entry the said  
 Clerk or Clerks shall be paid the Sum of Five Shillings and no more, out  
 of the Tolls hereby granted, and such Book or Books shall and may at all  
 seasonable Times be perused and inspected by the said Trustees or any  
 Creditor or Creditors having Security on the said Tolls or any Part  
 thereof, without Fee or Reward; and all Persons to whom any Demise  
 or Mortgage shall be made as aforesaid, shall be entitled to the Money  
 thereby secured, may from Time to Time assign and transfer his, her,  
 or their Right, Title, Interest, or Benefit, in or to the said Demise or  
 Mortgage, and the Principal and Interest thereby secured, to any Person  
 or Persons whomsoever, by Indorsement on such Demise or Mortgage,  
 or by any other Writing or Writings to be written under the same or  
 thereunto annexed, and signed and sealed in the Presence of and attested  
 by One or more credible Witness or Witnesses, in the following Words,  
 or Words to the like Effect; (that is to say),

Power to  
 transfer  
 Mortgages,

I *A. B.* do transfer this Mortgage or Security, [*or a certain Mortgage*  
*or Security, shortly stating it, as the Case may be*] with all my Right  
 and Title to the Principal Money thereby secured, and all the Interest  
 now due thereon, unto *C. D.* his [*her or their*] Executors, Administra-  
 tors, and Assigns. Dated this Day of  
 in the Year of our Lord  
 Witness, *E. F.* *A. B.*

Which said Transfer shall be produced and notified to the said Clerk or  
 Clerks, within Three Calendar Months next after the Day of the Date  
 thereof, who shall enter the same in the before mentioned Book or Books  
 to be kept for entering Copies of the several Demises or Mortgages which  
 shall be made as aforesaid, for the Entry of which Transfers the said  
 Clerk or Clerks 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 full Benefit of  
 every such Demise or Mortgage which shall be so transferred, and to  
 the Payment of the Principal Money thereby secured, and the Interest  
 due and to grow due for the same; and every such Assignee may in like  
 Manner assign or transfer the same, and so *toties quoties*; and it shall  
 not be in the Power of any Person or Persons (except the Person or Per-  
 sons to whom the same shall be last transferred, his, her, or their respec-  
 tive Executors or Administrators), to release, discharge, or make void the

original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and which shall have been demised and assigned by any such Mortgage or Transfer, and on the Turnpike Gates and Toll Houses, Bars, Weighing Machines, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another, and no Person shall have Preference in respect of the Priority of advancing his or her Money, or the Date of his or her Security.

XL. And be it further enacted, That if any Mortgagee or Mortgagees, Assignee or Assignees, of all or any of the said Tolls, Toll Gates, Bars, Chains, Toll Houses and Buildings, shall seek to obtain the Possession of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings, 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 said 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, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as Mortgagees.

An Action of Ejectment may be supported by One Mortgagee.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to widen, divert, turn, shorten, vary, alter, and improve the Line, Course, or Path of any Part or Parts of the said Turnpike Roads, and of any Part or Parts of the said Highways or Carriage Roads by this Act intended to be made Turnpike, and severally herein-before described or any of them, in such Manner as they shall think fit, upon, through, or over any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction as herein-after mentioned, and also to widen, divert, vary, turn, alter, and make the same several Roads or any of them, upon, through, or over any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds; and it shall and may be lawful to and for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any such private Lands, Grounds, or Hereditaments as aforesaid, through which or whereupon the said Roads, Widening, and Alterations shall be intended to pass or be made, and to stake out and make the same in such Manner as the said Trustees shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such Lands, Grounds, and Hereditaments respectively, for any of the Purposes of this Act, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and if any Person or Persons shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making, widening, diverting, turning, shortening, varying, altering, or improving such Roads, every Person so offending shall forfeit and pay for every such

Powers for widening, altering, &c. Roads.

Offence

Offence any Sum not exceeding Five Pounds; provided that the said Roads, when widened, turned, varied, or altered by virtue of this Act, shall be and remain Thirty Feet wide at the least, and shall not be more than Sixty Feet wide; and provided also, that it shall not be lawful for the Trustees acting in the Execution of this Act, in widening, diverting, turning, shortening, varying, altering, and improving any Part or Parts of the said Roads by this Act authorized to be continued, made, and repaired, to deviate more than One hundred Yards from the present Line or Course of the said Roads, or the Line or Course of the additional Roads authorized by this Act, or to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof, save and except a certain Messuage or Dwelling House, and the Appurtenances thereof, in the Street of the Village of *Iron Acton* in the said County of *Gloucester*, belonging to *William Shipp*, and in the Occupation of *Thomas Townsend*, having on the West Side a Messuage or Tenement in the Possession of *William Gibbs*, the *Bristol Turnpike Road* on the South, and Part of the Road the Subject Matter of this Act on the North.

Trustees to fence any old Roads altered, and any new Roads.

XLII. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the said Roads by this Act authorized to be continued, made, and repaired, or make any new Road over and through any private Lands, Grounds, or Hereditaments, or shall take away or remove any Fence for widening the said Roads or any of them, or any Part thereof, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences, or other good and sufficient Fences, on both Sides of any such Roads as shall be so turned or altered, or on the Side or Sides upon which any such Fence shall or may be so taken away or removed as aforesaid, with sufficient Ditches to the same, and sufficient Posts and Rails or other Fence to protect the Growth of any such Quickset Hedges or Fences, so as effectually to guard and fence off the Lands adjoining to the same Roads into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Seven Years from the Time that such Fences shall have been made or set up, unless the Owners or Proprietors for the Time being of any such Lands, Grounds, or Hereditaments, shall agree with the said Trustees to make or keep such Fences in Repair from an earlier Period.

Trustees may purchase Lands for making and altering Roads.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which they are enabled to purchase by virtue of this Act, for making, widening, diverting, altering, and improving the said Roads or any of them, and also for making all necessary Fences on the Sides of the said Roads, and for the Erection of Toll Houses with the Garden Plots thereto, not exceeding One-eighth Part of an Acre for each Toll House with the Garden thereto, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Tenants for Life

or



or in Tail, Husbands, Guardians, Feoffees, Committees, Executors, Administrators, and all Trustees whatsoever, not only on Behalf of themselves, their Heirs and Successors, but also on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy, after them; and on Behalf of their Cestuique Trusts, whether Femes Coverts, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof or for the Satisfaction to be made for the same, or for such Damages as aforesaid, and to sell and convey by Lease and Release, or Bargain and Sale enrolled, unto the said Trustees, all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be good and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever; and all such Bodies Politic, Corporate, or Collegiate, Tenants for Life or in Tail, Husbands, Guardians, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

**XLIV.** And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, shall, for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County, Liberty, or Place wherein such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises do lie; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath the said Trustees, or any or either of them, are and is 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 as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees

When Persons interested neglect or refuse to treat, the Damages or Value to be ascertained by a Jury.

[Local.]

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shall

shall thereupon order the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, or other Persons interested, according to the Verdict or Inquisition of such Jury, and such Verdict or Inquisition and Judgment, Order and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Idiots, Lunatics, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant or Warrants in Writing, signed by any Five or more of them, to the Sheriff of the County wherein such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises do lie, commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before such 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, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear, or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees or any Five or more of them acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned upon such Jury, and who without sufficient Excuse shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury shall without sufficient Excuse refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no One Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person for One Offence.

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

XLV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Houses, Buildings, 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 the said Trustees before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or

or Property, or for any 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 Treasurer to the said Trustees, out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any such Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County, Liberty, or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same or any Part thereof shall exceed such Damages, and shall not be paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees, in Manner aforesaid.

XLVI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of any Monies in the Hands of the said Trustees, or out of the Tolls by this Act granted, or out of the Monies to be borrowed, on the Credit thereof, to the Party or Parties, or Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England* in Manner by this Act directed (as the Case may be), and upon such Payment to such Parties or Persons, or their Agents, or into the Bank of *England*, and after Thirty Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Houses, Buildings, Lands, Tenements, Hereditaments, and Premises, then such Houses, Buildings, Lands, Tenements, Hereditaments, and Premises respectively shall and may be taken and used for the Purposes of this Act, and such Lands, and the Scite of such Houses, Buildings, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall thenceforth be deemed a common Highway, and shall be repaired and kept in Repair by the same Ways and Means as any other Part of the said Road is or ought to be kept

Money assessed for Lands, &c. how to be charged and tendered.

kept in Repair, and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, and after such new Road shall be completed, the Lands or Grounds constituting any former Roads or Road, or so much and such Part or Parts thereof as in the Judgment of the said Trustees may thereby become useless or unnecessary, shall or may be stopped up and discontinued as Public Highways, (unless leading over some Moor, Heath, Common, uncultivated Land, or Waste Ground, or to some Church, Mill, Village, Town or Place, Lands or Tenements to which such new Road or Roads doth not or do not immediately lead, and which may therefore be deemed proper to be kept open, either as a public or private Way or Ways for the Use of any Inhabitant at large, or any Individual or Individuals), and shall be vested in, and shall and may be sold and conveyed by the said Trustees in the Manner herein-after mentioned, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Purposes of this Act, and all Conveyances being executed by the said Trustees, or any Five or more of them, and enrolled in the Office of the Clerk of the Peace for the County, Liberty, or Place wherein such Road shall be situate, shall be good and effectual in the Law, to all Intents and Purposes whatsoever, or it shall be lawful for the said Trustees, instead of making such Sale as aforesaid, to give up to the Owners or Proprietors of any adjoining Lands, Tenements, or Hereditaments, whose Building, Land, or Ground shall be had or taken for the Purposes of this Act, any Part or Parts of the present or old Roads, in lieu and in exchange for the same, in such Way and Manner as such Trustees and Owners or Proprietors shall agree upon and think fit.

When any Parts of the old Roads are to be sold, the first Offer to be made to original or adjoining Owners.

XLVII. Provided always, and be it further enacted, That the said Trustees before they shall sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act as aforesaid, to any other Person or Persons, shall first offer the same to the Person or Persons of whom the same shall have been purchased, 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, an Affidavit to be 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 the County, Liberty, or Place where such Ground is situate (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or 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, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner by this Act directed with respect to 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 Purchases made by the

the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money, and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

XLVIII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises 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, Houses, Buildings, Tenements, Hereditaments, and Premises 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, Houses, Buildings, Tenements, Hereditaments, and Premises, 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, Houses, Buildings, Tenements, Hereditaments, and Premises standing settled therewith, to the same or the like Uses, 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, Houses, Buildings, Tenements, Hereditaments, and Premises, 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, Houses, Buildings, Tenements, Hereditaments, and Premises which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined 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 High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three 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

Application  
of Compensation  
Monies  
for Lands, &c.  
if amounting  
to 200l.

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, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased, in case such Purchase or Settlement was made.

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

XLIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed 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, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, 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 applied at the like Option to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved of by Two or more of the said Trustees (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 High Court of Chancery.

Where under 20l.

L. 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 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, Houses, Buildings, Tenements, Hereditaments, and Premises 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, Idiocy, 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, &c. the Money to be paid into the Bank of *England*.

LI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, 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 be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, be not known or discovered, then and in every such Case

it

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, Houses, Buildings, Tenements, Hereditaments, and Premises (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.

LII. 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, Houses, Buildings, Tenements, Hereditaments, and Premises, or of any Estate, Right, Title, or Interest in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises 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 any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or to some Estate or Interest therein.

In case of  
disputed  
Titles.

LIII. 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, Houses, Buildings, Tenements, Hereditaments, and Premises 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, and be applied in the Purchase of any other

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

Lands,

Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, 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 to be made from Time to Time 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 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.

Power to get  
Materials.

LIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Roads, out of any common River or common Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place in which any Part of the said Roads lie, or in any adjoining Parish, Hamlet, or Place, and to haul or carry away any such Materials when got, over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, by an Order in Writing signed by any Two or more Justices of the Peace, to be obtained in Manner herein mentioned, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person, in any Parish or Place in which the said Roads or any of them lie or are situate (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damages done 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 also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), on or through or over any open Land or Common, any Stone or other Materials for making or repairing the said Roads, conveyed on any River, Stream, or Canal, in any Parish, Hamlet, or Place in which any Part of the said Roads lie, paying or tendering for the Damages done in landing on or going through or over any inclosed Lands or Grounds, for or with such Materials, such Sum or Sums as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken shall be situate, on Fourteen Days Notice thereof being given in Writing by either Party to the



the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining of the same.

LV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads, or any other of the Purposes aforesaid, out of or from any inclosed Land or Ground, until Three Days Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his known Agent, or to the 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 Two or more Justices of the Peace acting in and for the County where the Lands from whence such Materials are intended to be taken shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier, shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer), make such Order thereon as 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.

Notice to be given before Materials taken from inclosed Grounds.

LVI. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall be dug, gotten, or gathered for the Repair or Use of the said Roads, or shall raise or carry away any Materials out of or otherwise 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, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his 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.

Penalty on taking away Materials raised by the Surveyor.

LVII. And be it further enacted, That it shall and may be lawful for the said Trustees, by Order under their Hands, to order and direct their Surveyor to cut down, grub up, and remove any Trees, Shrubs, and Hedges, that previous to the passing of this Act have been planted or made within the Distance of Fifteen Feet from the Centre of the said Roads, not being in any Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any Tree being an Ornament or Shelter to a House, in case the Owners or Occupiers of such Trees, Shrubs, or Hedges shall neglect or refuse to cut down, grub up, and remove the same, at the Expiration of One Month after Notice in Writing, signed by the Clerk to the said Trustees, shall be given to them, or left at the Dwelling House or Place of Abode of such Owners or Occupiers.

Cutting Trees.

[Local.]

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LVIII. And

Penalty for erecting Buildings or Encroachments on the Sides of Roads.

LVIII. And be it further enacted, That if any Person shall encroach upon the said Roads by erecting or making, or causing to be erected or made, any Dwelling House or other Building, Hedge, Ditch, or other Fence (except Turnpike Houses, or other Buildings or Fences erected by Order of the said Trustees), every Person so offending shall forfeit for every such Offence 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 Meeting or some Adjournment thereof, directed to their Surveyor or Surveyors, to cause any such Dwelling House, Building, Hedge, Ditch, or other Fence to be taken 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 One or more Justice or Justices of the Peace in and for the County or Place where the Premises shall be situate, upon Proof thereof to him, her, or them made upon Oath (which Oath any such Justice is hereby empowered to administer), to levy as well the Expences of taking down any such Dwelling House, Building, Hedge, and Fence, and filling up of Ditches 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.

Surveyors may make Causeways, &c.

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

For removing Annoyances and Nuisances.

LX. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stones, Carriages, Saw Pits or other Pits, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things, being placed, made, or laid on any Part of the said Roads to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary; and to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Roads, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Trees being an Ornament or Shelter to a House, save and except as aforesaid),

and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Four Feet, in case the Owners or Occupiers of the Premises shall, for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, top, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or the Surveyor or Surveyors shall require; the Charges whereof, to be settled by the said Trustees, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if, after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXI. 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 about the said Roads, or any Part thereof, or by the Sides thereof (except where any Part of the said Roads shall pass over any Commons or Waste Lands, and shall not be fenced off on both Sides thereof), it shall and may be lawful to and for any or either of the said Trustees, Surveyor or Surveyors of the said Roads, or any of them, or for any other Person or Persons whomsoever, authorized by any or either of the said Trustees, Surveyor or Surveyors, 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 found, or in such other Place as the said Trustees shall appoint, 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 One Shilling 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 Ten Days after such Impounding, it shall and may be lawful to and for the said Trustees, or the said Surveyor or Surveyors, 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, on Demand.

Surveyors to impound Cattle found straying on the Roads.

LXII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act; or shall release or attempt to release any Horse, Cow, Ass, Swine, or other live Stock or Cattle which shall be 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,

Punishment of Persons guilty of Pound Breach.

Act, until or before such Cow, Horse, Ass, Swine, or other live Stock 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, 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 of the County wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Roads to be measured and Milestones erected.

LXIII. And be it further enacted, That the said Trustees may if they think fit cause the said Roads to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon, denoting the Number of Miles and Distance of Places as they shall think proper, and also cause to be set up such and so many Direction Posts as they shall think necessary; and if any Person or Persons shall wilfully pull up, damage, or break any of the Stones or Posts so to be erected as aforesaid, or shall obliterate or deface any of the Letters, Marks, or Figures thereon, and be convicted thereof before any Justice of the Peace for the County wherein the Offence may be committed, by the Confession of the Party, or by the Oath of One credible Witness, every such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; one Moiety whereof shall be paid to the Informer, and the other Moiety to the said Trustees or their Treasurer or Clerk, to be applied for the Purposes of this Act; and in case the same shall not be paid within the Space of Ten Days after such Conviction, then the said Justice shall and may commit such Offender to the Common Gaol or House of Correction for the said County of *Gloucester*, for any Time not exceeding Six Calendar Months.

Keepers of Inns whereat Waggon stop in *Sodbury* to light the Road before their Houses in the Night.

LXIV. And be it further enacted, That every Keeper of an Inn or Public House in the Town of *Chipping Sodbury* aforesaid, whereat Waggon do or are accustomed to stop or stay in the Night, shall and he and she is hereby required to provide and set up and cause to be lighted in the Front of such Inn or Public House, a proper and sufficient Lamp or Lamps, to light during the Nights in the Winter Months the Part of the said Roads where any such Waggon shall be or remain; and if any such Person shall omit or neglect to provide, erect, and light such Lamp or Lamps as aforesaid, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings; and if any Person shall break or damage any such Lamps, or any of the Appurtenances thereof, or shall extinguish the Light in any such Lamps, and be convicted thereof before any Justice of the County of *Gloucester*, by Confession of the Party, or by the Oath of One credible Witness, every such Person so offending shall pay the like Penalty, or suffer the same Punishment by Imprisonment, as is herein-before inflicted on Persons breaking or damaging the Lamps to be provided and set up by the said Trustees.

For preventing Damage

LXV. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of the said Roads, made  
or

or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle or Carriage of any Description upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull up or damage any Direction or Mile Post or Stone, erected or fixed or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully damage any Bridge, Wall, Toll Gate, Toll House, Weighing Machine or other Erection made or erected by the said Trustees, or repaired or repairable by them, or break or damage any Lamp to be placed or fixed on or against any such Toll House; or shall haul or draw, or shall cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing otherwise than upon Wheel Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon Wheel Carriages, to drag or trail upon any Part of the said Roads, to the Prejudice thereof; or shall in or upon any Part of the said 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 shall make or assist in making any Fire or Fires commonly called Bonfires, or set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet from the Centre of any Part of the said Roads; or shall blow or blast any Rock or Quarry on any Part of the said Roads, or on the Sides thereof, or on the Banks thereof, or within Eighty Feet of the Centre of any Part of the said Roads; or play at Football or any other Game or Games upon the said Roads or any Part thereof, to the Annoyance of any Passenger or Passengers; or if any Person shall leave, or permit to be left, any Waggon, Wain, or Cart upon any Part of the said Roads, or on the Side or Sides thereof (except in Cases of Accident), or for the Purpose of loading or unloading such Waggon, Wain, or Cart, and in such Cases for such Time only as shall be necessary to remove and load or unload such Waggon, Wain, or Cart, or shall not place any such Waggon, Wain, or Cart, during the Time of loading or unloading thereof, as near to One Side of the Road as conveniently may be, either with or without any Horse or Horses, Beast or Beasts of Draught, harnessed or yoked thereto; or shall lay and leave any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever, upon any Part of the said Roads, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Roads or Footways, or to the Prejudice, Annoyance, or Interruption of the Persons travelling thereon; or shall suffer any Water, Filth, Dirt, Matter, or Thing whatsoever to run or flow into or upon the said Roads or Footpaths, or on the Side or Sides thereof, from any House, Building, Erection, Lands, or Premises adjacent thereto, to the Injury of the said Roads; or if any Person or Persons in the Performance of Statute Work on any of the said Roads, or any Person or Persons employed to haul any Materials for the Repair of the said Roads, shall place or deposit any Stones or other Materials to be brought by him or them for the Repair of the said Roads, within Ten Feet of the Centre of such Roads, where such Roads shall be of sufficient Width to admit of such Stones or other Materials being placed at that or a greater Distance from the Centre of the said Roads; or if any such Person or Persons in the Performance of Statute Work, or employed to haul Materials

to Roads and  
Annoyances  
to Travellers.

as aforesaid, shall not pile and heap the Stones and other Materials to be brought by him or them for the Repair of the said Roads, on the Sides of and without encroaching upon or interrupting the travelling upon such Roads; or if any Person shall turn or suffer to be turned, any Horse, Cow, Mule, Ass, Beast, Sheep, or Swine, on or to be or remain upon the said Roads, to graze or depasture on the Sides thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer such Pigs or Swine to root up or damage the said Roads or any Part thereof, or the Fences or Banks on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart or other Carriage in going up any Hill or rising Ground, cause or suffer to be or remain on the said Roads or any Part thereof, the Stone or other Thing with which such Cart or other Carriage shall or may have been blocked or stopped; or if any Higler, Hawker, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Sides of any Part of the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop situate near the said Roads, and having a Window or Windows fronting to the said Roads, shall not, by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Roads; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage, meeting any Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the Left or Near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage, under his or her Care upon the said Roads; or if any Person leading or driving any Horse, Mule, Ass, or other Beast on the said Roads, carrying Rods or Bars of Iron, Basket, Pannier, or any other Matter or Thing, shall place such Rods or Bars of Iron, Basket, Pannier, Matter or Thing, so that the same shall project more than Thirty Inches from the Side of such Horse or other Beast, or shall in any Manner hinder, interrupt, or obstruct any other Person or Persons in the passing or travelling on such Roads; or if any Person shall plough up, dig up, or break up any of the Soil between any Part of the said Roads and the Hedges and Fences on the Sides thereof, for the Purpose of making Compost or Manure, or shall scrape off any Soil or other Thing from the said Roads or the Sides thereof, or shall remove, take up, and carry away any Stones or Scrapings, or any Dung, Mould, Soil, Compost, or Manure from the Sides of the said Roads, or from any Place or Places where the same shall have been laid or deposited or placed by the said Trustees, or any Person or Persons employed by them, without the Consent of some Surveyor or Surveyors of the said Roads first obtained for that Purpose; each and every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Gates to  
open in-  
wards.

LXVI. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads, or any Footpath belonging thereto, or be suffered to continue so to open, except the Hanging Post thereof shall be fixed or placed so far from the Centre of the said Roads, so that no Part of the Gate when open shall project over any Part of the said Roads,

Roads, or any Footpath belonging thereto; and the Occupier or Occupiers of any Park, Paddock, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and in Default thereof the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Intention 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 where such Neglect shall appear, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyors such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate; and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his or their Neglect therein.

LXVII. 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 or liable to be charged towards repairing and amending the said Roads by this Act authorized to be repaired, or any Part or Parts thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the Counties of *Gloucester* or *Wilts.*, within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done and performed upon the said Roads by the Inhabitants of the respective Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Tithing, Hamlet, District, Division, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers, Surveyor or Surveyors; 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, Tithing, Hamlet, District, Division, or Place, to bring in Lists before such Justices at some Place and Time 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, Tithing, Hamlet, District, Division, or Place are by Law subject and liable to do and perform 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 the said Justices respectively shall or may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year

Statute  
Labour how  
to be regu-  
lated and  
enforced.

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 Seed-time, Hay-time, or Harvest), and on such Part or Parts of the said Roads as the said Trustees or their Surveyor or Surveyors for the Time being shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or 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, Tithing, Hamlet, District, Division, or Place, for the Time being, to be by him, her, or them paid over to the said Trustees, or their Treasurer or Treasurers, Surveyor or Surveyors, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof the same shall or 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 to be recovered; and each and every Person who shall neglect or refuse to do and perform such Statute Work or Duty 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 any 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, Horse or Beast, to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, or by any Person employed by him, such Surveyor or other Person is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person so coming to work, or sending such Labourer as aforesaid, shall be subject and liable to the respective Forfeitures and Penalties aforesaid, as if he had neglected or refused to come or send a Labourer, or such Team or Draught, Horse or Beast had not been sent to work on any Part of the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Roads lie, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or 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 Ten Pounds; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads.

Trustees may compound for Statute Duty with Inhabitants or Surveyors.

LXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors to be by them appointed, being authorized so to do by the said Trustees, to compound and agree, by the Year or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Parishes, Townships,

ships,



ships, Tithings, Hamlets, or Places in which the said Roads lie or are situate, for a certain Sum of Money, in lieu of the Whole or any Part of their Statute Work or Duty, or to compound and agree with the Surveyor or Surveyors of the Highways for any such Parishes, Townships, Tithings, Hamlets, or Places, for the Whole or any Part of the Statute Work liable to be performed within the same respectively; all which Composition Money shall be from Time to Time paid in advance by every such Person so compounding, to the said Trustees, or their Treasurers or Surveyors, on or before the Fifth Day of *April* in each and every Year, and shall be applied in Repair of the said Roads.

LXIX. 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.

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

LXX. 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 County or Place where the Offence shall be committed (as the Case may require), 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, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties so 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 Information, Conviction, Distress, and Sale are deducted,

Recovery and Application of Penalties.

[Local.]

ducted, 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 any Treasurer or Treasurers to the said Trustees, and be applied for the Purposes of the said Roads; 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, her, 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 authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Place aforesaid, or to any House of Correction within the same; 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.

For securing  
transient  
Offenders.

LXXI. 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 other 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 County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized or apprehended; 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.

Form of  
Conviction.

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

to wit. } **B**E. it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
in the Year of Our Lord \_\_\_\_\_ is convicted before  
of His Majesty's Justices of the Peace for the \_\_\_\_\_ of \_\_\_\_\_  
[specifying the Offence, Time and Place when and where  
the same was committed, as the Case shall be.] Given under my Hand  
and Seal [or our Hands and Seals] the Day and Year first above written.

LXXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Fourteen Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County 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 have been 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, 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 other Case by Law.

Limitations  
of Actions.

General  
Issue.

Treble Costs.

LXXIV. Provided also, and be it further enacted, That it shall be lawful for the said Trustees, at any Meeting to be held pursuant to the Directions of this Act, to order and direct the Treasurer or Treasurers to the said Trustees to pay and defray, out of the Money in his or their Hands arising from the Tolls and other Monies to be received by him or them, all such Costs, Charges, and reasonable Sums as they the said Trustees or any of them, or any Justice or Justices of the Peace shall have been at or put unto, or shall have expended in defending or prosecuting any Suit or Suits, Indictment or Indictments, or Information or other Prosecution whatsoever, for or on account thereof, or for or concerning any Matter or Thing whatsoever which they shall have done or ordered to be done in the Execution of this Act.

Costs and  
Expences of  
the Trustees  
or Justices  
to be paid.

LXXV. 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.

Public Act.

LXXVI. And be it further enacted, That this Act shall commence on the Twenty-fifth Day of *June* One thousand eight hundred and twenty-two, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-  
ment and  
Continuance  
of this Act.

