



ANNO QUINTO

GEORGIIV. REGIS.

Cap. c.

An Act for more effectually repairing the Road from *Piffs Elms*, in the Parish of *Boddington*, through *Cheltenham* to *Shipton Lane*, near *Frog Mill Inn*, and certain other Roads therein mentioned, in the County of *Gloucester*.

[3d June 1824.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending the Roads from a Place called Piffs Elm, in the Tewkesbury Turnpike Road through Cheltenham to Elston Church, and from thence to Coombend Beeches, in the Road from Cirencester to Gloucester, and from the Market Place in Cheltenham to the Burford Turnpike Road at a Place called Pewsdon Ash, and from Cheltenham to the Road from Gloucester to London at or near a House called Kilkenny, and from the Direction Post in Bembridge Field through Birdlip, to join the Road from Gloucester to Bath, at or near Painswick, and at a House called The Harrow, all in the County of Gloucester*: And whereas another Act was passed in the Forty-sixth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for continuing the Term and enlarging the Powers of an Act passed in the Twenty-fifth Year of His present Majesty, for repairing the Roads from a Place called Piffs Elm, in the Tewkesbury Turnpike Road through Cheltenham to Elston*

25G.3.c.125.

46G.3.c.137.

[Local.]

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Church,

*Church, and other Roads therein mentioned, in the County of Gloucester: And whereas the Roads mentioned in the said recited Acts are, under and by virtue of the Provisions therein contained, divided into Two Districts, which has been found extremely inconvenient; and it would materially facilitate the Execution of the Trusts, and tend to the better Management of the said Roads, if the Whole were consolidated in One Trust: And whereas the Trustees acting under the said recited Acts have made great Improvements in the Roads by the said Acts authorized to be made and repaired, and have borrowed considerable Sums of Money on the Credit of the Tolls granted by the said Acts, which Money still remains due: And whereas several Parts of the Roads by the said Acts authorized to be repaired are become in a great Measure unfrequented by reason of other Roads having been formed for the better Accommodation of the Public; and it is not expedient that such Parts as are so unfrequented shall be continued under the Superintendance or Direction of the said Trustees, but that their Powers shall be confined to the several Roads herein-after mentioned and described: And whereas certain Parts of the said Roads in the Parishes of *Cheltenham, Charlton Kings, and Dowdeswell*, are extremely narrow, hilly, and inconvenient, and it would afford very great Accommodation to the Public if the Course of the said Roads in those Parts were diverted or altered; but such Improvements cannot be effected, nor can the Money now remaining due on the Credit of the said Tolls be repaid, unless the Term granted by the said last recited Act be extended, and further Powers be given to the Trustees for the better Execution of the Trust reposed in them: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: 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 from and after the passing of this Act the said recited Acts of the Twenty-fifth and Forty-sixth Years of the Reign of His said late Majesty King George the Third, shall be and the same are hereby repealed, and that instead thereof this Act shall thenceforth commence and take Effect and be put in Execution during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, diverting, improving, and keeping in Repair the Roads herein-after described; that is to say, from the said Place called *Piffs Elm* in the *Tewkesbury Road* to and through the High Street of *Cheltenham* aforesaid, and from thence unto and through the Parishes of *Charlton Kings, Withington, and Dowdeswell*, to the Foot of *Dowdeswell Hill*, and from thence through *Dowdeswell, Withington, and Shipton Sollars*, to the *London Turnpike Road* at or near the End of *Shipton Lane*; and also from and out of the said High Street in *Cheltenham* through *Cambray**

Recited Acts of 25 & 46 G. 3. repealed, and this Act to be executed in lieu thereof.

Cambray to Birdlip, and from thence to the Turnpike Road leading through Stroud towards Bath, and from the said High Street in Cheltenham aforesaid through Winchcombe Street to the Turnpike leading towards Prestbury, and from the said High Street along Hewletts Street to the Extremity of the Parish of Cheltenham aforesaid, at or near to a Place called Hewletts.

II. And be it further enacted, That the said recited Act, passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisoos, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or by this Act; and also the said recited Act of the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been respectively repeated and re-enacted in the Body of this Act.

Powers of the Acts of 3 & 4 G. 4. extended to this Act.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized by the said recited Acts of the Twenty-fifth and Forty-sixth Years of the Reign of His late Majesty King George the Third, or any of them, to be taken or received, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed, or became due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Acts hereby repealed into Execution, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act; and that all Bonds, Covenants and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said recited Acts hereby repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on Behalf of the said Trustees, according to the Provisions of the said recited Acts, shall remain in full force and effect, and be and continue available in all Courts of Law and Equity until the same be fully satisfied and performed, on account of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full force and effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

New Term and Tolls liable to the former Debts, &c.

IV. And

Trustees no-
minated.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the County of Gloucester, together with The Reverend *William Baker, Richard Critchett, The Reverend Henry Bond Fowler, Robert Hughes, John Jones, Thomas Markham, The Reverend Saunders Miller, James Matthews, The Reverend Thomas Nash, D. D., John Rogers, Harry Rooke, Francis Paul Stratford, Edward Draper, Thomas Byrch, John Byrch, William Bastin, William Ballinger, Christopher Capel Clerk, William Capel, Daniel Capel, Charles Coxwell Clerk, Charles Coxwell the Younger, Clerk, Sir George Duckett Baronet, John Clarke, Richard Forster, John Higgs, Gilbert Jones, Thomas Jordan, Thomas Newman, Thomas Pruën, John Riddell, William Russel, Charles Seager, Edward Tatham, D. D., Reginald Wynniatt Clerk, Cornelius Woolly, James Wood, William Wood, William Morris, Thomas Newell, Thomas Packer Butt, William Buckle, William Ballinger, John Gardner, Thomas Minster, Richard Skillicorne Skillicorne, Richard Pruën, Anthony Rogers, William Rogers, William Roberts, John Wall, Henry Bromfield, George Brisac, Philip Godsal, Thomas Gray, James Lloyd Harris, Thomas Jameson, Baynham Jones, Sir Anthony Lechmere Baronet, Robert Lambert, Benjamin Newmarch, Tristram Robert Ricketts, William Rumney, Thomas Smith (North Place), John Gregory Welch, John Briggs, James Hawkins, Walter Caulfield Lennon, Samuel Beale, Simpson Anderson, John Harward, Thomas Harward, Sir James Jelf Knight, Conway Whithorn Lovesy, Theodore Gwinnett, Charles Beard, Richard Butler, Thomas Edwards, William Hawkins, Hugh Hanmer Morgan, Walter Lawrence Lawrence, William Morris, The Honourable Robert Moor, Sir Nathaniel William Wraxall Baronet, Henry William Harris, John Winning, Joseph Brookes, George Caldwell Clerk, Edward Howell, Francis Longworth, Levi Philips, Michael Joseph Semper, James Robert Scott, Thomas Tomlins, James Trecothick, Pearson Thompson, Robert Younghusband, Walter John Hamilton, Armitage, John Ferryman, William Seale Evans, Thomas Griffiths, Thomas Smith (High Street), Abraham Hatherell, Hamlet Millett, William Nettleship, George Bragge Prouse, Edward Coxwell Rogers, John Roebuck, Joseph Ellis Viner, John Parsons, William Chisholme Chisholme, Robert Morris, Thomas Barton, Timmins, Henry Teshmaker Thompson, William Pearce Clerk, William Wood, Roughton, Tatlow, Thomas Nettleship, Corfield, Ward, John Blagdon, Edward Henry Neale Clerk, Francis Neale, William Pitt, The Reverend Charles Pitt Clerk, Henry Fowler, Nicholson; John Buckle, Edmund Lambert Newman, Henry Charles Boisragon, James Fisher, George Newmarch, John Prince, John Cox, Frederick Phelps, The Honourable James Dutton, The Honourable John Dutton, William Baylis, Weston Hicks, John Clark Wallop, Joseph Watts, George Wathen, Thomas Croome, Charles Gyde, John Phillimore Hicks, Charles Stephens, John Wight, Robert Wight, John Packwood, and their Successors, being duly qualified in Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for carrying into Execution this Act.*

V. And

V. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at their First Meeting to be holden under the Powers of this Act, to nominate and appoint any Number of Persons not exceeding Five in the Whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so to be appointed, being duly qualified as aforesaid, shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth Years of His present Majesty's Reign, and this Act, as if they had been named and appointed in and by this Act.

Power to
appoint ad-
ditional
Trustees.

VI. And be it further enacted, That the said Trustees shall meet at the *Fleece* Inn in the Town of *Cheltenham* aforesaid, or at some other convenient Place in the said Town, on the Second *Friday* after the passing of this Act, at Eleven of the Clock in the Forenoon, and shall then and there proceed to put the said Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution.

First Meet-
ing of Trus-
tees.

VII. And be it further enacted, That the Clerk, Surveyor, and other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said former Acts hereby repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced or removed by the said Trustees, or become incapable of executing them, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all Respects as if they had been severally appointed under or by virtue of this Act and the said Acts of the Third and Fourth Years of the Reign of His present Majesty.

Former Offi-
cers to con-
tinue.

VIII. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of the said Acts or of this Act, or the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred 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

Treasurer
and Clerk
not to be the
same Person.

Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance shall be allowed.

Books, &c.
relative to
former Acts
to be deli-
vered to
Trustees
under this
Act.

IX. And be it further enacted, That all Persons who are or have been employed or who have received any Money on account of the Roads by the said recited Acts and this Act authorized to be improved and kept in Repair, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of His present Majesty's Reign and of this Act are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to pay or account for the same.

Power to
take Tolls:

X. And be it further enacted, That it shall and may be lawful for the said Trustees to continue the several Turnpikes, Toll Gates, and Toll Houses erected by the Trustees acting under the said Acts hereby repealed, and from Time to Time to erect any other Turnpikes, Toll Gates, or Bars, if they shall think fit, upon, across, or by the Side of any of the Roads by this Act directed to be improved and kept in Repair.

Tolls.

XI. And be it further enacted, That the respective Tolls following may (subject to the Provisions, Restrictions, and Exemptions in this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty contained) be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate, which is now or which shall hereafter be set up or continued upon, across, or by the Side of the Roads by this Act directed to be improved and kept in Repair, by each and every Person who shall be authorized or continued by the said Trustees to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say,)

For every Horse, Mule, Ass, Ox, Bullock, or other Beast of Draught, drawing in any Carriage, any Sum not exceeding Eight-pence :

For every Horse, Mule, or Ass not drawing, any Sum not exceeding Three-pence :

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

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

Tolls vested
in Trustees.

XII. And be it further enacted, That all and every the Tolls by this Act authorized to be taken shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, paid, applied,

applied, and disposed of in the Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act.

XIII. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any of the Turnpikes, Toll Gates, or Side Gates, now erected or hereafter to be erected or continued by virtue of this Act, shall be subject or liable to any Toll for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Gate, the same Day before Twelve of the Clock at Night, with the same Horse, Beast, Cattle, or Carriage for which Toll shall have been paid on that Day; but that every such Person, on producing a Note or Ticket denoting the Payment of such Toll, shall (except in the Cases hereafter mentioned) be permitted to pass through such Turnpike, Toll Gate, or Side Gate, with such Horse, Beast, Cattle, or Carriage, Toll free.

Tolls to be paid only once a Day.

XIV. And be it further enacted, That no Horse or Horses or other Beast or Beasts of Draught for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, or Side Gates, returning the same Day through the same Turnpike, Toll Gate, or Side Gate, drawing another or different Waggon, Cart, or such like Carriage, shall be permitted to repass through the same Turnpikes, Toll Gates, or Side Gates the same Day without paying Toll; any thing herein contained to the contrary thereof in anywise notwithstanding.

Horses, &c. drawing different Carriages to pay each Time of passing.

XV. Provided also, and be it enacted, That no more than Three full Tolls shall be demanded and taken (except in the Case hereinafter mentioned) for passing on the same Day throughout the whole Line of the said Roads by this Act directed to be improved and kept in Repair.

No more than Three full Tolls to be taken for passing the whole District on the same Day.

XVI. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage-coach, Waggon, Van, Caravan, Cart, or Stage-carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike, Toll Gate, or Side Gate, the Tolls hereby made payable shall be paid for every Time of passing and repassing through every such Turnpike, Toll Gate, or Side Gate, in like Manner as if no Toll had been before paid thereat; and that the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught travelling for Hire, drawing any Post-chaise or other Carriage, for every Time they shall pass and repass along the said Road on the same Day, as often as a fresh Hiring thereof shall take place.

Stage-Coaches, &c. and all Horses travelling for Hire, drawing any Post-chaise, &c. to pay each Time of passing.

XVII. And whereas the said Road from the *High Street* in *Cheltenham* aforesaid, through *Cambray* towards *Birdlip*, communicates with the Turnpike Road leading through *Painswick* to *Bath*, within a short Distance of the Toll Gate in the Parishes of *Cheltenham* and *Leckhampton*, or One of them, erected under the Powers of the said recited Acts; be it enacted, That it shall and may be lawful for the said

Trustees may reduce Tolls through *Painswick* to *Bath*.

said Trustees at any Time to reduce the Tolls to be taken in respect of any Horse, Beast, or Cattle, passing and repassing to or from the said Road, leading through *Painswick* to *Bath*, in such Manner and under such Restrictions as they shall from Time to Time think expedient; any thing herein contained to the contrary notwithstanding.

Power to remove Turnpikes.

XVIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time at any Special Meeting to be holden for that Purpose, of which public Notice specifying the Time and Place for holding such Meeting and the Purpose thereof shall have been given Three Times in some Newspaper or Newspapers published or circulated in the County of *Gloucester*, and also by affixing a Copy of such Notice on all the Turnpikes, Toll Gates, and Side Gates, which shall be then continued or erected and standing by virtue of this Act, at least Twenty-one Days previously to such Meeting, to order and direct any of such Turnpikes, Toll Gates, or Side Gates (except the Turnpike or Toll Gate to be erected near the Bottom of *Dowdeswell Hill* as herein-after directed) to be removed and placed elsewhere, upon, across, or by the Side of any such Roads, Streets, or Ways as aforesaid, in such Situations as to them the said Trustees may appear fit and eligible, subject to the Provisoes and Restrictions herein contained.

No Side Gate to be erected in the Town of *Cheltenham*.

1 & 2 G. 4. c. 121.

XIX. Provided always, and be it further enacted, That no Turnpike, Toll Gate, or Bar shall be erected by the Side of any of the said Roads within the Limits of the said Town of *Cheltenham*, as such Limits are now or may hereafter be declared by the Commissioners acting under or by virtue of an Act of Parliament made and passed in the First and Second Years of His present Majesty's Reign, intituled *An Act for better paving, lighting, cleansing, watching, and improving the Town of Cheltenham in the County of Gloucester, and for regulating the Police thereof, and for removing and preventing Nuisances and Annoyances therein.*

Recital that Money is proposed to be borrowed of the Exchequer Bill Loan Commissioners. 57 G. 3. c. 34. and c. 124.

XX. And whereas the said Trustees have, in order to enable them to make the Deviations and Improvements herein-after mentioned, made Application to the Commissioners appointed under an Act of the Fifty-seventh Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in Manner therein mentioned*; and another Act made in the same Session of Parliament, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor*; for the Advance of Money for making and completing the said Deviations and Improvements; and it is expedient in order to enable the said Trustees to give an effectual Security to the said Commissioners for the Repayment of any Sum or Sums to be advanced by them, and the Interest thereof, in Addition to any Security which may be granted to them in common with

with other Persons, on the Tolls to be raised at the Toll Gates already erected on the said Roads, that a Toll Gate should be erected at or near the Commencement of the Line of Deviation near the Foot of *Dowdeswell Hill*, and that the Tolls to be received thereat shall be primarily appropriated to the Repayment to the said Commissioners of any Sum or Sums which may be advanced by them and the Interest thereof: Be it therefore further enacted, That the said Trustees shall and they are hereby authorized and required, when and so soon as the New Line of Road from the Bottom of *Dowdeswell Hill* to the End of *Shipton Lane* herein-after mentioned shall have been completed, to cause to be erected and set up, and afterwards to continue during the whole Term of this Act on the said New Line of Road, at or near to the Bottom of *Dowdeswell Hill* aforesaid, a Turnpike or Toll Gate for the Purpose of taking Tolls thereat; and to apply and appropriate the Whole of the Tolls to be from Time to Time received at such Turnpike or Toll Gate in or towards the Payment of the Sum or Sums of Money which shall be borrowed by them of the said Commissioners for the Purpose of the Improvements aforesaid, and the Interest to grow due for the same, at such Times and by such Instalments as shall be stipulated with such Commissioners for the Payment thereof; and that after full Payment shall have been made of the Instalments which shall from Time to Time become due to the said Commissioners, the Residue only of the Money which shall be received from such last-mentioned Tolls shall be applied by the said Trustees from Time to Time to the general Purposes of this Act as herein-after directed.

Turnpikes to be set up on New Line near the Bottom of Dowdeswell Hill:

Tolls to be received there to be applied first in Payment of Commissioners:

Residue to go to the general Purposes of the Trust.

XXI. And be it further enacted, That it shall and may be lawful for the said Trustees and their Surveyor or Surveyors and Workmen, and they are hereby authorized and empowered to make, execute, and complete, in the respective Lines and Directions herein-after referred to, Two Deviations or Diversions from the present Line of the said Road within the Parish of *Cheltenham*, One other Deviation or Diversion from the present Line of the said Road in the Parish of *Charlton Kings*, and One other Deviation or Diversion from the present Line of the said Road at or near the Bottom of *Dowdeswell Hill*, in the Parish of *Dowdeswell*, through the Parishes of *Dowdeswell*, *Wittington*, and *Shipton Sollars*, to join the present *London Road* at or near to the End of *Shipton Lane*, and from Time to Time, if necessary, to widen, divert, shorten, vary, turn, and alter, within the Distance herein-after mentioned, the Line of such respective Deviations or Diversions, or any Part or Parts thereof respectively; and that such Deviations or Diversions respectively, and every Variation or Diversion thereof respectively, may be of any Width not exceeding Sixty Feet, exclusive of the Ditches and Fences on each Side thereof, they the said Trustees first making Satisfaction to the Owners and Occupiers of and other Persons interested in the Lands, Hereditaments, and Premises over and through which such respective Deviations or Diversions or any Variations thereof respectively shall be carried, for the Damages they shall respectively sustain thereby.

Power to make Deviations.

XXII. And whereas a Map or Plan describing the respective Lines of the said Deviations or Diversions intended to be made, and the

Deviations to be made ac-

[Local.]

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Lands

ording to
Plan depo-
sited with the
Clerk of the
Peace for the
County of
Gloucester.

Lands over and through which the same are respectively intended to be carried, together with a Book of Reference containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Gloucester*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County of *Gloucester*, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts therefrom at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making such respective Deviations or Diversions, shall not deviate more than One hundred Yards from the respective Lines thereof described in the said Map or Plan, without the Consent or Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, over or through whose Lands or Grounds such Deviations or Diversions shall be made.

Lands
marked in
the Plans
may be used
notwith-
standing
Errors in
the Books of
Reference.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said respective Deviations or Diversions in the Lines thereof respectively laid down and described in the said Map or Plan as aforesaid, or within the Distance of One hundred Yards thereof, although the Name or Names of any Person or Persons, Body or Bodies Corporate or Collegiate, through or over whose Lands the same shall be set out, may happen to be erroneously described or omitted in the said Book of Reference so as aforesaid deposited with the said Map or Plan, in case it shall appear to any Two or more Justices of the Peace for the said County of *Gloucester*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Application
of Tolls and
Money bor-
rowed.

XXIV. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the first Place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; secondly, in paying and discharging all the Interest which shall at the Commencement of this Act be owing to any Mortgagee or Mortgagees of the Tolls or Duties heretofore

fore payable on the Roads by this Act directed to be improved and kept in Repair; thirdly, in paying and discharging all Interest which shall hereafter accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls or Duties heretofore payable on the said Roads; and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties which shall hereafter be payable on the said Roads; fourthly, in defraying the Expences of diverting, altering, widening, improving, repairing, and preserving the Roads by this Act authorized to be diverted, improved, and kept in Repair as aforesaid, and of erecting and providing, altering and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings upon, across, and by the Sides of the same Roads, and otherwise in executing the other Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby as aforesaid repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act, and all other Debts and Sums of Money now owing and which may hereafter become due and owing by or on account of this Trust.

XXV. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Acts hereby as aforesaid repealed, or any of them, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assigns in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments or other Security or Securities for the same, or of advancing such Sum or Sums of Money, except as hereinbefore mentioned; but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assigns, as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall in Proportion to the Sum or Sums therein mentioned be Creditors under this Act, in equal Degree one with another without any Preference or Priority except only as to the Tolls hereinbefore directed to be primarily appropriated for the Payment to the Commissioners for the Issue of Exchequer Bills, and the Advance of Money for the carrying on of Public Works.

No Priority
of Mort-
gages.

XXVI. And be it further enacted, That no Person shall hereafter erect or set up, or cause to be erected or set up, any Lime Kiln or Brick Kiln within the Distance of One hundred Yards from any Part of the said Roads hereby directed to be repaired, under the Penalty of Five Pounds for each and every Day such Lime Kiln or Brick Kiln shall continue, such Penalty to be recovered in like Manner as any Penalty not exceeding that Amount, imposed by the said recited Acts of the Third and Fourth Years of His present Majesty's Reign, or either of them, are authorized to be recovered.

No Lime
Kiln or Brick
Kiln to beset
up within the
Distance of
100 Yards
from the
Roads.

XXVII. And

Application
of Compensa-
tion when
amounting to
200%.

1 G. 4. c. 35.

XXVII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee in Trust, Guardian, Committee, Trustee, Feme Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with Privity of the Accountant General of the Court of Exchequer, to be placed to his Account, *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall by Order of the said Court, 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 and annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application
where the
Compensa-
tion is under
200%. and

XXVIII. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any

any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends and Interest arising thereon, may be applied in Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

XXIX. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid, as herein-before mentioned, shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Corporation or Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, in such Manner as the said Trustees or any Three or more of them shall think fit, or in case of Infancy, Idiocy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXX. And be it further enacted, That in case the Corporation or Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments, to be so purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; 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 and is hereby empowered in a summary Way of proceeding, or otherwise as to the same Court

[*Local.*]

26 P

shall

shall exceed
20 $\frac{1}{2}$ Application
where the
Money is less
than 20 $\frac{1}{2}$.In case of
not making
out Titles, or
Persons en-
titled not
being found,
Money to be
paid into the
Bank.

shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money (mentioning and specifying for what and for whose Use the same is or are received) to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

XXXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Corporation or Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, and Hereditaments according to such Possession until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; 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 apparent to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

XXXII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Corporation or Person or Persons entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXXIII. 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

as such by all Judges, Justices, and others, without being specially pleaded.

XXXIV. And be it further enacted, That this Act shall commence upon the passing thereof, 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.

The Com-
mencement
and Con-
tinuance of
this Act.

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