



ANNO SEPTIMO & OCTAVO

GEORGIIV. REGIS.

Cap. xii.

An Act for more effectually repairing several Roads in and through His Majesty's Forest of *Dean*, and the Waste Lands thereto belonging, in the County of *Gloucester*, and in the Parishes of *Newland*, *Awre*, and *Lydney*, in the said County; and for making and maintaining several new Roads in and adjoining the said Forest.

[2d April 1827.]

WHEREAS an Act was passed in the Thirty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending, widening, improving, and keeping in repair several Roads in and through His Majesty's Forest of Dean, and the Waste Lands thereto belonging, in the County of Gloucester; and for turning, altering, and changing the Course of the said Roads; and for making several new Roads in the said Forest, to lead to certain Places in and near the same; and also for amending, widening, and keeping in repair certain Roads leading from the said Forest to and through several Parts of the Parish of Newland, adjoining the said Forest, and also leading from the Bottom of a Place called The Viney Hill in the said Forest, to and through certain Parts of the Parishes of Lydney and Awre, adjoining the said Forest, in the said County of Gloucester:* And whereas another Act was passed in the Fifty-

36G.3.c.131.

[Local.]

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seventh

57G. 3. c. 66. seventh Year of the Reign of His said late Majesty, intituled *An Act to amend and continue an Act of the Thirty-sixth Year of His present Majesty, for improving certain Roads in and through the Forest of Dean in the County of Gloucester, and several other Roads therein mentioned*: And whereas by the said Act of the Thirty-sixth Year of the Reign of His said late Majesty it is recited, that His Majesty hath been graciously pleased to order such Sum or Sums of Money, not exceeding in the whole the Sum of Ten thousand six hundred and forty-five Pounds, to be advanced and paid out of the Produce of the Land Revenues belonging to His Crown, as may be requisite for amending, widening, altering, and putting in effectual Repair such of the Roads as are Part of the Soil and Waste Lands of the said Forest, and also the Road leading from the Bottom of the *Viney Hill*, through the Tithing of *Etloe* and the Duchy of *Etloe* in the Parish of *Awre*, and to and through a Place called *Gatcomb* in the Parish of *Awre*, and to and through the Tithing of *Pyrton* in the Parish of *Lydney*, near the River *Severn*, (the same having been usually repaired at the Charge of the Crown,) upon Condition that after the said Roads have been completely amended and repaired, and the Costs, Charges, and Expences of keeping the same in constant and effectual Repair shall have been fully paid and defrayed, and all Sums of Money which may hereafter happen to be borrowed on Security of the Tolls payable under the said Act, with the Interest of all such Sums of Money respectively, shall be fully paid and discharged, and all Costs, Charges, and Expences whatsoever, incident or in any way relating to the Execution thereof, shall be fully paid and discharged, and the full Sum of Five hundred Pounds retained by the Trustees as a Fund to answer such Exigencies as may arise or happen in the Execution of the said Act, the Overplus of the Tolls, over and above what shall from Time to Time become necessary for the Purposes above mentioned, and over and above the said Sum of Five hundred Pounds, to be constantly retained as such Fund aforesaid, shall from Time to Time be paid to such Person or Persons as shall be directed by the Lords Commissioners of His Majesty's Treasury to receive the same, towards repaying the Sum of Money advanced by His said Majesty for the Purposes aforesaid, until the same shall be fully reimbursed; and upon Condition also, that from and after Payment of the said Sum of Ten thousand six hundred and forty-five Pounds out of His Majesty's Land Revenues as aforesaid, for the Purposes aforesaid, His Majesty, His Heirs and Successors, shall be exonerated from the future Repair of the said Roads in the said Forest, and from all Charges and Demands whatsoever relative to the same, during the Continuance of the said Act, or any enlarged Term thereof: And whereas by the said Two first-recited Acts Power is given to borrow Money by Mortgage of the Tolls thereby authorized to be taken, but subject to a Proviso in the said first-recited Act contained, that it should not be lawful for the Trustees to mortgage or assign the said Tolls, or any Part thereof, to any Person or Persons whomsoever, without the Approbation and Consent of the Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, for the Time being, in Writing under his or their Hand or Hands first had and obtained: And whereas, pursuant to His said late Majesty's Order, the said Sum of Ten thousand six

hundred and forty-five Pounds was paid by the Lords Commissioners of His Majesty's Treasury to the Trustees under the said first-recited Act, who have wholly expended the same in amending, widening, altering, and putting in repair the several Roads for the Benefit whereof the same was granted, and which was found barely adequate to the Purpose: And whereas the Trustees under the said Two first-recited Acts have not borrowed any other Money on Security of the Tolls authorized to be taken under those Acts or either of them, than the said Sum of Ten thousand six hundred and forty-five Pounds, and they have expended all the Money arising from the Tolls authorized to be taken under the said Acts for the several Purposes for which the same are by the said Two first-recited Acts directed to be applied, previous to their setting apart the said Sum of Five hundred Pounds as a Fund for Exigencies, so that they have not been able to raise any Part of the said Sum of Five hundred Pounds, or to discharge any Part of the said Sum of Ten thousand six hundred and forty-five Pounds: And whereas several Highways in the said Forest, being Part of the Soil and Waste Lands of the said Forest, are the Property of His said Majesty in Right of His Crown, and other Highways adjoining to the said Forest, all communicating with the aforesaid *Dean Forest Turnpike Roads*, are in a very bad and insufficient State for the Convenience of the Public, and cannot be properly widened, varied, and repaired by the Laws in being, and it would be desirable that Power should be obtained for placing such Highways, and others to be formed within and adjoining to the said Forest, as Turnpike Roads, under the Management of the Trustees of the said recited Acts, and which proposed new Turnpike Roads are hereinafter mentioned and described; (that is to say,) from the present Turnpike Road at or about Three hundred Yards Westward of *Parkend Bridge* in the said Forest to the Boundary of the said Forest at or near the Village of *Bream*; from a Place in the Turnpike Road leading from *Colford* to *Mitcheldean* called *The White Oak*, in the said Forest, to a Part of the Turnpike Road leading from *Miery Stock* to *Lydbrook*, near the *Upper Forge Pool* at *Lydbrook*; from the said Place called *The White Oak* to the Boundary of the said Forest at or near to *Eastbach Lane End*; from a Place in the *Morse Lane* in the Parish of *Ruardean*, at or near the Dwelling House of *James Thomas*, to a Place in the Turnpike Road leading from *Colford* to *Newnham* at or near the Bottom of a Road called *The Roughet* in the Parish of *Littledean*; from a Place in the said Forest called *Drybrook*, in the Turnpike Road leading from *Colford* to *Mitcheldean*, along a Lane leading to *Hopemansel* in the County of *Hereford*, to the Boundary of the said Forest; from the Extremity of the present *Dean Forest Turnpike Road*, at or near *Lydbrook*, through the Parishes of *English Bicknor* and *Ruardean*, to a Place called *Bishop's Wood* in the Parish of *Ruardean*; from a Place called *The Top of the Bearse* in the said Forest to the Turnpike Gate at *Scatterford*; from a Place called *Trow Green* to *Bream's Cross*, both in the Parish of *Newland*; from the said *Trow Green* to a Place called *The Whirlpool* otherwise *The Orepool*, in the said Parish of *Newland*; from *Berry Hill* in the said Forest, at the Termination of the Parish of *Newland*, to a Meer Stone under *Symond's Rock*, which parts the Counties of *Gloucester* and *Hereford*; and from a Part
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of the said last-mentioned Road at or near *Christ Church* in the said Forest to a Place called *Shortstanding*, adjoining the Parish of *English Bicknor*, all in the County of *Gloucester*; but such Improvement cannot be effected, and the said Sums of Five hundred Pounds and Ten thousand six hundred and forty-five Pounds be raised, unless the Term granted by the said Act of the Fifty-seventh Year of the Reign of His said late Majesty be extended, and further Powers be given to the Trustees for the better Execution of the Trusts reposed in them: And whereas the Lords Commissioners of His Majesty's Treasury are consenting that the said Highways should be widened, varied, and repaired, and also the said new Roads be made and become Turnpike Roads, and that the Money to be borrowed for those Purposes shall be secured on the Tolls authorized to be taken under this Act, and the Interest thereof, and be repaid previous to the raising the said Sums of Five hundred Pounds and Ten thousand six hundred and forty-five Pounds, or either of them, upon Condition, that from and after the passing this Act, His Majesty, His Heirs and Successors, shall be exonerated from the future Repair of the said Roads in the said Forest, and from all Charges and Demands relative to the same, during the Continuance of this Act, or any enlarged Term thereof: And whereas an Act was passed in the

3 G. 4. c. 126. 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

4 G. 4. c. 95. 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*: And whereas another Act was passed in the

5 G. 4. c. 69. Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: 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 Second Monday after the passing of this Act, the said recited Acts of the Thirty-sixth and Fifty-seventh Years of the Reign of His said late Majesty King George the Third shall be and the same are hereby repealed; and instead thereof this Act shall thenceforth commence and take effect, and be put in execution, for and during the Term herein-after mentioned, for the Purposes of making and maintaining the said Roads authorized to be made by the said Act of the Thirty-sixth Year of the Reign of His said Majesty King George the Third; *videlicet*, the Roads leading from *Mitcheldean* to a Place called *Colford's Lane End*, otherwise called *Dark Stile Lane End*, towards the Town of *Colford*; and from a Place called *Saint White's*, near *Littledean*, to *Colford's Lane End*, otherwise called *Poolway Lane End*, towards the said Town of *Colford*; and from a Place called *The Bottom of the Viney Hill*, within the said Forest, to a Place called *Coalway Lane End*, near to the Town of *Colford*; and from a Place called *Perry Grove* to *Clewerwall*; and from a Place called *The Top of the Barse* to the *Barse Farmhouse*;

The first Two
recited Acts
repealed.

house; and from a Place called *The Roads Lane End*, leading from the Village of *Bream* to the said *Bearse* Farm-house; and from a Place called *Bream's Cross Farm* to or near the Village of *Bream*; and from a Place called *Gun's Mills* to a Place called *Little Dean's Lane End*; and from a Place called *The Camp* to a Place called *The Plough*; and from a certain Place called *The Foot of Miery Stock Hill* to a Place called *Lydbrook*; and also a certain Road over a Place called *The Fence* in the said Forest; and a certain Road leading from the said Place called *Colford's Lane End*, otherwise called *Dark Stile Lane End*, in the said Forest, to and through the Town of *Colford*, to a Place called *High Meadow* in the Parish of *Newland*, adjoining the said Forest; and from the said Place called *Colford Lane End*, otherwise called *Poolway Lane End*, in the said Forest, to the said Town of *Colford*; and from the said Place called *Coalway Lane End* in the said Forest to the Town of *Colford* aforesaid; and from a certain Place called *White Clift* in the said Parish of *Newland*, through the said Parish of *Newland*, to a Place called *The Cherry Orchard* in the said Parish of *Newland*; and from the said Place called *Little Dean's Lane End* to the Street of *Little Dean*; and also certain Roads leading from the Bottom of the *Viney Hill* in His Majesty's Forest of *Dean* aforesaid, through the Tithing of *Etloe* and the Duchy of *Etloe* in the Parish of *Awre*, and to and through a Place called *Gatcomb* in the Parish of *Awre*, and to and through the Tithing of *Pyrton* in the Parish of *Lydney*, near the River *Severn*, to a Place called *Gershill* in the said Tithing of *Pyrton* and Parish of *Lydney* in the said County of *Gloucester*; and also for making and effectually repairing, amending, widening, and keeping in repair the said Roads herein-before mentioned, leading from the present Turnpike Road at or about Three hundred Yards Westward of *Parkend Bridge* in the said Forest, to the Boundary of the said Forest, at or near the Village of *Bream*; from a Place in the Turnpike Road leading from *Colford* to *Mitcheldean*, called *The White Oak*, in the said Forest, to a Part of the Turnpike Road leading from *Miery Stock* to *Lydbrook*, near the *Upper Forge Pool* at *Lydbrook*; from the said Place called *The White Oak* to the Boundary of the said Forest at or near to *Eastbach Lane End*; from a Place in the *Morse Lane* in the Parish of *Ruardean*, at or near the Dwelling House of *James Thomas*, to a Place in the Turnpike Road leading from *Colford* to *Newnham*, at or near the Bottom of a Road called *The Roughet*, in the Parish of *Littledean*; from a Place in the said Forest called *Drybrook*, in the Turnpike Road leading from *Colford* to *Mitcheldean*, along a Lane leading to *Hopemansel* in the County of *Hereford*, to the Boundary of the said Forest; from the Extremity of the present *Dean Forest* Turnpike Road, at or near *Lydbrook*, through the Parishes of *English Bicknor* and *Ruardean*, to a Place called *Bishop's Wood* in the Parish of *Ruardean*; from a Place called *The Top of the Bearse*, in the said Forest, to the Turnpike Gate at *Scatterford*; from a Place called *Trow Green* to *Bream's Cross*, both in the Parish of *Newland*; from the said *Trow Green* to a Place called *The Whirlpool*, otherwise *The Orepool*, in the said Parish of *Newland*; from *Berry Hill* in the said Forest, at the Termination of the Parish of *Newland*, to a Meer Stone under *Symond's Rock*, which parts the Counties of *Gloucester* and *Hereford*; and from a Part of

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the said last-mentioned Road at or near *Christ Church* in the said Forest, to a Place called *Shortstanding*, adjoining the Parish of *English Bicknor*.

Powers of
the General
Turnpike
Acts extended
to this Act.

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 Acts of the Fourth and Fifth Years 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 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.

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

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 Thirty-sixth and Fifty-seventh Years of the Reign of His late Majesty King *George* the Third to be taken or received, and of all the Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act, and also of all such other Sum and Sums of Money as shall hereafter be borrowed for the Purposes or on the Credit of this Act, and all Interest to grow due thereon.

Persons
owing Money
to the Trus-
tees to pay
the same.

IV. And be it further enacted, That 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, or either of them, 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.

Bonds to be
in full Force
and Effect.

V. And be it further enacted, 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 such 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 Two first-recited Acts.

VI. And be it further enacted, That all Books containing the Accounts or Proceedings of the Trustees for executing the said Two first-recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said first-recited Acts, or either of them, had not been repealed.

Books used
under former
Act to be
Evidence un-
der this Act.

VII. 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 Lord Chief Justice in Eyre South of *Trent*, for the Time being, the Deputy Wardens, the Verderers, the Bow-bearer, the Conservator and the Steward and Registrar of the Swanimote and Attachment Courts of the said Forest of *Dean* for the Time being, the Commissioners of His Majesty's Woods, Forests, and Land Revenues, *William Allen, William Ambrose, Thomas Ambrose*, the Right Honourable *Charles Bathurst, Charles Bathurst junior, William Hiley Bathurst* Clerk, *Thomas Barber, John Barber, Thomas Bennett, William Boughton* Clerk, *John Boughton, Thomas Browning, William Browning*, Colonel *William Fitzharding Berkeley, Henry Berkin* Clerk, *Joseph Cadle, Maynard Colchester, John Coleman*, Sir *Thomas Crawley Boevey* Baronet, *Martin Foulkes Crawley Boevey, Charles Crawley* Clerk, *Charles Yonge Crawley, Lloyd Crawley, William Crawley* Clerk, *William Clarke, Clement Chadborne, James Davies* Clerk, *Henry Davies, Richard Davies* Clerk, *Philip John Ducarel, Joseph James Durbin, Henry Douglas* Clerk, *Kingsmill Evans, William Fryer* Clerk, *William Fowler, Henry Hooper Fryer, Henry Hooper Fryer junior*, Sir *Berkeley William Guise*, Lieutenant General *John Guise, William Vernon Guise, Henry John Guise, Francis Edward Guise, Vernon George Guise, John Christopher Guise, John Griffith, James Garsed, Kedgwin Hoskins, James Hall, James Haffenden, John Herbert* Clerk, *Edward Jones* Clerk, *Roynon Jones, Edward Owen Jones, William Wynn Jones, George Jones, Henry Prowse Jones, Thomas Jones, John James (of Newerne), John James (of Newnham), John James junior (of Newnham), Edward Lloyd James, Sir James Jelf, George Jelf, Joseph Lloyd (of Mountcraig), Joseph Lloyd (of Gunsmills), Joseph Lloyd junior (of Gunsmills), Henry Lloyd, Thomas Lucas, John Lucas, William Lucas, Thomas Morris, James Machen, Edward Machen, Edward Machen junior, David Mushet, Joseph Henry Malpas* Clerk, *John Maber Munden* Clerk, *John Morse* Clerk, *Thomas Marwood* Clerk, the Honourable *William Middleton Noel, Thomas Nicholson, John Probyn* Clerk, Archdeacon of the Diocese of *Landaff*, *John Probyn junior, Edmund Probyn* Clerk, *Henry Probyn, Joseph Pyrke, Duncomb Pyrke of Little Dean, George Pyrke* Clerk, *Thomas Pyrke, Thomas Pick, John Partridge, William Partridge, Edward Otto Partridge, Frederic John Partridge, Thomas Boulton Parkyns, William Henry Peel, James Pearce, James Pearce junior, John Pearce, James Rooke, Henry Rosser, George Ridout* Clerk, *William Roberts, George William Shawe*

Trustees
nominated.

Shawe Skipp, Thomas Skipp, Joseph Swayne, Joseph Swayne junior, James Swayne, William Seys Clerk, Thomas Serjeaunt, Richard Taylor, Thomas Tovey, John Biby Tovey, Thomas Leach Tovey, William Vaughan, Richard White, John Wintle, Richard Wetherell Clerk, Robert Wright, John Wait, John Wade Wait, William Wade Wait, Jacob George Wrench Doctor in Divinity, and their Successors, being duly qualified according to the Directions of the said Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, shall be and they are hereby appointed the Trustees for carrying the said Acts and this Act into Execution.

Power to
appoint ad-
ditional Trus-
tees.

VIII. 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 Three 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.

First Meet-
ing of Trus-
tees.

IX. And be it further enacted, That the said Trustees shall meet at the Speech House in His Majesty's said Forest of *Dean*, or at some convenient Place on or near the said Roads, on the Third *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, 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.

Former
Officers to
continue.

X. 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.

Treasurer
and Clerk
not to be the
same Person.

XI. 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

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 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.

XII. 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 Two first-recited Acts, or either of them, authorized to be made 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 said Third and Fourth Years of His present Majesty's Reign and of this Act are, by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, required to pay or account for the same.

Persons employed under former Act to account to Trustees under this Act.

XIII. 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 authorized to be made, improved, and kept in repair.

Power to continue or erect Turnpikes.

XIV. And be it further enacted, That the said Trustees shall, upon each of the said Branches of Road hereby authorized to be made, cause One or more Turnpike or Turnpikes, Toll Gate or Toll Gates, to be erected or set up, and shall take and demand, or cause to be taken and demanded, the Tolls herein-after directed to be taken and received at the Turnpikes or Toll Gates which shall be so erected or set up during the Continuance of this Act.

Turnpikes to be erected on new Branches of Road.

XV. 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

Power to remove Turnpikes.

[*Local.*]

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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 Fourteen Days previously to such Meeting, to order and direct any of such Turnpikes, Toll Gates, or Side Gates, to be removed and placed elsewhere, upon, across, or by the Side of any such Roads as aforesaid, in such Situations as to them the said Trustees may appear fit and eligible, subject to the Provisoos and Restrictions herein contained.

Tolls.

XVI. And be it further enacted, That the respective Tolls following may (subject to the Provisoos, 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 authorized to be made, improved, and kept in repair, by each and every Person who shall be appointed 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, or other Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Curricule, Calash, Chaise, Chair, or other such Carriage, the Sum of Sixpence :

For every Horse, Mule, or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, the Sum of Sixpence; and if drawn by Oxen, Two Oxen to be paid for as One Horse only :

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

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

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

Additional
Toll on Tim-
ber, &c. Car-
riages.

XVII. And be it further enacted, That if any Waggon, Wain, Cart, or other Carriage whatsoever shall be used in the hauling or carrying of any Tree or Trees, Timber, Iron, or Iron Ore, or Wood, Mill Stones, Grind Stones, Stone Troughs, or Paving Stone, or any other Stone whatsoever, on the said Roads, (Stone for the Use of the Highways only excepted,) not having the Fellies and Tire upon the Fellies of the Wheels of such Carriages flat, and rolling the Breadth of Six Inches on a flat Surface, the same shall be subject and liable to such further Toll, not exceeding Double the Amount of the respective Tolls authorized by this Act to be taken, for every Horse, Mule, or other Beast employed in drawing any Waggon, Cart, or other Carriage, as the said Trustees shall direct.

XVIII. And be it further enacted, That if any Person or Persons shall have paid the Tolls by this Act granted for the passing of any Cattle or Carriage (except when laden with Timber as herein-after mentioned) through any Toll Gate, Turnpike, Bar, or Chain to be erected, set up, or placed by virtue of this Act, the same Person or Persons, upon producing a Note or Ticket of the Day denoting such Payment, shall be permitted to pass and repass through the same and every other Toll Gate, Turnpike, Bar, or Chain to be erected, set up, or placed by virtue of this Act within the Distance of Five Miles from such Toll Gate, Turnpike, Bar, or Chain at which such Person or Persons shall have paid such Toll and received such Note or Ticket as aforesaid, with the same Cattle or Carriage, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night, which said Note or Ticket the Collectors or Receivers of the said Tolls are hereby required to give *gratis*, if demanded, on Payment of such Toll; except that the Horses or other Beasts of Draught drawing any Carriages loaded with or conveying any Timber shall be liable to the Tolls hereby granted every Time such Horses or Beasts of Draught shall pass through any Turnpike continued or erected by virtue of this Act, any thing herein-before contained to the contrary notwithstanding; the said Distance of Five Miles to be and be deemed to be along the Course of the Turnpike Road.

Tolls to be paid but once a Day at the same Gate, or any Gate within Five Miles.

Exception.

XIX. Provided always, and be it further enacted, That the Tolls hereby granted shall not be demanded or taken for the Horses or other Beasts drawing any Carriage employed in conveying Timber, the Produce of the said Forest, for the Use of His Majesty's Navy, more than once for each Carriage Load of such Timber, although such Horses or other Beasts may happen to pass more than One of the said Turnpikes or Side Bars continued or to be erected by virtue of this Act.

Carriages drawing Timber for the Use of His Majesty's Navy exempted from paying more than once for each Load.

XX. 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, drawing another or different Waggon, Wain, Cart, or such other Carriage, shall be permitted to repass through the same Turnpikes, Toll Gates, or Side Gates, the same Day, without again paying Toll; any thing herein contained to the contrary thereof in anywise notwithstanding.

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

XXI. And be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, or any Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, the Tolls hereby made payable shall be paid for every Time of passing or repassing along the said Roads, in like Manner as if no Toll had been before paid thereat.

Stage Coaches, &c. to pay each Time of passing.

XXII. And be it further enacted, That the Tolls 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 of passing and repassing along the said Roads

Post Chaises to pay each Time of a fresh Hiring.

Roads by this Act directed to be widened, improved, and kept in repair, on the same Day, as often as a fresh Hiring thereof shall take place.

Tolls may be compounded for.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound with any Person or Persons (other than and except Common Carriers) for the Payment of any fixed Sum, yearly or otherwise, in lieu of the Tolls or Duties hereby granted, which might otherwise become payable by such Person or Persons respectively; such Composition, or any Agreement for the same, not being repugnant to any Law or Statute now in force.

Trustees may lessen the Tolls.

XXIV. And be it further enacted, That the said Trustees shall be and are hereby authorized and empowered from Time to Time, if they shall think proper, to lessen or reduce all or any of the said Tolls, and to raise the same again, so as not to exceed the respective Sums by this Act granted; and that such Tolls so lessened or reduced shall be collected and recovered in the same Manner as the Tolls herein-before granted are directed to be collected and recovered: Provided nevertheless, that no such Reduction as aforesaid shall be made, unless the Person or Persons who shall be entitled to Five Sixth Parts at the least of the Money which shall have been borrowed, and shall be then due on the Credit of the said Tolls, shall consent thereto; and that no Alteration shall be made in any of the Tolls unless Notice of the Intention to make such Alteration, and of the Meeting to be holden for that Purpose, be given in Writing, to be affixed on all the Turnpikes which shall be then standing upon the said Roads, and be also advertised in some Newspaper or Newspapers published or circulated in the County of *Gloucester*, at least Twenty-eight Days before such Meeting: Provided always, that the Tolls now charged on the said Roads shall continue to be paid, without applying for any such Consent, or giving such Notice as aforesaid, until the Twenty-ninth Day of *September* One thousand eight hundred and twenty-seven.

Tolls vested in Trustees.

XXV. 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, 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.

Power to make new Branches and Deviations.

XXVI. 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 the new Roads herein-before mentioned and described; and that such new Roads respectively, and every Variation 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 new Roads or Variations thereof respectively

respectively shall be carried, for the Damages they shall respectively sustain thereby.

XXVII. And whereas a Map or Plan describing the respective Lines of the said new Roads intended to be made, and the 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 One hundred 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, 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 Deviation shall be made.

Plan deposited with the Clerk of the Peace for the County of Gloucester.

Not to deviate therefrom more than 100 Yards.

XXVIII. Provided always, and be it further enacted, That the Powers and Authorities hereby given to the said Trustees for putting this Act into Execution shall not extend to the taking down of any Dwelling House or other Building, or taking in the Scite of any House or other Building, or to the taking of any Garden, Orchard, Yard, Court, Park, Paddock, inclosed Shrubbery, planted Walk, or Avenue to a House, without the Consent of the Owners and Proprietors thereof respectively, save and except the several Hereditaments and Premises mentioned and described in the Schedule to this Act annexed; which last-mentioned Hereditaments, or so much thereof respectively as may be necessary, the said Trustees for putting this Act into Execution may and they are hereby empowered to take down and use in such Manner as they may think proper for the Purposes herein provided, paying such Compensation as shall be agreed upon between them and the Owners of such Hereditaments, or as shall, in case of Disagreement, be ascertained by a Jury, in manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or one of them.

Trustees not to pull down Houses, &c. except as herein mentioned.

XXIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Line of Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be the Owner or Owners or Occupiers of Lands, Hereditaments, and Premises over which the same or any Part thereof is or are mentioned and described in the said Map or Plan as aforesaid, although such Lands and Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in

Lands marked in the Plan may be used notwithstanding Errors.

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the said Map or Plan, List or Schedule, in case it shall appear to any Two or more Justices of the Peace of the said County of *Gloucester*, and be certified in 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.

Lands to be purchased in Five Years.

XXX. Provided always, and be it enacted, That if the said Trustees shall not, within the Space of Five Years (to be computed from the passing of this Act), agree for, and cause to be valued, the Buildings, Grounds, and Hereditaments to be purchased for the Purposes of this Act, it shall not thereafter be lawful for the said Trustees to take or use any such Buildings, Grounds, or Hereditaments, without the Consent in Writing of the Owners thereof first had and obtained.

Fences to be made to prevent Evasion of Tolls.

XXXI. And whereas by reason of the great Width and Extent of the said Forest of *Dean*, and the Waste Lands thereto belonging, the Payment of the Tolls hereby granted may be evaded; be it therefore further enacted, That the said Trustees may and are hereby empowered (if they see Occasion) to cause to be erected and made on the Sides of the said Roads, or across any open Commons or Places adjoining or near the said Forest, such Walls, Hedges, Ditches, and Fences as they shall think necessary, to be set up and made in such Manner and Direction as they shall think proper, in order to prevent the Payment of the Tolls from being avoided, so as the same do not hinder or prevent the cutting or falling any Timber or other Tree or Trees in the said Forest, the Property of His said Majesty, or in the converting, taking, and carrying away the same, and the Lops, Tops, and Bark thereof; and if any Person or Persons shall wilfully break down, or in anywise displace or do damage to, take away or destroy all or any Part of such Fences, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings: Provided always, that no such Walls, Hedges, Ditches, or Fences be set up and made at a greater Distance than Half a Mile from some Turnpike, Toll Gate, or Side Gate by this Act authorized to be continued or erected, unless the Concurrence and Approbation in Writing of any Two or more of His Majesty's Justices of the Peace for the County or Place in which the same shall be situate shall be first had and obtained, and their Determination in the Premises shall be subject to Appeal in the Manner and Form directed and prescribed by an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to amend an Act of the Thirteenth Year of the Reign of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notices of Appeal against turning or diverting a Public Highway; and to extend the Provisions of the same Act to the stepping up of unnecessary Roads.*

55G.3.c. 68.

Tolls not to be mortgaged without the

XXXII. And be it further enacted, That it shall not be lawful for the said Trustees to mortgage or assign the said Tolls or any Part thereof to any Person or Persons whomsoever, without the Approbation

Approbation and Consent of the Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, for the Time being, in Writing under his or their Hand or Hands first had and obtained, except for raising so much Money as shall be necessary for paying and defraying the Charges and Expences incident to and attending the obtaining and passing this Act, with lawful Interest for any Money which shall have been advanced for that Purpose, and for erecting Turnpikes and Toll Houses, and making, amending, widening, and repairing the said Roads, and all necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, and the several Powers and Authorities hereby granted; any thing herein-before contained to the contrary notwithstanding.

Consent of the Lord High Treasurer or Commissioners of the Treasury.

XXXIII. And be it further enacted, That out of the first Money arising by the Tolls which shall be collected by virtue of this Act, or out of the first Money which shall be received by virtue of this Act, the said Trustees shall, in the first place, pay and defray the Charges and Expences incident to and attending the obtaining and passing of this Act, with lawful Interest for any Money which shall have been advanced for that Purpose; and after Payment thereof, all the Money which shall arise or come to the Hands, Custody, or Power of the said Trustees or their Treasurer, by virtue of this Act, shall from Time to Time be applied in erecting, altering, and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, and in making, amending, widening, and repairing the said Roads, and in defraying all necessary Costs, Charges, and Expences attending the same and the Execution of this Act, and the several Powers and Authorities hereby granted; and after the said Roads shall have been completely made, amended, and repaired, and the Costs, Charges, and Expences attending the same, and also all Sums of Money which may hereafter be borrowed on Security of the Tolls payable under this Act, with the Interest of all such Sums respectively, shall have been fully paid and discharged, (which Sums of Money so to be borrowed the said Trustees are hereby required to pay off and discharge so soon as a sufficient Sum for that Purpose shall be in their Hands, out of the Monies arising by virtue of this Act,) the said Trustees shall, in the next place, set apart and reserve the Sum of Five hundred Pounds, to be retained by them as a Fund to answer such Exigencies as may arise or happen in the Execution of this Act; and the Surplus and Residue of all such Monies arising as aforesaid shall from Time to Time be paid to such Person or Persons as shall be appointed and authorized to receive the same by the Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, for the Time being, to be applied and disposed of as the said Lord High Treasurer or Commissioners of the Treasury shall direct; and the said Trustees are hereby required to pay or cause the same to be paid accordingly, upon Requisition to them made for that Purpose, or to their Treasurer for the Time being, by or by the Order of the said Lord High Treasurer or Commissioners of the Treasury as aforesaid, so often as the same shall amount to the Sum of One hundred Pounds over and above the Sum of Five hundred Pounds directed to be set apart and retained as aforesaid: Provided nevertheless, that no Part of such Surplus Monies shall be so paid or payable

Application of Money.

payable until after the Expiration of Ten Years from and after the passing of this Act.

Interest to be paid in preference to other Debts.

XXXIV. Provided always, That the Treasurer or Treasurers to be appointed by virtue of this Act shall, and he and they is and are hereby required, in every Year, to discharge, out of the Monies that shall come into his or their Hands by virtue of this Act, the Interest that shall be then due upon all Mortgages made or secured by virtue of this Act, if the same shall be demanded, in preference to any other Payment whatsoever.

No Priority of Mortgages.

XXXV. 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 Act 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 Assignees, 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, 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 Assignees, 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, save only as to the said Sum of Ten thousand six hundred and forty-five Pounds advanced out of the Land Revenues of the Crown, the Payment whereof is appointed to be postponed as aforesaid: Provided also, that it shall and may be lawful for any Person or Persons appointed by the Lord High Treasurer or Commissioners of the Treasury for the Time being, at any Time or Times hereafter, to inspect the Accounts of the Treasurer or Treasurers to be appointed by virtue of this Act, and to take Copies or Extracts thereof; and such Treasurer or Treasurers, or his or their Clerk, or the Clerk to the said Trustees, or other Person or Persons in whose Custody the same may happen to be, is and are hereby required to produce such Accounts to such Person or Persons, and to permit Copies or Extracts to be taken thereof, upon Application to him or them made for that Purpose.

Books, &c. to be inspected by Persons appointed by the Lord High Treasurer.

No Lime Kiln or Brick Kiln to be set up within the Distance of One hundred Yards from the Roads.

XXXVI. And be it further enacted, That no Person shall hereafter erect, set up, or use, or cause to be erected, set up, or used, any Lime Kiln or Brick Kiln, or any other Erection, Matter, or Thing for the Purpose of burning Lime, Bricks, or Clay, within the Distance of One hundred Yards from any Part of the said Roads hereby directed to be made or repaired, under the Penalty of Twenty Shillings for each and every Day such Lime Kiln, Brick Kiln, or any other Erection, Matter, or Thing aforesaid 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.

XXXVII. Pro-

XXXVII. Provided always, and be it further enacted, That no Pit or Level for digging, raising, or getting of Coal or Minerals, or Quarries for digging, raising, or getting of Stone, or Places for landing Coal, Minerals, or Stone, shall be dug, opened, or made in the said Forest, within Sixty Feet from the Middle or Centre of any of the said Roads; nor shall any Waggon, Cart, or other Carriage, Horse, Mule, Ass, Beast, or Cattle, be permitted to load or unload any Coal, Minerals, or Stone, Timber, Wood, or Bark, within Thirty Feet of any of the said Roads, save and except as to Timber and other Trees growing in the said Forest within such Distance of the said Roads, which, when cut, shall be thrown so as not to fall on the said Roads, and the Tops, Lops, Branches, and Bark thereof removed to such Distance of Sixty Feet from the Middle or Centre of the said Roads within Seven Days from the cutting or falling such Tree or Trees; and if any Person shall dig, open, or make any Pit, Level, or Quarry, for the Purpose of digging, raising, or getting any Coals, Minerals, or Stone in the said Forest, of any Sort or Kind whatsoever, within Sixty Feet from the Middle or Centre of either of the said Roads, or make or cause to be made any Landing or Loading Place for the Purpose of landing, loading, or unloading any Coal, Minerals, or Stone, Timber, Wood, or Bark, or shall load or unload any Waggon, Cart, or other Carriage, or any Horse, Mule, Ass, Beast, or Cattle, within the Distance of Thirty Feet of any of the said Roads, except as to Timber Trees to be fallen in the said Forest, and the Lops, Tops, Branches, and Bark thereof as aforesaid, each and every Person so offending in any or either of the Cases aforesaid shall for every such Offence forfeit a Sum not exceeding Five Pounds nor less than Forty Shillings: Provided always, that nothing herein contained shall extend, or be construed to extend, to authorize the said Trustees, or their Surveyor or Surveyors, or any Person or Persons whomsoever, to cut down, lop, or top any Timber Tree or Trees growing in or on the Sides of any Part of the said Roads within the said Forest, without the Consent of the Commissioners of His Majesty's Forests, Woods, and Land Revenues, for that Purpose first had and obtained.

Not to dig Pits or Quarries within Sixty Feet from the Middle of a Road.

To prevent cutting down Timber Trees.

XXXVIII. Provided always, and be it further enacted, That all Mines of Lead, Ore, Coal, or other Minerals, in, under, or upon any Part of the Lands to be purchased or used for the said Roads by virtue of this Act, shall, when discovered, be the Property of, and are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs and Successors, who, before such Sale, Exchange, or Conveyance to such Trustees, were entitled thereto, with Liberty for him, her, or them, and their Heirs and Successors as aforesaid, and their respective Agents, Servants, and Workmen, to prosecute, work, dig, mine, get, and take away such Lead, Ore, Coal, and other Minerals, in such Manner as is usual in Works of the like Kind, in as full and ample Manner as if the said Land had not been sold, exchanged, conveyed, or used for the Purposes aforesaid by virtue of this Act, so as such Person or Persons, their Agents, Servants, or Workmen respectively, who shall work or search for the said Lead, Ore, Coal, or other Minerals, do or

Minerals reserved.

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cause no Obstruction, Damage, Hurt, or Inconvenience to the said Roads, and do and shall remove or cause such Lead, Ore, Coal, or other Minerals to be removed, so that no Impediment may arise or be occasioned in the making, widening, turning, altering, repairing, or amending the said Roads.

Application
of Compen-
sation Mo-
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200l.

1 G. 4. c. 35.

XXXIX. 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 the 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, Trusts, Intents, or Purposes; or where such Money shall not be 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

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.

XL. 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 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.

Application where the Compensation is under 200*l.* and shall exceed 20*l.*

XLI. 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 shall think proper, 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.

Application where the Money is less than 20*l.*

XLII. 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 any 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

In case of not making out Titles, or Persons entitled not being found.

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, and 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 shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the same 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.

XLIII. 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, and Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, and Hereditaments to be purchased in pursuance thereof, or of any Bank Annuities to be purchased with any such Sum, 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 Trustees.

XLIV. 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 to order the Expences of all Purchases from Time to

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.

XLV. 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.

XLVI. And be it further enacted, That this Act shall commence from the Second *Monday* next after 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. Commence-
ment and
Continuance
of this Act.

SCHEDULE to which this Act refers.

Owners.	Occupiers.	Description of Property.
William Vaughan, Esquire	James Pearce, Esquire -	Garden.
Thomas Morse - -	{ James Young and Wil- liam Cooper - -	} House and Garden.
Thomas Morse - -	James Young - -	{ Slaughter-house and Court.
William Morris - -	William Morris - -	{ Court, Pigscot, Gar- den, and Stable.
William Morris - -	John Hyley - -	Cottage.
William Morris - -	Esther Watkins - -	Court.
John Partridge, Esquire	James Pearce, Esquire -	Cottages.
John Partridge, Esquire	James Pearce, Esquire -	{ Timber and Charcoal Yards and Pools.
John Cook - -	John Cook - -	Garden.
James Pearce, Esquire -	William Dykes - -	Garden.
Thomas Probert - -	Thomas Probert - -	Garden.
Kedgwin Hoskins, Esquire	Thomas Probert - -	House and Garden.
John Partridge, Esquire	Richard Tamplin - -	Garden.
Thomas Morse - -	James Morgan - -	Cottage, &c.
James Russell - -	James Russell - -	Watercourse, &c.
Thomas Morse - -	William Cooper - -	Yard and Orchard.
William Lewis - -	William Lewis - -	Garden.
Ann Roberts - -	Ann Roberts - -	Garden.
John Fisher - -	John Fisher - -	Garden.
Robert Baynton - -	Robert Baynton - -	Garden.
James Weaver - -	James Weaver - -	Garden.
John Jones - -	John Jones - -	Garden.
Thomas Wolley - -	Thomas Wolley - -	Garden.
George Wolley - -	George Wolley - -	Garden.
John Wolley - -	John Wolley - -	Garden.
Moses Meek - -	Moses Meek - -	Wainhouse, &c.
Thomas Bennet - -	Thomas Bennet - -	Garden.
Charles Meek - -	Charles Meek - -	Garden.

Owners.	Occupiers.	Description of Property.
John Jordan - -	John Jordan - -	Building and Garden.
Thomas Tingle, other- wise Thomas Virgo }	Thomas Tingle, other- wise Thomas Virgo }	Garden.
James Swayne - -	James Swayne - -	Garden.
George Tingle - -	George Tingle - -	Garden.
Robert Tingle - -	Robert Tingle - -	Garden.
William Adams - -	John Hale - -	Garden.
Maynard Colchester, Esquire - - }	Jonathan Bryan - -	Orchard and Shed.
George Marfell - -	George Marfell - -	Garden.
Elizabeth Cowmeadow -	Elizabeth Cowmeadow -	Building.
Giles Roberts - -	Giles Roberts - -	Garden.
Jonathan Marfell -	Jonathan Marfell -	Garden.
Phebe Bright - -	Phebe Bright - -	Garden.
Joseph Blanch - -	Joseph Blanch - -	Shed.
Ephraim Matthews -	Ephraim Matthews -	Garden.
John Elsmore - -	John Elsmore - -	Orchard.

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