ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 50.

An Act for more effectually repairing, widening, and improving the Roads from the City of *Glouceſter* to the Top of *Birdlip Hill*, and from the Foot of the ſaid Hill to the Top of *Crickley Hill*, in the County of *Glouceſter*. [23d *May* 1806.]

WHEREAS an Act was paſſed in the Firſt Year of His preſent Majeſty's Reign, for continuing and amending an Act made in the Sixteenth Year of His late Majeſty's Reign, for repairing the Highways from the City of *Glouceſter* to the Top of *Birdlip Hill*, and from the Foot of the ſaid Hill to the Top of *Crickley Hill*: And whereas an Act was paſſed in the Twenty-ſeventh Year of His ſaid preſent Majeſty's Reign, for enlarging the Term and Powers of the ſaid Act: And whereas the Truſtees appointed in or by virtue of the ſaid Acts, have proceeded in the Execution of the Powers thereby veſted in them, and have from Time to Time borrowed ſeveral Sums of Money on the Credit of the Tolls by the ſaid Acts granted and continued, which Money ſtill remains due and owing, and cannot be paid off, nor can the ſaid Roads be effectually amended, widened, improved, and kept in Repair, unleſs the Term of the ſaid Acts is further continued: And whereas the Powers and Proviſions of the ſaid Acts have been found in ſome reſpects defective and inſufficient, and it would be more convenient to the Truſtees for the Care

1 G. 3. c. 30.

27 G. 3. c. 76.

and Management of the said Roads, and the said Roads might be more effectually repaired, improved, and maintained, if the said Acts were repealed, and further and other Powers granted instead thereof in one Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's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 upon the Second *Monday* next after the passing of this Act, the said several Acts herein-before mentioned shall be and the same are hereby declared to be repealed; and that on the same Day this Act shall commence and take Effect instead thereof, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, widening, altering, improving, and keeping in Repair the Roads leading from the City of *Gloucester* to the Top of *Birdlip Hill*, and from the Foot of the said Hill to the Top of *Crickley Hill*, and that this Act and the Term hereby granted, and all the Tolls thereby authorized to be collected upon the said Roads, shall be and are hereby declared to be charged with, and are hereby made subject and liable to the Payment of all Monies now due and owing upon the Credit or on Account of the said Acts hereby repealed as aforesaid, and of the Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, and the Tolls hereby granted.

Former Acts repealed, and this Act to take place instead thereof.

Trustees.

II. And be it further enacted, That the Right Honourable *Henry Bathurst* commonly called *Lord Apsley*, *Thomas Adey*, *John Adey*, *Thomas Apperley*, the Honourable *George Cranfield Berkeley*, the Reverend *William Baker*, *Thomas Browne*, the Reverend *Martin Barry*, *Nathaniel Biddle*, *Newton Brabant*, *Nicholas Barnes*, *William Bowyer*, *William Smith Bartlett*, *William Bishop*, *Robert Campbell*, *Estcourt Creswell*, the Reverend *John Chester*, *William Cother*, the Reverend *James Commeline*, *Thomas Charter*, the Reverend *Samuel Commeline*, *William Capel*, *Richard Brown Cheston*, the Members of Parliament for the County of *Gloucester* and City of *Gloucester* for the Time being, *John Cooke* Wine Merchant, *Charles Cother*, *Charles Church*, *Benjamin Clauson*, *Thomas Commeline*, *Shadrach Charleton*, the Reverend *John Baghot de la Bere*, *Richard Baghot de la Bere*, the Reverend *John de la Bere*, *Charles Deighton* of *Cooper's Hill*, *Anthony Ellis*, *John Elton*, *Charles Evans*, *William Fendall*, *Henry Frankis*, *Richard Frankis*, *Benjamin Frankis*, *Thomas Frankis*, *Thomas Fulljames*, *Giles Greenaway*, the Dean and Chapter of *Gloucester* for the Time being, the Reverend *William Gyllett*, *William Griffith*, *George Dineley Goodyere*, Sir *William Guise* Baronet, Sir *William Hicks* Baronet, *Michael Hicks Beach*, *John Heathfield Hicks* Doctor of Physick, the Reverend *Robert Hallifax*, *George Cæsar Hopkinson*, *Thomas Hughes*, *Thomas Herbert*, the Reverend *John Hayward*, the Reverend —— *Hughes* of *Cheltenham*, *Robert Hopton*, *George Hopkinson*, *John Heath*, *William Holtham*, *William Jones*, Sir *Edwin Jeynes* Knight, *John Jones* of *Cooper's Hill*, *Henry Jones*, *Samuel Jeynes*, *Thomas Jenkins*, the Reverend *Edward Jones*, *Thomas Jefferies*, *James Jelf*, *Robert Kingscote*, *William Lawrence*, the Reverend *Daniel Lysons*, *Robert Lawrence*, the Mayor, Aldermen, Sheriffs, and Common Councilmen of the City of *Gloucester* for the Time being, *Thomas Master*, *James Martin*, *Richard Master*, *Cartwright Maddox*, *Thomas Meekins*, *Robert Morris*, *William Morris*, *Robert Morris* the younger, *Thomas Mee*, the

the Reverend *Thomas Naiſh*, *Richard Nayler*, *Richard Nile*, *John Pyt*, *John Parker*, *Thomas Palin*, *Thomas Pearce*, *John Quarrington*, *Thomas Quarrington*, *Edward Rogers*, *Thomas Rudge*, the Reverend *Thomas Rudge*, *Robert Raikes*, *William Raikes*, *Thomas Raikes*, *Charles Raikes*, *John Rudhall*, *William Edward Rogers*, *Abraham Saunders*, *David Arthur Saunders*, *Merrott Stephens*, *John Merrott Stephens*, *William Stock*, *Edmund Stock*, *James Sadler*, the Reverend *Samuel Sadler*, *Peter Snell*, *John Surman*, *John Spillman*, *Charles Brandon Trye*, *John Turner*, *Thomas Turner*, the Right Honourable *Henry Somerſet* commonly called *Marquis of Worceſter*, *William Viner*, *James Wood*, *Samuel Witcombe*, *Robert Pleydell Wilton*, *Henry Wilton*, *Abraham Walbank*, *Stephen Woodfield*, *William Wood* the elder, *of Tetbury*, *William Wood* the younger, *John Wall*, *James Woolley*, *Daniel Willey*, *James Wintle*, *Edward Webb*, and the Reverend *Henry Gorges Dobyns Yate*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for putting this Act in Execution.

Power to chooſe new Truſtees.

III. And be it further enacted, That when and as often as any Truſtee ſhall die or refuſe to act, it ſhall be lawful for the ſurviving Truſtees, or any Five or more of them, by Writing under their Hands to elect One other Perſon to be a Truſtee in the room of ſuch Truſtee ſo dying or refuſing to act; but Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpike Gates then erected in or upon the ſaid Roads, or by inſerting the ſame in ſome publick Newſpaper printed or publiſhed in the ſaid City of *Glouceſter*, at leaſt Ten Days before every ſuch Meeting; and all Perſons who ſhall be ſo elected are hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſons in whoſe Places they ſhall be reſpectively choſen were veſted with.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in ſuch Lands, Tenements, or Hereditaments as aforeſaid, of the clear yearly Value of Two hundred Pounds above Reprizes, or ſhall be poſſeſſed of or entitled to a Perſonal Eſtate of One thouſand and five hundred Pounds, nor (except in adminiſtering the Oath herein-after mentioned) until he ſhall have taken and ſubſcribed, before any Two or more of the ſaid Truſtees, an Oath in the Words or to the Effect following; (that is to ſay)

Oath.

'I *A. B.* do ſwear, That I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife, *as the Caſe may be*] in the actual Poſſeſſion or Enjoyment [*or*, Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear Value of Eighty Pounds above Reprizes [*or*, am Heir Apparent of a Perſon ſeiſed of ſuch an Eſtate of the clear yearly Value of Two hundred Pounds, or poſſeſſed of a perſonal Eſtate of the Amount of One thouſand and five hundred Pounds.

'So help me GOD'

And

Penalty on Perſons acting not being qualified.

And if any Perſon, not being ſo qualified, ſhall preſume to act as ſuch Truſtee, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted, ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; and that no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted, during the Time he ſhall hold any Place of Profit under this Act, or in any Caſe where he ſhall be perſonally intereſted.

Acts done by Truſtees previous to Conviction to be valid.

V. Provided always, and be it further enacted, That all Acts and Proceedings which ſhall have been done and performed by any ſuch Perſon touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, ſhall notwithſtanding ſuch Conviction be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Mortgagees not to be deemed unqualified from acting as Truſtees.

Juſtices may act as Truſtees.

VI. Provided alſo, and be it further enacted, That any Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, ſhall not on that Account be deemed unqualified or be defeated from acting as a Truſtee in the Execution of this Act; and that all ſuch Truſtees as are Juſtices of the Peace for the ſaid City or County of *Glouceſter*, may act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

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

VII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done or ſuffered by virtue or in purſuance of this Act, in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees, or any of them, by virtue of this Act, in the Name or Names of their Clerk or Clerks, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Clerks, or by the Act or Default of ſuch Clerk or Clerks, without the Conſent of the ſaid Truſtees, or any Five or more of them, at a publick Meeting to be held for that Purpoſe; but that the Clerk or Clerks to the ſaid Truſtees for the Time being, ſhall be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in every ſuch Action, as the Caſe may be.

Clerk to be reimburſed.

VIII. Provided always, and be it further enacted, That every ſuch Clerk or Clerks in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be reimburſed and paid out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts, Damages, and Charges, as by the Event of any ſuch Proceeding he or they ſhall be put to or become chargeable with by reaſon of

of his or their being ſo made Plaintiff or Defendant, Plaintiffs or Defendants, as aforeſaid.

First Meeting of the Truſtees.

IX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the *King's Head Inn*, in the City of *Gloucester*, or at ſome other Houſe in the ſaid City, on the Second *Monday* next after the paſſing of this Act, or as ſoon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to the Execution of this Act, and ſhall then adjourn themſelves, and from Time to Time afterwards meet there or at any other Place near to the ſaid Roads, as they the Truſtees, or any Five or more of them ſhall think proper, as often as it ſhall be neceſſary for putting this Act in Execution; and if at any ſuch Meeting there ſhall not appear a ſufficient Number of Truſtees to act or to adjourn to another Day (Two Truſtees being hereby declared and deemed ſufficient for the Purpoſe of Adjournment only) or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn themſelves, the Clerk or Clerks to the Truſtees for the Time being ſhall from Time to Time, in either of ſuch Caſes, by Notice in Writing to be affixed or inſerted in Manner aforeſaid, at leaſt Ten Days before the next Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was held or was appointed to have been held, on ſuch Day as ſhall be ſpecified in ſuch Notice, not exceeding Six Weeks after the Day on which ſuch laſt Meeting was held or was to have been held as aforeſaid; and in caſe ſuch Clerk or Clerks ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Five or more of the ſaid Truſtees (although not aſſembled at a Meeting) at any Time or Times after ſuch Refuſal, Neglect, or Prevention reſpectively as aforeſaid, by Notice in Writing under their Hands, to be affixed or inſerted in Manner aforeſaid, to appoint the Truſtees to meet at ſome Houſe in the ſaid City or near to the ſaid Roads, upon ſome Day within Ten Days next after the Date of ſuch laſt-mentioned Notice; and that the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences; and all Orders and Determinations of the ſaid Truſtees in the Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe (except in Caſes herein particularly provided for); and no Order or Determination ſhall be made unleſs a Majority of the Truſtees preſent at a Meeting ſhall concur therein, nor ſhall any ſuch Order or Determination be revoked or altered at any ſubſequent Meeting, unleſs Nine Truſtees at leaſt ſhall be then preſent, and Seven or more of them ſhall concur therein, or unleſs the Perſon or Perſons applying to revoke or alter any ſuch Order, ſhall give Notice thereof in Writing to the Clerk or Clerks to the ſaid Truſtees, and for want of ſuch Clerk or Clerks, to the Perſon or Perſons acting as Treaſurer or Treaſurers to the ſaid Truſtees, to be by him or them affixed or inſerted in Manner herein-before mentioned, at leaſt Ten Days previous to any Meeting.

Meetings on Emergencies.

X. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that they ſhould meet at an earlier Day of Meeting than the Day to which ſuch Meeting ſhall have been adjourned, then and in ſuch Caſe the Clerk or Clerks to the ſaid Truſtees, by an Order in Writing ſigned by any Five or more of the acting Truſtees, although not aſſembled at a Meeting, mentioning the

Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice of ſuch earlier Meeting in the Manner before directed, ſuch Time not being leſs than Ten Days after ſuch Notice; and all Proceedings of the Truſtees at ſuch Meetings, ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournment.

Old Officers to continue, until new ones are appointed.

XI. And be it enacted, That each and every Treaſurer, Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers, nominated and appointed under or by virtue of the ſaid recited Acts or either of them, ſhall hold and enjoy their ſeveral and reſpective Offices and Employments until he or they ſhall be removed therefrom reſpectively by the ſaid Truſtees; and each and every ſuch Treaſurer, Clerk, Collector, and other Officer and Officers, ſhall have the like Powers and Authorities for carrying this Act into Execution, and ſhall be ſubject and liable to the like Pains and Penalties and to the like Powers of Removal, and to the like Rules and Regulations in all Reſpects whatſoever, as if he and they had been nominated and appointed by virtue of this Act.

Truſtees may appoint Officers.

XII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may at their firſt or any ſubſequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and ſhall take ſuch Security from ſuch Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as the ſaid Truſtees, or any Five or more of them, ſhall think fit, and ſhall alſo elect and appoint a Surveyor or Surveyors, and ſuch other Officers as the ſaid Truſtees, or any Five or more of them, ſhall think proper; and alſo may from Time to Time remove ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the ſaid Truſtees, or any Five or more of them, ſhall ſee Occaſion, and appoint others in the room of ſuch of them as ſhall be ſo removed, or ſhall die, reſign, or become incapable of performing their Duty; and the ſaid Truſtees, or any Five or more of them, ſhall and may, out of the Money to be raiſed and received by virtue of this Act, give ſuch Salaries or make ſuch Allowances to the Clerks, Treaſurers, Receivers, Collectors, Surveyors, or other Officers ſo appointed, for and in Conſideration of the Care and Pains reſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſons who ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees, or any Five or more of them, ſhall ſeem proper; and all ſuch Officers and other Perſons ſhall, upon their reſpective Oaths, if thereunto required by the ſaid Truſtees, or any Five or more of them (which Oaths the ſaid Truſtees, or any Two or more of them, are hereby empowered to adminiſter) from Time to Time, and as often as they ſhall be called upon for that Purpoſe, produce and give up to ſuch Truſtees full, true, and perfect Accounts in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, received, or collected, and how, to whom, and for what Purpoſes ſuch Monies and every Part thereof ſhall have been paid, diſpoſed of, or applied, together with proper Receipts and Vouchers for ſuch Payments; and ſhall and are hereby reſpectively required to pay all ſuch Monies, as ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or any

Officers to account.

Five

Five or more of them, or to such Person or Persons, or for such Uses and Purposes, as they shall direct and appoint; and if such Officer or Person (being required so to do) shall refuse or neglect to render and give up, or verify upon Oath such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, then and in any of the said Cases, any One or more of the Justices of the Peace for the County, Borough, City, Town, or Place wherein such Officer or Person shall be and reside, shall (upon Complaint of any Five or more of the said Trustees) make Enquiry concerning such Default, either by Confession of the Party or by the Testimony of One or more credible Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward; and if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justice or Justices shall and may commit such Officer or other Person so convicted to the Common Gaol for such County, Borough, City, Town, or Place, there to remain, without Bail or Mainprize, until such Officer or Person shall give and make a true and perfect Account, and verify the same as aforesaid, and make such Payment as aforesaid; or until he shall have compounded with the said Trustees, or any Five or more of them, for the same, and shall have paid such Composition Money to the said Trustees, or to their Treasurer or Treasurers (which Composition the said Trustees, or any Five or more of them, are hereby empowered to make) or until such Officer or Person shall have delivered up such Books, Papers, and Writings as aforesaid, or shall have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, that no such Officer or Person who shall be committed for want of sufficient Distress, shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Proceedings against Officers refusing to account or deliver Books.

Trustees empowered to compound with Officers.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall die, neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls (to continue until the then next Meeting of the said Trustees) in the stead of such Collector or Receiver as shall so die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Building

Trustees may appoint temporary Collectors in the room of those dying or being discharged.

Collectors refusing to deliver up Toll Houses.

ing to be erected or set up on the said Roads, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees (although not assembled at any Meeting) or by their Clerk or Clerks, Treasurer or Treasurers, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the County or Place in which such Toll House or Building shall be situate, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or any other Peace Officer for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Five or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

Justices empowered to issue Warrant, and Constable to remove, &c.

Power to continue or remove, and to erect Toll Gates, &c.

XIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, as they think proper, continue or remove all or any of the Toll Gates erected by virtue of the said former Acts, and may erect and set up any other Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads and upon the Sides thereof, and also across any Lane, Common, or Way leading into or out of the same, and may also continue, erect, or provide a Toll House with suitable Out Buildings and Conveniencies at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue the said Toll Gates or Toll Houses, or any of them, as they the said Trustees, or any Five or more of them, may think expedient; and may also take in and inclose from the said Roads, or any Part thereof, convenient Garden Spots for each of the said Toll Houses, as they or any Five or more of them shall direct and appoint; and that the respective Tolls following shall be demanded and taken at each and every of such Toll Gates, of the Person or Persons attending any Horses, Cattle, or Carriages, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time nominate or authorize for that Purpose, before any Horse, Cattle, or Carriage, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, Mare, Gelding, Ox, Mule, or other Beast (except an Ass) drawing any Coach, Chariot, Landau, Berlin, Curricle, Chaise, Chair, Calash, or any other such like Carriage, the Sum of Sixpence:

For every Horse, Mare, Gelding, Ox, Mule, or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Sixpence:

For every Ass drawing any Cart or other Carriage, the Sum of Two-pence:

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

For every Drove of Oxen or neat Cattle Ten-pence *per* Score, and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Swine, Sheep, or Lambs, Five-pence *per* Score, and so in Proportion for any greater or less Number:

And

And that on every *Sunday*, during the Continuance of this Act, there shall be demanded and taken at the said Turnpikes or Toll Gates respectively, by such Person or Persons to be nominated or authorized as aforesaid, before any Horse, Cattle, or Carriage shall be permitted to pass through the same, Double the respective Tolls herein-before mentioned. Double Toll on Sundays.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall after Demand thereof made, whether immediately on the same becoming due, or at any Time after, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons authorized as aforesaid to collect such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seise and distrain any Horse or Horses, or other Beasts or Cattle, upon which any such Toll is by this Act imposed, and also any Carriage which such Horse or Horses, Beast or other Cattle may be drawing, together with their Saddles, Bridles, Geers, Harness, or Accoutrements, or any other of the Goods or Chattels of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or Things so seized and distrained, returning the Overplus (if any) and what shall remain unsold, on Demand, to the Owner thereof, after such Tolls and all reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted and paid; and that all the Tolls and Monies so to be collected and levied, and the Money borrowed or to be borrowed on the Credit thereof, shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein-after mentioned. Manner of Recovery. Tolls vested in the Trustees.

XV. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting to be holden for that Purpose (whereof Ten Days Notice at least shall be given in Writing, to be affixed on all the Toll Gates erected on the said Roads, or inserted in some one Newspaper published in the said City of *Gloucester*) may and they are hereby authorized and empowered from Time to Time, in case it shall appear requisite and expedient, to lessen and reduce, and again to raise and advance, the Tolls hereby authorized to be taken, or any Part or Parts thereof, and to order the same to be taken in such Manner, Parts, and Proportion, as they shall think fit, so that the respective Tolls so varied never exceed the Tolls by this Act authorized to be taken, and so that the Tolls so granted or varied be never lessened until the Money borrowed, on the Credit thereof, together with Interest, be repaid, except the Person or Persons entitled to Five Sixth Parts of such Money consent thereto; and such Tolls so varied and every of them, shall be collected, recovered, and applied in the same Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered, and applied. Power to vary Toll.

XVI. Provided always, and be it further enacted, That no Person or Persons shall be liable to pay Toll more than Once for passing or repassing at Tolls to be paid but Once a Day.

at any Time or Times in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) with the ſame Cattle or Carriage, through all or any of the Gates or Turnpikes erected or to be erected upon or on the Sides of the ſaid Roads, or acroſs any Lane or Way leading into the ſame; but that all and every Perſon and Perſons, after having paid Toll once as aforeſaid, ſhall during the Remainder of ſuch Day, paſs Toll-free with the ſame Cattle and Carriages, through the Gates or Turnpikes at which any ſuch Toll was paid, and alſo through all other Gates or Turnpikes acroſs or on the Sides of the ſaid reſpective Roads, or acroſs any Lane or Way leading into the ſame, whereon ſuch Tolls ſhall be paid, upon producing a Note or Ticket denoting the Payment of the ſame, which Notes or Tickets the Collectors of the ſaid Tolls are hereby required to deliver *gratis* on Receipt of the Toll.

Diſpute concerning Toll to be ſettled by a Juſtice of the Peace.

XVII. Provided alſo, and be it further enacted, That if any Diſpute ſhall happen about the Amount of Toll due, or the Charges of the keeping any Diſtreſs, it ſhall be lawful for the Collectors or Perſons diſtraining to retain the ſame, or the Money ariſing from the Sale thereof (as the Caſe ſhall happen) until the Amount of the Tolls due and Charges of ſeizing, diſtraining, keeping, and ſelling (as the Caſe ſhall happen) ſhall be aſcertained by One or more Juſtice or Juſtices of the Peace, having Juriſdiction in the Place where the Cauſe of Diſpute ſhall ariſe, who upon Application made to him or them for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties, or other Witneſs or Witneſſes, and determine the Amount of the Tolls due, and alſo aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping, and Sale, and alſo of the Collectors attendance for that Purpoſe on the ſaid Juſtice or Juſtices; all which Sums ſo determined and aſſeſſed, ſhall be paid to the ſaid Collectors or other Perſons, before they ſhall be obliged to return the Diſtreſs, or the Overplus after the Sale thereof, or of any Part thereof.

Collectors of Tolls competent Witneſſes.

XVIII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by Reaſon of his, her, or their being appointed to collect ſuch Tolls, or by Reaſon of his, her, or their acting under the Authority of the ſaid Truſtees.

Truſtees may let the Tolls.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting whereof Ten Days Notice ſhall have been given in Writing, to be affixed or inſerted in Manner aforeſaid, from Time to Time under their Hands, to let and demiſe, and agree to let and demiſe, the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon publick Bidding, to the higheſt Bidder, and for the beſt Price that can be gotten for the ſame, payable at ſuch Time, and to ſuch Perſon or Perſons, and under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied;

applied; any Thing in any Law or Statute to the contrary notwithstanding.

Enabling the Truſtees to take Poſſeſſion of Toll Houſes when let to farm.

XX. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Toll Gates erected or to be erected on the ſaid Roads ſhall at any Time or Times during the Continuance of this Act, be demiſed or let to farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid, purſuant to the Agreement for letting thereof, then and in either of thoſe Caſes the ſaid Truſtees, or any Five or more of them, or their Clerk, Treaſurer, or Surveyor, or other Perſons authorized by Writing under the Hands of any Five or more of them, ſhall be at Liberty and they are hereby authorized to enter into and upon the Poſſeſſion of the Toll Houſe or Toll Houſes, with the Buildings, Gates, and Appurtenances thereto belonging ſo let as aforeſaid, and to remove or put out ſuch Leſſee or Leſſees, Farmer or Farmers, from the Poſſeſſion thereof, and from the Collection of the Tolls there payable; and that thereupon it ſhall be lawful for the ſaid Truſtees, or any Five or more of them (if they ſhall think fit) to vacate and determine the Contract or Agreement for leaſing or letting the Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes (ſave as to the Covenants and Agreements for Payment of the Rent or Rents thereby reſerved) as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe, to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be taken and collected as if no former Contract or Agreement had been entered into relative thereto.

Truſtees may compound for Tolls.

XXI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and they are hereby authorized and empowered to compound and agree, by the Year or otherwiſe, with any Perſon uſing to travel on the ſaid Roads (Common Carriers and the Proprietors of Stage Coaches only excepted) for any Sum or Sums of Money which the ſaid Truſtees, or any Five or more of them, ſhall think fit, for and in lieu of Payment of any of the ſaid Tolls, which Compoſition ſhall be immediately paid to the ſaid Truſtees, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, and ſhall be applied in the ſame Manner as the Tolls ſo compounded for would have been applicable.

Exemption from Tolls.

XXII. And be it further enacted, That no Toll ſhall be demanded or taken for the Paſſage of any Horſe, Cattle, Beaſt, or Carriage, which ſhall be going unladen or empty for, or that ſhall be uſed only in conveying, or that ſhall be returning unladen or empty after having been uſed only in conveying Stones, Brick, Lime, Gravel, or other Materials for repairing the ſaid Roads, or any Bridges or Culverts belonging to the ſaid Roads, or for repairing any publick Road or Highway within any of the Townſhips, Hamlets, or Places wherein any Part of the ſaid Roads lies; or for Dung, Lime, Marl, Soil, Mould, Compoſt, or other Manure, of whatever Nature or Kind ſoever, to be uſed in manuring and cultivating

of

of Lands; or for Hay, Grass, Sainfoin, or other Fodder, Corn in the Straw, or Straw to be laid up in the Buildings or Premises of the Owners or Proprietors thereof (other than and except Lime and Hay, Corn, or Straw sold or for Sale); nor shall any Toll be demanded or taken for or in respect of any Ploughs, Harrows, or other Implements of Husbandry; nor shall any Toll be taken for any Horses or Cattle going to or returning from Stable, Water, or Pasture; nor for any Cattle which shall be going to or returning after having been shoed or farried; or for any Horses or Carriages, of whatever Description, employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or returning back therefrom; or for any Horses, Carts, or Waggons attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms and Baggage; or for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for Exercise, Inspection, or Review, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; or for Horses or Carriages travelling with Vagrants sent by legal Passes; or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Curricle, or Chair, or Horses drawing the same, or Persons on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Gloucester*, or for a Citizen or Citizens, Burgess or Burgesses, to serve in Parliament for the said City of *Gloucester*, on the Day or Days of any such Election, or on the Day before or Day after such Election shall begin or be concluded; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Parish Church, Chapel, or other Place of Divine Worship on a *Sunday*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, or going to visit or returning from visiting his sick Parishioners; or from any Person or Persons residing in any of the said Townships or Places, for passing through any of the said Turnpikes or Toll Gates to or from their respective Church, Chapel, or other Place of Religious Worship on *Sundays*, or on other Days on which Divine Worship is ordered by Authority to be celebrated; or for any Cattle or Carriage conveying the Corpse, or going to or attending the Funeral of any Person who shall die and be buried in any of the Townships in which the said Roads lie; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid (not being entitled to the same) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

No Toll for crossing the Road only.

XXIII. And be it further enacted, That no Toll shall be demanded or taken at any Toll Gate or Turnpike to be erected by virtue of this Act, on the Side or Sides of any Part of the said Roads, for any Horse, Cattle, or Carriage which shall only cross the said Roads, or shall not pass above One hundred Yards thereon, unless such crossing shall be with Intent to avoid the Payment of Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Toll shall be thereby evaded.

Exemptions in favour of Wotton Village.

XXIV. Provided always, and be it further enacted, That no Toll shall at any Time, during the Continuance of this Act, be demanded or taken for any Horses or Cattle, drawing or not drawing, passing through the Turnpike Gate now situated in the Village of *Wotton*, to or from the several Houses in the said Village, now in the Occupation of *George Cæsar Hopkinson*, —— *O'Callaghan*, *Thomas Apperley*, Esquires, and late of *Elizabeth Pearce*, whether the said Horses or Cattle may belong to the Occupiers of the said Houses or not; but that nothing herein contained shall exempt any Horses or Cattle passing from the said Houses to the Eastward of the said Turnpike Gate from paying such Toll as might otherwise be legally demanded.

To prevent evading the Tolls.

XXV. And be it further enacted, That if any Person or Persons shall go or pass with, or ride or drive any Horse or Beast, or go in or drive any Carriage through or over any Land, Ground, or Place lying by the Side of or near to any Part of the said Roads, or if any Person or Persons owning or occupying any such Land, Ground, or Place, (the same not being a publick Highway) shall knowingly or wilfully permit or suffer any other Person or Persons to go or pass with any Cattle or Carriage through or over such Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the Tolls by this Act granted, or any Part thereof, or whereby or by means whereof any such Evasion shall take place or be effected; or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons any Note or Ticket, with Intent to avoid the Payment of all or any Part of the said Tolls, or if any Person or Persons shall unload or cause to be unloaded any Goods or Merchandize, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, either before or having passed through any Toll Gate, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw herewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the same, after the same shall have passed through the said Toll Gates, with Intent to avoid the Payment of any Tolls; or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment of the said Tolls or any Part thereof, such Persons and every of them shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and besides such Damages and Punishments as they shall otherwise be liable to by Law, to be recovered in such Manner as is herein-after mentioned and provided for the Recovery of Penalties and Forfeitures; One Moiety thereof, when raised, shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

Penalties on Collectors taking greater or less Tolls than allowed.

XXVI. And be it further enacted, That if any Farmer, Renter, or Collector of the said Tolls, shall demand or take, or cause to be demanded or taken, from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer or Renter shall for every such Offence forfeit any Sum not exceeding Forty Shillings, and every such Collector, not being the Farmer or Renter, shall for every such Offence forfeit any Sum not exceeding Twenty Shillings, such Forfeitures respectively to be recovered and applied in Manner herein-after mentioned.

Toll Gates, &c. vested in Truſtees.

XXVII. And be it further enacted, That the Right and Property in all the Toll Gates and Toll Houſes which are already erected on the ſaid Roads, or which ſhall hereafter be erected by virtue of this Act, and in the Materials for building and repairing the ſame, and for repairing the ſaid Roads, and all other Materials, Articles, and Things collected to be made uſe of for the ſame, ſhall be veſted in the ſaid Truſtees, and they, or any Five or more of them, are hereby authorized and empowered to diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, or to prefer or cauſe to be preferred any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or damage any ſuch Toll Gates, Toll Houſes, or Materials, Articles, or Things, or diſturb them, or their Agents and Servants in the Poſſeſſion thereof.

Truſtees enabled to borrow Money on the Credit of the Tolls.

XXVIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at any Meeting to be held for that Purpoſe, whereof Fourteen Days Notice ſhall be given in Writing, to be affixed upon all the Turnpikes then erected upon the ſaid Roads, or inſerted in one of the *Glouceſter* Newſpapers, may and they are hereby empowered from Time to Time, by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage the Tolls to be collected and levied at any of the ſaid Turnpikes, or any Part thereof reſpectively, and alſo the ſaid reſpective Toll Houſes and Appurtenances (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money to be borrowed by the ſaid Truſtees, or any Five or more of them, upon the Credit of ſuch Tolls, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees who ſhall advance and lend the ſame, to ſecure the Repayment thereof, with ſuch legal or leſs Intereſt as the ſaid Truſtees, or any Five or more of them, ſhall think proper; which ſaid Money ſo to be borrowed, ſhall be applied and diſpoſed of in ſuch Manner as the Tolls to be collected at the ſaid Turnpikes are herein directed to be appplied and diſpoſed of; and that ſuch Mortgage or Mortgages, or Aſſignments, may be in the Form following, or in ſuch other Form as the ſaid Truſtees making the ſame ſhall think proper; (that is to ſay),

Form of the Mortgage.

‘ BY virtue of an Act, made in the Forty-ſixth Year of the Reign of
‘ His Majeſty King *George* the Third, intituled, [*here inſert the Title*
‘ *of this Act*] We, Five of the Truſtees for putting the ſaid Act in Execu-
‘ tion, in Conſideration of the Sum of to the
‘ Treaſurer of the ſaid Roads in Hand paid, do grant, bargain, ſell, and
‘ demiſe unto *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch
‘ Proportion of the Tolls ariſing upon the Roads in the ſaid Act men-
‘ tioned, and of the Turnpikes and Toll Houſes for collecting the ſame, as
‘ the ſaid Sum of doth or ſhall bear to the whole Sum
‘ due and owing on the Credit thereof, to be had and holden from this
‘ Day of in the Year of our Lord, for
‘ and during the Continuance of the ſaid Act, unleſs the ſaid Sum of
‘ with Intereſt at the Rate of
‘ *per Centum per Annum*, ſhall be ſooner paid and ſatisfied. In Witneſs
‘ whereof we have hereunto ſet our Hands and Seals, this
‘ Day of ’.

And

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may at all seasonable Times be inspected and perused by the said Trustees or any of them, or Mortgagees, or any Person or Persons on their Behalf, without Fee or Reward; and every Person to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his or her Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any other Person or Persons whomsoever, by Indorsement on the Back of such Security, or by any other Writing under his or her Hand, before One credible Witness, to the following Effect; (that is to say)

Copies to be entered in a Book, to be kept by the Clerk or Treasurer.

'I do transfer this Mortgage [*or*, a certain Mortgage, *as the Case may be*] with all my Right and Title to the Principal thereby secured, and to all the Interest now due upon the same, unto

Form of Transfer.

' Executors, Administrators, and Assigns. In Witness whereof I have hereunto set my Hand and Seal this Day of

Which Transfer shall be produced and notified to the said Clerk or Treasurer within Sixty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more, and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except such to whom the same shall be last transferred) to make void, release, or discharge the original Security or Monies thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made by virtue of this Act, shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference in respect of the Priority of Time of Advance of any Sum or Sums of Money on such Mortgage or Mortgages, or of the Dates thereof respectively.

No Priority.

XXIX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out, that were made by virtue of the said former Acts or either of them, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively, in Manner and transferrable as herein before is mentioned.

Old Mortgages may be called in, and new ones granted.

XXX. And be it further enacted, That out of any Monies already received by virtue of the said Acts, or out of the Monies which shall be raised or received by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place pay and discharge all the Costs and Expences relative to procuring and passing this Act, and in repaying the Principal Money by this Act charged or to be borrowed, and the Interest

Application of the Money.

Intereſt due and to grow due thereon, and in repairing, improving, and rendering commodious the ſaid Roads, and putting this Act in Execution in all other Reſpects, and to or for no other Uſe or Purpoſe whatſoever.

Surveyors may dig for Gravel in Waſte without paying for it.

XXXI. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors to be appointed by the ſaid Truſtees, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, and carry away any Materials for completing or repairing the ſaid Roads, out of any Waſte or Common in or near which any Part of the ſaid Roads lies, without paying any Thing for ſuch Materials, they the ſaid Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing ſuch Pits or Quarries, ſo that the ſame ſhall not be dangerous to any Perſons or Cattle, and paying for the Damages done by going through and over any Lands or Grounds for and with ſuch Materials (ſuch Damages to be aſcertained as hereinafter mentioned); and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, and carry away any ſuch Materials in or out of the Grounds of any Perſon (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the Damages done to the Owners or Occupiers of ſuch Grounds where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame or any other Materials for repairing the ſaid Roads ſhall be carried, as the ſaid Truſtees or any Five or more of them ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſons appointed and employed as aforeſaid, and the Owners and Occupiers of private Grounds, or any of them, concerning ſuch Payments and Damages as aforeſaid, the Juſtices of the Peace at their next General Quarter Seſſions, or at the ſecond General Quarter Seſſions at the fartheſt, to be holden for the County of *Glouceſter*, on Six Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payment and Damages; and the Judgement or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Notice to be given to the Occupiers of Lands before Materials are to be taken therefrom.

XXXII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons, under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing any of the ſaid Roads out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Land Owner or his known Agent, or to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left at ſuch Occupier's uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Five or more of them, or any Two Juſtices of the Peace acting for the County or Place wherein ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Land Owner, Agent, or Occupier, ſhall attend purſuant to ſuch Notice, the ſaid Truſtees or ſuch Juſtices ſhall, if they think proper, authorize ſuch Surveyor or other Perſons to

dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or to ſuch Juſtices ſhall ſeem proper; and if ſuch Land Owner or Occupier ſhall wilfully neglect or refuſe to appear by himſelf or herſelf, or by his or her Agent, the ſaid Truſtees or ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Owner or Occupier, or his or her Agent had attended; and the Order of ſuch Truſtees reſpectively ſhall be final and concluſive to all Parties.

Penalties on taking away Materials got by the Surveyors.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall take away any Materials which ſhall have been dug, gotten, or gathered for the Repair or Uſe of the ſaid Roads, or ſhall raiſe or carry away any of the Materials out of any Pit or Quarry which ſhall have been made or opened for the Purpoſe of getting Materials for the ſaid Roads, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground and Perſons authorized by ſuch Owner or Occupier to get Materials for his own private Uſe only and not for Sale) every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds.

Surveyors may make Cauſeways.

XXXIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors, or any Perſon or Perſons by them, or either of them, appointed or employed, may, and is and are hereby authorized and empowered to make or cauſe to be made any Cauſeway or Footpath in or along the Side of any Part or Parts of the ſaid Roads, and to cut or cauſe to be cut any Watercourſe, in, through, or acroſs any Lands or Grounds, in order to drain or prevent the ſaid Roads, or any Part or Parts thereof, from being overflowed, and to erect Bridges over ſuch Drains or Watercourſes, if neceſſary, and alſo to make or cauſe to be made a Road or Way, by, through, or over the adjoining Grounds of any narrow or ruinous Parts of the ſaid Roads hereby intended to be repaired (not being the Scite of or Ground whereon any Houſe or Houſes ſtand, or any planted Walk, Yard, Park, Paddock, or Avenue to any Houſe) to be made uſe of by all Paſſengers with Carriages and Cattle, or otherwiſe, as a Publick Highway, whilſt the old or ruinous Road is undergoing Repair, and till ſuch Time as it ſhall be convenient and ſafe for Carriages and Cattle to paſs the ſame, making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Lands and Grounds for the Damages thereby ſuſtained, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable.

Surveyor may remove Annoyances.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, at proper Seaſons of the Year, to remove all the Annoyances on the ſaid Roads, and to cut down Trees or Buſhes growing on the ſaid Roads, or in the Hedges or Banks adjacent thereto, and to cut or plaſh ſuch Hedges, the Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to cut or plaſh ſuch Hedges, or to remove ſuch Annoyances, for the Space of Fourteen Days after Notice given in Writing for that Purpoſe, under the Hand or Hands of the ſaid Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers neglecting to cut down ſuch Trees and Buſhes, or to cut or plaſh ſuch Hedges, or to remove ſuch Annoyances

as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall be lawful for such Surveyor or Surveyors, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County of *Gloucester*, from Time to Time, to levy the Charges thereof upon such Owners or Occupiers, by Distress and Sale of his or their Goods and Chattels, rendering the Overplus (if any be) to the Owners thereof upon Demand, after all Charges paid; and if after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the County or Place where the Offence shall be committed, shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds.

Owners of Watercourses neglecting to scour the same after Notice given.

XXXVI. And be it further enacted, That if any Person or Persons who of right ought to scour and cleanse any Ditch, Drain, or Watercourse which shall adjoin to, or lead into or out of any Part or Parts of the said Roads, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Fourteen Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, on Demand thereof upon him or them respectively, either in Person or by Writing to be left at his, her, or their respective Place or Places of Abode, the said Money and every Part thereof, upon the Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person and Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges are paid.

Trustees may make, alter, and divert the Road.

XXXVII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby fully empowered, from Time to Time, as they shall think proper, to make, divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the Roads comprized in this Act; and the said Roads, or any Variation thereof, may be made of any Width not exceeding Sixty Feet; and any Alteration, Diversion, Variation, or widening of such Road may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private or inclosed Lands or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for

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the Loſs or Damage ſuch Owners or Perſons intereſted may ſuſtain by the making, widening, diverting, or changing the Courſe or Path of any Part or Parts of the ſaid Roads, through ſuch Lands and Hereditaments; and it ſhall be lawful for all Bodies Politick or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, and all Feoffees in Truſt, Committees, Executors, Adminiſtrators, Huſbands, Guardians, and other Truſtees whomſoever, not only for or on Behalf of themſelves, their Heirs and Succeſſors reſpectively, but alſo for and on Behalf of Infants, Femes Covert, and Ceſtuique Truſts, and all other Perſons whomſoever, to contract and agree with the ſaid Truſtees, or any Five or more of them, for the Sale of ſuch Lands and Hereditaments, or any Part thereof, or for their Intereſts therein, for the Purpoſes of this Act, and to ſell and convey the ſame as Occaſion ſhall be or require; and all Contracts, Agreements, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the contrary thereof in anywiſe notwithſtanding; and that all Perſons ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

When Owners of Lands refuſe to treat, a Jury to be impannelled to value the Premiſes.

XXXVIII. And be it further enacted, That if any Bodies Politick or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, or any ſuch Feoffees in Truſt, Committees, Executors, Adminiſtrators, Huſbands, Guardians, or any other Perſon or Perſons as aforeſaid, intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick or Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands and Hereditaments intended to be taken in and added to any Part of the ſaid Roads, or through which the ſaid Roads are to be diverted or varied as aforeſaid, ſhall for the Space of Thirty Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the ſaid County of *Glouceſter* (which Oaths any Two or more of the ſaid Truſtees are hereby empowered to adminiſter) what Damage will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners or Proprietors, or other Perſon or Perſons intereſted, for or on Account of the taking ſuch Lands or Hereditaments into the ſaid Road, or of making, widening, diverting, or changing the ſaid Road through the ſame; and in order thereunto the ſaid Truſtees, or any Five or more of them, are hereby empowered and required from Time to Time, to ſummon before the ſaid Jury, and examine upon Oath all and every Perſon and Perſons whomſoever who ſhall be thought proper and neceſſary to be examined concerning the Premiſes (which Oath any Two or more of the ſaid Truſtees are hereby empowered to adminiſter); and they the ſaid Truſtees, or any Five or more of them, ſhall, by ordering the ſaid Jury to view the Places in queſtion, or otherwiſe, uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the Premiſes; and after the ſaid Jury ſhall have ſo enquired of, aſcertained, and ſettled ſuch Damage and Recompence, they the ſaid Truſtees ſhall order, adjudge, and direct the Sum or Sums of

Money

Money which ſhall be ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners or Proprietors of, or Perſon or Perſons intereſted in the ſaid Lands or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which Verdict or Inquiſition, and Judgement or Determination ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Reverſion, Remainder, Expectancy, or otherwiſe, their Heirs and Succeſſors, as well abſent as pr ſent, Infants, Femes Covert; and Perſons under any Diſability whatſoever, Bodies Politick or Corporate, Eccleſiaſtical or Civil, Aggregate or Sole, as well as all other Perſons whomſoever, and againſt all and every ſuch Owners and Proprietors; and all and every ſuch Perſon and Perſons anywiſe intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, excluded and diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of the ſame.

By Truſtees Warrant, Sheriff to impannel a Jury.

XXXIX. And be it further enacted, That for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue out their Warrant or Warrants to the Sheriff of the ſaid County of *Glouceſter*, thereby commanding him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return Twenty-four ſuch Perſons as aforeſaid, and out of the Perſons ſo impannelled and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſe aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to the Number of Twelve; and that the ſaid Truſtees, and all Perſons intereſted, ſhall have their lawful Challenges againſt any of the ſaid Jurymen; and that the ſaid Truſtees, or any Five or more of them, acting in the Premiſes, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons who being ſummoned and returned on ſuch Jury ſhall not appear (except for ſome reaſonable Excuſe) or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give his or their Verdict; or ſhall in any other Manner wilfully neglect his or their Duty therein (contrary to the true Intent and Meaning of this Act) and on any Perſon or Perſons who, being ſummoned to give Evidence before the ſaid Jury as aforeſaid touching the Premiſes, ſhall not attend (except for ſome reaſonable Excuſe) or attending ſhall refuſe to be ſworn and examined or to give Evidence touching the ſame, ſo that no ſuch Fine exceed the Sum of Ten Pounds upon any Perſon for One Offence;

Jurors may be challenged, and Sheriff and Jury fined for Default.

How Expences of the Jury ſhall be paid.

XL. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damages to be by them

ſuſtained, than what ſhall have been agreed and offered by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of the Money in his Hands to ariſe by virtue of this Act; but if ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace of the ſaid County, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame, at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment and Tender of the Remainder of ſuch Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the Truſtees, by ſuch Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

Money agreed upon or aſſeſſed for Lands, how to be paid and tendered.

XLI. And be it further enacted, That all and every ſuch Sum or Sums of Money, Conſideration, Recompence, and Satisfaction to be agreed for or aſcertained or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls or out of the Monies to be raiſed by virtue of this Act, according to the Directions herein-after contained, either into the Bank of *England*, or as the Caſe may require to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons or their Agents, or in caſe of Refuſal to accept the ſame, then upon leaving the ſame in the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees for the Uſe of ſuch Parties or Perſons, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter into and upon, and to take or add to the ſaid Roads ſuch Lands and Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Lands and Hereditaments, as the ſaid Truſtees, or any Five or more of them ſhall think fit; and the ſaid Lands and Hereditaments ſo added to, taken in, or made Part of the ſaid Roads, ſhall be fenced from the adjoining Lands, in ſuch Manner as the ſaid Truſtees, or any Five or more of them ſhall direct, and ſhall be deemed and taken to be a Part of the Roads hereby directed to be repaired for ever thereafter, and ſhall to all Intents and Purpoſes be a publick common Highway, and ſhall be repaired and kept in Repair by ſuch Ways and Means as the Roads hereby directed to be repaired, are

by this Act to be repaired and kept in Repair; and after such new Road shall be completed, the Lands or Grounds constituting the old or former Road (unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place to which the respective new Roads doth not lead) shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Repair of the Roads by this Act directed to be repaired; and all Deeds of Conveyance executed by the said Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace for the said County of *Gloucester*, shall be good and effectual in the Law to all Intents and Purposes; but this Act shall not extend to the taking down of any Dwelling House or other Buildings, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to a House, or any Part thereof, without the Consent of the Owners or Proprietors thereof respectively in Writing first had and obtained.

This Act not to extend to the taking down of Houses, &c.

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

XLII. And whereas by reason of the Purchases which the said Trustees are hereby empowered to make, or by reason of the diverting some Part or Parts of the said Roads, they may happen to be seised of some Piece or Pieces of old Road or other Ground over and above what shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of old Road or other Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same.

Persons whose Lands adjoin, to have the Preference.

XLIII. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, before they shall sell and dispose of any Piece or Pieces of old Road, shall first offer the same to the Person or Persons whose Land shall adjoin thereto; and that the said Trustees, or any Five or more of them, before they shall sell or dispose of the said Piece or Pieces of overplus Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Gloucester*, by some Person or Persons noways interested in the said Piece or Pieces of old Road or other Ground, stating that such Offer was made by or on the Behalf of the said Trustees, or any Five or more of them, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made [*as the Case may be*]; and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they, and the said Trustees, or any Five or more of them, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof

ſhall be aſcertained by a Jury, in Manner herein-before directed with reſpect to diſputed Value of the Premiſes to be purchaſed by the ſaid Truſtees, or any Five or more of them, in purſuance of this Act; and the Expence of hearing and determining ſuch Difference, ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of Old Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſ-application or Non-application of ſuch Money.

Application of Compenſation when exceeding 200*l.*

XLIV. And be it further enacted, That the Principal Money to ariſe from the Sale of any Lands, Tenements, or Hereditaments, which ſhall be purchaſed for the Purpoſes of this Act, of any Body Corporate, Eccleſiaſtical or Civil, Corporation aggregate or ſole, not having the Power to ſell without the Authority of this Act, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Femes or Feme Covert, or other incapacitated Perſon or Perſons, ſhall in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, or any Five or more of them, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary way, by the Perſon or Perſons who would have been entitled to the Rents or Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards 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 and Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands and 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 and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined or capable of taking effect, and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

XLV. And

Application where the Money is less than 200l.

XLV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used, for the Purposes aforesaid, and belonging to any such 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 or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy and Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees, or any Five or more of them (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 arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where Money does not amount to 20l.

XLVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy 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.

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

XLVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be 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 any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary way of Proceeding, or otherwise, as

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

Reſpecting diſputed Titles.

XLVIII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General, in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands 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 have been lawfully entitled to ſuch Lands or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XLIX. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands 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 or Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons liable to repair the Roads to continue ſo.

L. And be it further enacted, That all and every Perſon and Perſons, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, who before the making of this Act hath or have uſed, or of Right ought, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the ſaid Road, or any Bridge, Drain, or Watercourſe in or upon the ſame, ſhall, notwithſtanding this Act, be ſubject and liable to ſuch Repairs, in the ſame Manner as they and every of them

have or hath heretofore uſually been or would have been in caſe this Act had not been made.

Statute Work.

LI. And be it further enacted, That the Surveyor or Surveyors of the Highways of the reſpective Pariſhes, Townſhips, or Places within which any Part of the ſaid Roads hereby intended to be repaired doth lie, ſhall, on an Order in Writing made by any Two or more Juſtices of the Peace for the ſaid County of *Glouceſter*, on Application to them by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Surveyor, and delivered to ſuch Surveyor or Surveyors, or left at his, her, or their laſt or uſual Place or reſpective Places of Abode, bring and deliver within Ten Days afterwards, to the ſaid Turnpike Surveyor or Surveyors, true and perfect Liſts in Writing of the Names of the ſeveral Perſons who within ſuch Pariſhes, Townſhips, or Places reſpectively ſhall be by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid by each Perſon, which Liſts ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as are or may be directed by any Law or Statute in force and effect for the Repair of the publick Highways; and the ſame, when ſo delivered in as aforeſaid, ſhall be laid before ſuch Two Juſtices as aforeſaid, by the ſaid Turnpike Surveyor or Surveyors, and ſuch Two Juſtices ſhall and may adjudge and determine what Part or Proportion of the ſaid Statute Work, not exceeding Three Days in the Whole, ſhall every Year be done upon the ſaid Roads by the Inhabitants of or Occupiers of Lands or Tenements, in the ſaid reſpective Pariſhes, Townſhips, or Places, and alſo what Proportion of the Money received or to be received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, in lieu of or as a Compoſition for Statute Work, ſhall be by him, her, or them, paid, to the ſaid Truſtees, or their Suryeyor or Surveyors; and the ſaid Perſons named or returned in ſuch Liſts as liable to do Statute Work, ſhall and are hereby required to do and perform ſuch Proportion as aforeſaid thereof, on ſuch Parts of the ſaid Roads lying within the ſaid Pariſhes, Townſhips, or Places reſpectively, and at ſuch Time (not being Hay Time or Harveſt) as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall direct and appoint; and the Surveyor or Surveyors of the Highways of the ſaid reſpective Pariſhes, Townſhips, and Places for the Time being, within Ten Days after Notice given to him or them by the ſaid Turnpike Surveyor or Surveyors, of the Time or Times when, and the Place or Places where, ſuch Perſons reſpectively are to do ſuch Statute Work, ſhall ſummon or give publick Notice thereof to ſuch Perſons reſpectively; and if any Surveyor of the ſaid Highways ſhall refuſe or neglect to do as ſuch Surveyors are hereby required and directed to do, he or ſhe, for every ſuch Refuſal or Neglect, ſhall forfeit and pay any Sum not exceeding Five Pounds, together with the Coſts and Charges of recovering the ſame; and the ſaid Forfeitures, Coſts, and Charges, ſhall and may be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the County or Place where ſuch Offender or Offenders ſhall be or reſide, which Warrant ſuch Juſtice or Juſtices

Juſtices is and are hereby empowered to grant upon Confeſſion of the Party, or upon the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice or Juſtices is and are hereby required and empowered to adminiſter:

Penalty on Perſons neglecting to do Statute Work.

LII. And be it further enacted, That every Perſon liable to do ſuch Statute Work as aforeſaid, who ſhall neglect or refuſe to do the ſame, after Notice for that Purpoſe being given as aforeſaid, ſhall for every Day of his or her Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him or her, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon may be ſubject or liable to by any Law or Statute then in force or effect for the Repair of the publick Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with or to attend any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to diſmiſs and diſcharge the Perſon who ſhall be ſo found idle or negligent as aforeſaid; and in that caſe every ſuch Perſon, and the Owner of every ſuch Team or Draught, ſhall reſpectively be ſubject and liable to the reſpective Pains, Penalties, and Forfeitures aforeſaid, in like Manner as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work as aforeſaid; all which Penalties and Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, or their Surveyor or Surveyors, and applied to the Purpoſes of this Act.

Compoſition Money, &c.

LIII. And be it further enacted, That the Proportion of the Money received or which ought to be received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip, Pariſh, or Place as aforeſaid, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, and adjudged and determined by ſuch Two Juſtices as aforeſaid to be by ſuch Surveyor or Surveyors paid to the ſaid Truſtees, or their Surveyor or Surveyors, ſhall be ſo paid to them or him at ſuch Time or Times as ſuch Two Juſtices as aforeſaid ſhall direct or appoint; and in Default of Payment thereof, the ſame, together with all reaſonable Coſts and Charges of the Recovery thereof, ſhall and may from Time to Time be levied, on the Application of the ſaid Truſtees, or any Five or more of them, or their ſaid Surveyor or Surveyors, by Diſtreſs and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, of ſuch Pariſh, Townſhip, or Place, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the County or Place where the Defaulter or Defaulters ſhall reſide.

Truſtees to compound for Statute Work.

LIV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to compound and agree by the Year or otherwiſe with Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, who are and ſhall be liable to or chargeable with the Repair of any Part of the ſaid Roads, or of any Bridge, Arch, or Sewer, or with any Perſon or Perſons for the Performance of his, her, or their Statute Work thereon; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, or Places, by and with the Conſent of the Majority of the Inhabitants of ſuch Pariſhes, Townſhips, or

Places,

Places, first had at any Vestry or publick Meeting of such Inhabitants, to compound and agree for a certain Sum of Money, by the Year or otherwise, in lieu of the Statute Work to be done upon any Part or Parts of the said Roads; all which Composition Money shall be from Time to Time paid in advance, and shall be applied in Repair of the said Roads; and all such Highway Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may contract for Repair of the Road.

LV. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered, from Time to Time to contract and agree with any Person or Persons for the repairing, widening, improving, altering, turning, or amending the said Roads, or any Part or Parts thereof, or for doing any other Work to be done in the Execution of this Act, in such Manner, and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper.

Trustees may erect Mile Stones.

Penalty for defaeing them.

LVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, with Inscriptions thereon, denoting the Number of Miles and Distance of Places as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction Post or Mile Stone erected or fixed, or to be erected or fixed, in or near the Side of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footway or Path adjoining to or made on the Side of or upon the said Roads, or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, or shall cause any Damage to be done to any such Footway; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (otherwise than upon Wheel Carriages) or shall suffer any Part of any Tree or Piece of Timber, or any Stone which shall be carried upon Wheel Carriages, to drag upon any Part of the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up or damage the said Roads, or any Part thereof, or the Fences, Hedges, Backings, or Copse on either Side thereof; or if any Person or Persons shall leave or suffer any Cattle, Sheep, or Beast, to be and remain loose on the said Roads; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left or near Side of the Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires (commonly called *Bonfires*) or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part or Parts of the said Roads; or if any Person or Persons shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Roads longer than may be necessary to load or unload the same, either

with

with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh or any other Matter or Thing whatſoever on any Part of the ſaid Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of any Perſon or Perſons travelling thereon, every Perſon ſo offending in any or either of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obſtructing the Execution of this Act.

LVII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or procure to be aſſaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Perſon or Perſons by them or any of them, or by the ſaid Truſtees, or any Five or more of them, employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

For ſecuring tranſient Offenders.

LVIII. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put this Act in Execution, be it further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his, her, or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them, before any Juſtice of the Peace of the County or Place where the Offence or Offences ſhall be committed, and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige ſuch Perſon or Perſons ſo offending to give Security for his, her, or their Appearance at the next Petty Seſſions to be holden within or for the County, Place, or Diſtrict in which ſuch Offence or Offences have been committed, to anſwer the ſaid Complaint; and the Juſtices preſent at ſuch Petty Seſſions, or any Two or more of them, are hereby authorized to hear and determine the Matter of the ſaid Complaint in a ſummary way, and upon Conviction of the Offender or Offenders, either by the Juſtice before whom he, ſhe, or they ſhall be firſt taken, or by the Juſtices at ſuch Petty Seſſions as aforeſaid, it ſhall be lawful for ſuch Juſtice or Juſtices reſpectively to commit him, her, or them, to the Gaol or Houſe of Correction of the ſaid County or Place, there to remain for any Time not exceeding Twenty-one Days, unleſs he, ſhe, or they ſhall ſooner pay the reſpective Penalties by him, her, or them incurred for ſuch Offence or Offences, together with the Coſts and Charges attending the Conviction and Commitment.

Form of Conviction.

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

'County of Gloucester, to wit.' } BE it remembered, That on the Day of in the Year of His Ma-
'jesty's Reign, *A. B.* is convicted before me [*or*, us] of His Ma-
'jesty's Justices of the Peace for the County of *Gloucester* [*specifying the*
'*Offence, and Time and Place when and where the same was committed*]
'(as the Case may be). Given under my Hand and Seal [*or*, our Hands
'and Seals] the Day and Year aforesaid.'

Penalties how to be recovered and applied.

LX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof be not herein otherwise directed), shall upon Proof of the Offences respectively before any Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for that Purpose); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwise directed to be applied by this Act) shall be from Time to Time paid to the Treasurer to the said Trustees, and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol or House of Correction of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

LXI. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said County of *Gloucester*, within Six Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Twenty-one Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice entering into a Recognizance before any one Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal and abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of the Justices at such Quarter Sessions

Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſions may alſo, by their Order or Warrant, levy ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to obey the ſame, and for want of ſufficient Diſtreſs to commit ſuch Perſon or Perſons to the common Gaol or Houſe of Correction for the ſaid County of *Glouceſter*, there to remain for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

Proceedings not to be quaſhed for want of Form.

LXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed for want of Form, or be removed or removeable by *Certiorari*, or any Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account any Defect or Defects, or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in any Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on Behalf of the Party diſtraining, before ſuch Action brought.

Limitation of Actions.

LXIII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until after Fourteen Days Notice thereof ſhall have been given to the Clerk or Clerks to the ſaid Truſtees, nor after a ſufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid and tried in the ſaid County of *Glouceſter*, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act, and if it ſhall appear that the ſame was ſo done, or that ſuch Action or Suit was brought before Fourteen Days Notice thereof had been given as aforeſaid, or after a ſufficient Satisfaction had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or if ſuch Action ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for re-

covering the ſame as any Defendant or Defendants hath or have in any Caſe by Law.

Publick Act.

LXIV. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

Commencement and Duration of this Act.

LXV. And be it further enacted, That this Act ſhall have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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