



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xi.

An Act for more effectually repairing the Roads from *Swell Wold* to the Turnpike Road leading from *Tewkesbury* to *Stow*, and from *Cheltenham* to *Sedgborough*, and from *Winchcomb* to the said Turnpike Road from *Tewkesbury* to *Stow*; and also for making a new Branch from the said Road in *Winchcomb* to the Turnpike Road leading from *Cheltenham* to *London* at *Andoversford* in the Parish of *Dowdeswell* in the County of *Gloucester*.
[29th March 1833.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending, widening, altering, and repairing* 32 G.3.c.146.
the Roads from Swell Wold in the Parish of Lower Swell in the County of Gloucester to or near the Sixth Mile Stone on the Turnpike Road leading from the Borough of Tewkesbury to the Town of Stow in the same County, and from the North-east End of the Swan Lane in the Parish of Cheltenham in the same County to the Turnpike Road leading to Evesham in the Parish of Sedgborough in the County of Worcester, and from the Town of Winchcomb in the said County of Gloucester, by a Place called Stamp Cross, to or near the Tenth Mile Stone on the said Turnpike Road leading from Tewkesbury to Stow aforesaid: And whereas another Act was passed in the Fifty-fourth Year the Reign
[Local.] R r of

54 G. 3. c. 48. of His said late Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of an Act of His present Majesty, for amending, widening, altering, and repairing the Roads from Swell Wold to the Turnpike Road from Tewkesbury to Stow in the County of Gloucester, and from the Parish of Cheltenham in the said County of Gloucester to Sedgborough in the County of Worcester, and from the Town of Winchcomb in the said County of Gloucester to the said Turnpike Road from Tewkesbury to Stow*: And whereas the Trustees appointed under or by virtue of the said recited Acts have proceeded to put the same into execution, and have for that Purpose borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which Money still remains due and owing thereon: And whereas it would be of great public Benefit and Convenience if the said Trustees were empowered to make a new Branch, to communicate with the said Road in the Town of *Winchcomb* aforesaid at or near the End of *Duck Street*, and to extend from thence to the Turnpike Road from *Cheltenham* to *London* at *Andoversford* in the Parish of *Dowdeswell* in the said County of *Gloucester*; but such Improvement cannot be effected, nor can the other Roads herein-before mentioned be improved and kept in repair, nor the Money now remaining due and owing on the Credit of the Tolls by the said recited Acts authorized to be taken, and the Interest thereof, be repaid, unless the Term of the said Acts is further continued, the Powers and Provisions thereof altered and enlarged, and the Tolls altered, varied, and increased: 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 several herein-before recited Acts of the Thirty-second and Fifty-fourth Years of the Reign of His said late Majesty King George the Third shall be and the same are hereby declared to be repealed.

Recited Acts
repealed.

Purposes of
this Act.

II. And be it further enacted, That this Act shall commence and take effect from and immediately after the passing thereof, and be put in execution for the Term herein-after mentioned, as well for the making, maintaining, and repairing the new Branch of Road to be made from or near the End of *Duck Street* in the Town of *Winchcomb* aforesaid to the Turnpike Road leading from *Cheltenham* to *London* at or near to a Place called *Andoversford*, in the Parish of *Dowdeswell* in the said County of *Gloucester*, as for maintaining, improving, and keeping in repair the said several Roads already made and formed under the Powers of the said recited Acts hereby repealed.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting in and for the said County of *Gloucester*, together with *William John Agg, Thomas Agg, James Agg, John Allen, James Arkell, John Arkell, Anderson Ashmore, Thomas Askew, D Aston Clerk, Thomas Josephus Baines, Charles Baker, Bernard Baldwyn, John Baldwyn, William Baldwyn, Adam Bancks, Clement Bancks, Nathaniel Markes Barrett, Robert Baylis, Robert Baylis the younger, William Baylis, Michael Hicks Hicks Beach,*

Beach, Beavan Clerk, John Blagdon, Thomas Blayney, James Hinton Bowly, Henry Bromfield, John Browne, Thomas Beale Browne, John Browne Clerk, Edmund Thomas Brown, Joseph Brooks, Edward Brydges, Thomas Brydges, Thomas Byrch, John Maisey Byrch, William Byrch, Henry Bulkeley, Christopher Capel Clerk, Daniel Capel, Robert Capper, John Chadborn, Samuel Charles, Samuel Charles the younger, John Dobbins Clifton, William Cooke, George Cooke, George Cooke the younger, Jonathan Cooke, Charles Covey Clerk, John Cox, John Surman Cox, William Hayward Cox Clerk, Charles Coxwell Clerk, Richard Critchett, James Fielder Croome, Joseph Crump, Fulwar Craven, Joseph Cripps, Edward Cripps, James Clutterbuck, George Caldwell Clerk, Robert Bransby Cooper, Thomas Davis, Edward Henry Dawson Clerk, John Edmund Dowdeswell, William Dowdeswell, John Dowdeswell, the Honourable James Henry Legge Dutton, George Dinsdale, John Eddy Clerk, John Eddy the younger, Clerk, Thomas Edwards, John Edwards Clerk, William Seale Evans, James Fisher, Richard Forster, Henry Fowler, Thomas Fretwell, Peter Frost, John Barke Gustavus Ferryman, John Gardner, Charles Gillett, John Griffiths, John Rodd Griffiths, Sir Berkeley William Guise Baronet, Josiah Gist, Samuel Gist Gist, William Gist, Thomas Griffiths, William Henry Gwinnett, Philip Lake Godsall, William Gibney, Lewis Griffiths, Thomas Gray, William Gyde, Sir William Hicks Baronet, John Heavens, Arthur Heavens, Abraham Hatherell, John Hunter, James Hawkins, William Hawkins Hawkins Clerk, John Harward Clerk, Thomas Harward Clerk, Charles Cooke Higgs, John Hewson, Thomas Hale, Edward Holland, Francis Holland, Corbett Holland, George Ireland, William Ingledew, Thomas James, Baynham Jones, Baynham Jones the younger, Thomas Jones, John Jones, Gilbert Jones, Charles William Jones, Sir James Jelf Knight, John Keysall, Brooke Kay, Sir Anthony Lechmere Baronet, James Henry Leigh, Thomas Lloyd, Nathaniel Lloyd, Edward Lloyd, Edward Lloyd R. N., John Lyne, Stephen Lecey, Conway Whithorn Lovesy, Walter Lawrence Lawrence, Francis Longworth, Alexander Limond, Thomas Leveson Lane Clerk, Thomas Minster, Peter Ryder Minster, John Moore of Hailes, John Moore of Tewkesbury, Lord Frederick Montague, William Morris, Thomas Mason, Charles Marshall, Thomas Moore, James Matthews, Jonas Malden M. D., George Madegon, George William Maxwell Clerk, Edward Moss, Paul Martin, William Munro, Robert Mansell, Richard Masters, John New, Edmund Lambert Newman, Thomas Newman, Thomas Newell M. D., Thomas Blackman Newell Clerk, John Oliver, Thomas Oliver, Alexander Ogilvy, Francis Pym, Francis Pym the younger, Thomas Pruen Clerk, Richard Pruen, William Law Phelps, Joseph Pitt, Cornelius Pitt Clerk, William Gregson Pitt, Charles Poynor, John Phythian, John Phillpotts, John Somerset Packington, John Packwood, Charles Parker, George Bragge Prowse Prinn, Anthony Rogers, William Reynolds Rogers, Richard Rayer, John Rayer, William Russell, George Russell, Sir Robert Tristram Ricketts Baronet, John Roughton, Racster, William Henry Ramus, William Ridler, Francis Paul Stratford, Richard Smith, John Smith, Hugh Smyth Clerk, William Staite, Charles Seager, Thomas Smith, Charles Lesingham Smith Clerk, Joseph Cooper Straford, Richard Skillicorne Skillicorne Clerk, James Sperry, Thomas Spinney, Thomas Spencer, John Staite, William Smith, Henry Skelton, Edward Warner Shewell, William

William Taylor, George Talbot, Charles Hanbury Tracy, Leigh Tracy, John Tracy Clerk, William Lawrence Townsend, John Timbrill D. D., Charles Sheldon Timins, Henry Norwood Trye, Charles Brandon Trye Clerk, John Turner, Thomas Wells, Reginald Wynnatt Clerk, William Wakeman, Thomas James Welles, John Gregory Welch, John Gregory Welch the younger, William Wood, John Walker, James Walker, Richard Walker, James Walker Clerk, George Wathen, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be, and they and their Successors, to be duly elected according to the Provisions of the several Laws for regulating Turnpike Roads in England, are hereby appointed Trustees for putting the several Acts for regulating Turnpike Roads in England, and this Act, into execution.

Power to
appoint ad-
ditional
Trustees.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be holden for the Execution of this Act, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Three in the whole,) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Persons so elected and appointed, and being duly qualified as aforesaid, shall be and they are hereby invested with such and the same Powers and Authorities for carrying this Act into execution as if they had been respectively hereby expressly and by Name appointed.

Meetings of
Trustees.

V. And be it further enacted, That the said Trustees shall meet at the *White Hart Inn*, or at some other convenient Place in the Town of *Winchcomb* aforesaid, on the Third *Friday* after the passing of this Act, or as soon afterwards as conveniently may be, and shall and may then, and at all subsequent Meetings to be holden for the Purposes of this Act, from Time to Time adjourn to and meet at such Time and Times, and at such Place or Places respectively in the Neighbourhood of such Roads, as they shall think proper.

Power to
continue pre-
sent and set
up new
Gates, &c.

VI. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue or remove all and every or any of the Toll Gates, Turnpikes, Toll Houses, and Weighing Machines now standing and being in, upon, or across the said Roads or on the Sides thereof, and also to erect and set up, or cause to be erected and set up, upon or across the said Roads, or upon or across the said new Branch of Road by this Act authorized to be made, or by the Side or Sides thereof, when, where, and as they shall judge expedient, any Gate or Gates, Bar or Bars, Chain or Chains, Weighing Machine or Weighing Machines, with Toll House or Toll Houses and Conveniences suitable thereto, at or near to every such Gate, Bar, Chain, or Machine, and to inclose suitable Gardens thereto, not exceeding One Eighth Part of a Statute Acre each, and from Time to Time to remove, alter, or discontinue the same, as they the said Trustees shall think fit.

Trustees to
erect Turn-

VII. And be it further enacted, That the said Trustees shall, upon the said new Branch of Road hereby authorized to be made, cause
One

One or more Turnpike or Turnpikes, Toll Bar or Toll Bars, Chain or Chains, to be erected or set up, and shall take and demand, or cause to be taken and demanded, the Tolls herein-after authorized to be received at such Turnpike or Turnpikes, Toll Bar or Toll Bars, Chain or Chains, during the Continuance of this Act. pike on new Branch.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, or their Collector or Collectors of the Tolls for the Time being, to demand and take every Day, (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night,) at the several and respective Toll Gates, Bars, and Chains now standing or set up, or hereafter to be erected or set up by virtue of this Act, the several Tolls herein-after mentioned ; (that is to say,) Power to take Tolls.

For every Horse or Beast of Draught drawing any Carriage whatsoever, any Sum not exceeding Nine-pence : Tolls.

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 than a Score :

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 than a Score :

For every Four-wheeled Carriage attached or fixed to and drawn by or with any Waggon, Wain, Cart, or Carriage, any Sum not exceeding Two Shillings :

For every Two-wheeled Carriage attached or fixed to and drawn by or with any Waggon, Wain, Cart, or Carriage, any Sum not exceeding One Shilling and Three-pence.

IX. And be it further enacted, That any Sum or Sums, not exceeding the Amount of Double the Tolls herein-before authorized to be taken, shall and may, if the said Trustees shall think fit and order the same, be demanded, received, and taken for every Horse, Mule, Ass, or other Beast drawing any Carriage which shall be laden with Timber, Boards, Planks, Scantlings, Iron, Bricks, Tiles, Sand, Stone, (not intended for the Repair of any Turnpike Road or public Highway,) Gravel, Coals, Ashes, Firewood, or Faggots, before any such Horse, Mule, Ass, or other Beast shall pass through any Turnpike, Toll Gate, Side Bar, or Chain erected or set up on or on the Side of any of the said Roads, between the First Day of *November* and the First Day of *March* in each Year ; any thing in this Act, or in any Act relating to Turnpike Roads in *England*, contained to the contrary notwithstanding. Double Tolls for Timber, &c. in Winter Months.

X. Provided always, and be it enacted, That in case the Toll hereby authorized to be taken shall have been paid at any of the Toll Gates, Turnpikes, Side Gates, Bars, or Chains, for the passing of any Horse, Mule, Ass, or other Beast, or any Carriage, such Horse, Mule, Ass, or other Beast, or Carriage, shall, on a Ticket being produced denoting that Toll has been paid for the same on that Day, be permitted Tolls to be paid only Once in each Day at same Gate.

[*Local.*]

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mitted to pass Toll-free (except as herein-after particularly mentioned) through the same Toll Gate, Turnpike, Side Gate, Bar, or Chain, during the same Day, to be computed as aforesaid.

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

XI. 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, Side Gates, Bars, or Chains, and which shall go, return, or pass on the same Day through the same Turnpike, Toll Gate, Side Gate, Bar, or Chain, drawing another or different Waggon, Cart, or such like Carriage, shall pass through the same Turnpike, Toll Gate, Side Gate, Bar, or Chain, on the same Day, without paying Toll again, and in the same Manner as on a first Time of passing, any thing herein contained to the contrary notwithstanding.

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

XII. Provided also, and be it further enacted, That for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Waggon, Van, Caravan, Cart, or Stage Carriage whatsoever, carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall go, return, or pass on the same Day through the same Turnpike, Toll Gate, Side Gate, Bar, or Chain, the Tolls hereby made payable shall be paid for every Time of passing and repassing through the same Turnpike, Toll Gate, Side Gate, Bar, or Chain, in like Manner as if no Toll had been before paid thereat on the same Day: Provided always, that no further or additional Toll shall be payable in respect of any Stage Coach, Waggon, Van, Caravan, Cart, or Stage Carriage, on account only of the Horses drawing the same having been changed.

Post Chaises, &c. to pay on every new Hiring.

XIII. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Post Chaise or Carriage for Hire, for each and every Time of passing through any Turnpike, Toll Gate, Side Gate, Bar, or Chain in, on, across, or on the Side of the said Turnpike Roads, as often as a new or fresh Hiring thereof shall be made or take place.

Waggons, &c.
to pay again on passing a Third Time and a Fifth Time, and for every alternate Time of passing afterwards.

XIV. Provided always, and be it further enacted, That before any Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage shall pass a Third Time in any One Day through any Turnpike, Toll Gate, Bar, or Chain upon, across, or on the Side of the said Turnpike Roads, the same Toll shall and may be demanded and taken for every such Horse or other Beast as may be demanded and taken for the same respectively upon first passing; and so also the same Toll shall and may be demanded and taken in case and before any Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage shall pass a Fifth Time in any One Day through any Turnpike, Toll Gate, Bar, or Chain upon, across, or by the Side of the said Turnpike Roads; and so also the same Toll as last aforesaid shall and may be demanded and taken for and before every alternate Time of passing in any One Day after the Fifth Time of passing.

One-horse Carts, &c.

XV. And whereas it frequently happens that Carts or other such like Carriages, each drawn by One Horse, passing along the said Roads,

Roads, carry a greater Weight than is allowed by Law for Carts drawn by Two or more Horses ; be it therefore further enacted, That every Cart or other such like Carriage passing along the said Roads, though drawn by One Horse only, shall and may be weighed at any Weighing Machine now erected or to be erected on or by the Side of the said Turnpike Roads, and the like additional Toll demanded, received, and recovered for the Overweight thereof as is by Law payable in respect of the Overweight of Carts or such like Carriages drawn by Two or more Horses ; and all the Powers, Regulations, and Penalties in force relating to the weighing of Waggon, Carts, and other such Carriages drawn by more than One Horse, and to the Drivers, Masters, and Owners thereof respectively, shall be applicable to Carts or such like Carriages though drawn by One Horse or Beast only.

may be weighed.

XVI. And be it further enacted, That no Exemption from Toll for Overweight, in respect of any Horse or Beast drawing any Waggon, Wain, Cart, or other Carriage laden with Manure, shall be claimed or allowed, unless the Tires of the Wheels of such Waggon, Wain, Cart, or other Carriage shall actually press the Breadth of Six Inches upon a flat Surface.

Manure and Road Materials not exempted from Toll in certain Carriages.

XVII. 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 Saw-pit, or any Lime-kiln or Brick-kiln, or any other Erection, Matter, or Thing whatsoever, for burning Lime, Bricks, Tiles, or Clay, within the Distance of One hundred Yards from any Part of the said Roads, under the Penalty of Five Pounds for each and every Day such Saw-pit, Lime-kiln, Brick-kiln, Erection, Matter, or Thing shall be or remain so erected, set up, or used.

Penalty for erecting or continuing Brick-kilns, &c. within 100 Yards of Road.

XVIII. And be it further enacted, That if any Person shall exercise Three Horses at the same Time on any Part of the said Turnpike Roads respectively, by riding one of them and leading the others, so that all Three of them shall be abreast or alongside of each other, or otherwise by leading or having all Three of them abreast or alongside of each other, or if any Person shall hang out any Linen or Clothes within Fifteen Feet of either Side of the said Roads or any or either of them, every Person so exercising Horses, or hanging out Linen or Clothes as aforesaid, shall for every such Act or Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for exercising Three Horses abreast, or on hanging Linen near the Turnpike Roads.

XIX. Provided always, and be it enacted, That no more than Three full Tolls shall be demanded and taken for passing on the same Day throughout the several Lines of Road by this Act respectively authorized to be made, improved, and kept in repair.

Only Three Tolls to be taken on the same Day.

XX. Provided always, and be it further enacted, That no Part of the Money received by virtue of the said recited Acts hereby repealed, or to be received by virtue of this Act, shall be applied in or towards the Repair of any Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the said Tolls shall be demanded and taken pursuant to the Provisions of this Act : Provided also,

Repair of Branch Roads.

also, that no more Money shall be expended by the said Trustees in or towards the Repairs of any such Branch Road than shall be collected on such Branch Road, or borrowed on the Credit of the Tolls taken thereon.

Power to
make a new
Branch.

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 the said new Branch of Road from the End of *Duck Street* in the Town of *Winchcomb* aforesaid unto the said Turnpike Road leading from *Cheltenham* to *London* at or near *Andoversford* aforesaid, and that such new Branch, and every Variation thereof, may be of any Width not exceeding Forty 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 the said Branch, or any Variation thereof, shall be carried, for the Damages they shall respectively sustain thereby.

If not made
within Three
Years, not to
be made with-
out Consent
of Land
Owners.

XXII. Provided always, and be it further enacted, That in case the said Trustees shall not make and execute the said new Branch of Road within the Space of Three Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to make and execute the same without the Consent in Writing of the Owners of the Lands over and through which such Branch shall thereafter be made first had and obtained.

Map and
Book of Re-
ference to
remain with
the Clerk of
the Peace,
and to be
open to In-
spection.

XXIII. And whereas a Map or Plan, describing the Line of the said new Branch of Road intended to be made, and the Lands or Grounds over and through which the same is intended to be carried, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands or Grounds, hath 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 free 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 shall not deviate more than One hundred Yards from the Line 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.

Not to devi-
ate more than
100 Yards
from Plan.

No Building,
&c. to be
taken down,
or Garden,
&c. used,
without Con-
sent except

XXIV. 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 Site of any House or other Building, or to the taking of any Garden, Orchard, Yard, Court, Park, inclosed Shrubbery, planted Walk, or Avenue to a House,

House, without the Consent of the Owners and Proprietors thereof respectively, save and except the Hereditaments and Premises mentioned and described in the Schedule to this Act annexed.

those mentioned in the Schedule to this Act.

XXV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Branch of Road through, across, or over the Lands or Grounds of any Person or Persons who is, are, or may be Owner or Owners or reputed Owner or Owners of the Lands over which the same is set out and described in the said Map or Plan, or mentioned in the Schedule to this Act, although the Name or Names of such Person or Persons may happen to be mis-stated or omitted in the said Book of Reference or Schedule, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified in Writing under their Hands; that such Error or Omission proceeded from Mistake solely.

Lands, &c. may be used notwithstanding Errors in Book of Reference.

XXVI. And whereas a Part of the Road hereby authorized to be maintained and kept in repair runs through certain Inclosures and Pasture Grounds belonging to *Francis Paul Stratford* Esquire, situate in the Parish of *Hailes* in the said County of *Gloucester*, and no Fences have been ever formed on the Sides thereof for inclosing the same from the said Road, but in lieu thereof Two Gates have been erected and continued across the said Road, near to each End of the said Inclosures and Pasture Grounds so belonging to the said *Francis Paul Stratford*, which Gates are extremely inconvenient to Passengers on the said Road, and to all other Persons frequenting the same; be it therefore enacted, That the said Trustees shall, as soon as conveniently may be after the passing of this Act, cause a good and sufficient Fence of Quick, well guarded by Posts and Rails, to be planted and raised between the said Road and such Parts of the said Inclosures and Pasture Grounds of the said *Francis Paul Stratford*, on either Side of the said Road, as are not at present fenced therefrom, the same to be planted and raised so as to leave a Space between the Fences on the opposite Sides of the said Road not exceeding Thirty-six Feet in Width, including the said Road, (Compensation in Money being made for the Land upon which the said Fences shall be so respectively planted as aforesaid, and also for the Land between the Fences and the Road on each Side thereof,) and shall also cause Two Gates to be erected and placed in such Parts of the Fence or Fences, to be planted and raised on such Parts of the said Inclosures and Pasture Grounds as are situate on the West Side of the said Road, as the said *Francis Paul Stratford*, or the Person or Persons to whom the said Inclosures and Pasture Grounds may hereafter for the Time being belong, shall require, and shall maintain and preserve such Fences and Gates respectively in good Repair, to the Satisfaction of the said *Francis Paul Stratford*, or the Person or Persons to whom the said Inclosures and Pasture Grounds may hereafter for the Time being belong as aforesaid, during the Space of Seven Years from the Time of planting and erecting the same respectively; and that when and so soon as the said Fences and Gates shall have been so respectively formed, erected, and placed, the said Trustees shall and they are hereby required to cause the said Two Gates which are at present erected and standing across the said Road, near to each End of the said Inclosures and Pasture Grounds as aforesaid, to be taken down and removed, and shall not at any Time hereafter

Trustees to fence Lands of Francis Paul Stratford Esq. in the Parish of Hailes, from the Road, and to remove the Gates erected across the said Road, and not afterwards replace the same.

[Local.]

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cause

cause or allow the same, or any other Gate or Gates, to be erected or placed across such Part of the said Road, nor any Gates (other than Toll Gates) to be erected or placed across any Part of the said Roads hereby authorized to be made, maintained, and repaired.

Application
of Tolls and
Money bor-
rowed.

XXVII. 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, or either of them, 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 or connected therewith 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 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 or granted of the Tolls and Duties heretofore payable on the said Roads, and of any Mortgages and Securities which shall hereafter be made and granted of the Tolls and Duties which shall hereafter be payable on the Roads hereby authorized to be made, improved, and kept in repair; fourthly, in defraying the Expences of making the new Branch of Road hereby authorized to be made, and of repairing and improving the whole of the said Roads, and of erecting and providing, altering and repairing, Turnpikes, Toll Gates, Toll Bars, Toll Houses, and Weighing Machines, with suitable Outbuildings, upon, across, and by the Sides of the said 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 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.

Public Act.

XXVIII. 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.

Term of Act.

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

The

The SCHEDULE referred to by the foregoing Act.

No. on Plan.	Owner.	Occupier.	Description of Property.
35 {	Walter Lawrence Lawrence Esq. }	George Lambert {	Andoversford Inn, Yards, Fold, &c.

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